

# Application for a §1915(c) Home and Community-Based Services Waiver

## PURPOSE OF THE HCBS WAIVER PROGRAM

The Medicaid Home and Community-Based Services (HCBS) waiver program is authorized in §1915(c) of the Social Security Act. The program permits a state to furnish an array of home and community-based services that assist Medicaid beneficiaries to live in the community and avoid institutionalization. The State has broad discretion to design its waiver program to address the needs of the waivers target population. Waiver services complement and/or supplement the services that are available to participants through the Medicaid State plan and other federal, state and local public programs as well as the supports that families and communities provide.

The Centers for Medicare & Medicaid Services (CMS) recognizes that the design and operational features of a waiver program will vary depending on the specific needs of the target population, the resources available to the state, service delivery system structure, state goals and objectives, and other factors. A State has the latitude to design a waiver program that is cost-effective and employs a variety of service delivery approaches, including participant direction of services.

## Request for an Amendment to a §1915(c) Home and Community-Based Services Waiver

### 1. Request Information

**A.** The **State of Maryland** requests approval for an amendment to the following Medicaid home and community-based services waiver approved under authority of §1915(c) of the Social Security Act.

**B. Program Title:**

**Community Supports Waiver**

**C. Waiver Number:MD.1506**

**D. Amendment Number:MD.1506.R01.04**

**E. Proposed Effective Date:** (mm/dd/yy)

01/01/21

**Approved Effective Date: 01/19/21**

**Approved Effective Date of Waiver being Amended: 07/01/19**

### 2. Purpose(s) of Amendment

**Purpose(s) of the Amendment.** Describe the purpose(s) of the amendment:

The purpose of Waiver Amendment includes:

1. Updates and reordering language to better clarify;
2. Updates to eligibility including:
  - a. Removal of initial cost cap limits; and
  - b. Streamline eligibility for new applicants so individuals 18 years of age and older are supported in the Community Supports Waiver. All current participants, regardless of age, will remain in their current Waiver program. This new eligibility criteria will only apply to new applicants as of the effective date for the Waiver amendments.
3. Updates to the transition strategy for the new Long-Term Services and Supports (LTSS) fee-for-service billing;
4. Updates to services including:
  - a. Consolidating standalone nursing support services under one service title of Nursing Support Services;
  - b. Adding virtual supports as a service delivery option; and
  - c. Supporting participants in an acute care hospital when necessary supports (including communication and intensive personal care) are not available in that setting, or when the individual requires those services for communication and behavioral stabilization, and such services are not covered in such settings;
5. Updates to the self-directed service delivery model;
6. Updates to billing units including:
  - a. Changing all hourly service units to 15 minute units;
  - b. Changing the monthly unit for Support Broker Services and Employment Services - Co-Worker Employment Supports to an Upper Pay Limit; and
7. Update language to reflect final rates, cost components, and geographical differential.

This amendment does not supersede the existing APPENDIX K: Emergency Preparedness and Response. Rather, this Amendment is to change the existing authority, such that, when Appendix K is no longer in effect, this Amendment will apply.

### 3. Nature of the Amendment

**A. Component(s) of the Approved Waiver Affected by the Amendment.** This amendment affects the following component(s) of the approved waiver. Revisions to the affected subsection(s) of these component(s) are being submitted concurrently (*check each that applies*):

Component of the Approved Waiver	Subsection(s)
Waiver Application	II. Purpose; 6. Additional Information; Attachment #1
Appendix A Waiver Administration and Operation	
Appendix B Participant Access and Eligibility	B-1, B-3, B-6
Appendix C Participant Services	C-1/C-3
Appendix D Participant Centered Service Planning and Delivery	D-1, D-2
Appendix E	E-1, E-2

Component of the Approved Waiver	Subsection(s)
Participant Direction of Services	
Appendix F Participant Rights	F-1, F-2
Appendix G Participant Safeguards	G-1, G-2, G-3
Appendix H	
Appendix I Financial Accountability	I-2
Appendix J Cost-Neutrality Demonstration	J-1; J-2

**B. Nature of the Amendment.** Indicate the nature of the changes to the waiver that are proposed in the amendment (*check each that applies*):

- Modify target group(s)**
- Modify Medicaid eligibility**
- Add/delete services**
- Revise service specifications**
- Revise provider qualifications**
- Increase/decrease number of participants**
- Revise cost neutrality demonstration**
- Add participant-direction of services**
- Other**

Specify:

**Application for a §1915(c) Home and Community-Based Services Waiver**

**1. Request Information (1 of 3)**

**A. The State of Maryland** requests approval for a Medicaid home and community-based services (HCBS) waiver under the authority of §1915(c) of the Social Security Act (the Act).

**B. Program Title** (*optional - this title will be used to locate this waiver in the finder*):

Community Supports Waiver

**C. Type of Request:** amendment

**Requested Approval Period:** (*For new waivers requesting five year approval periods, the waiver must serve individuals who are dually eligible for Medicaid and Medicare.*)

**3 years**     **5 years**

**Waiver Number:** MD.1506.R01.04

**Draft ID:** MD.037.01.02

**D. Type of Waiver** (*select only one*):

Regular Waiver

**E. Proposed Effective Date of Waiver being Amended: 07/01/19**

**Approved Effective Date of Waiver being Amended: 07/01/19**

## 1. Request Information (2 of 3)

**F. Level(s) of Care.** This waiver is requested in order to provide home and community-based waiver services to individuals who, but for the provision of such services, would require the following level(s) of care, the costs of which would be reimbursed under the approved Medicaid state plan (*check each that applies*):

### Hospital

Select applicable level of care

#### Hospital as defined in 42 CFR §440.10

If applicable, specify whether the state additionally limits the waiver to subcategories of the hospital level of care:

#### Inpatient psychiatric facility for individuals age 21 and under as provided in 42 CFR §440.160

### Nursing Facility

Select applicable level of care

#### Nursing Facility as defined in 42 CFR ??440.40 and 42 CFR ??440.155

If applicable, specify whether the state additionally limits the waiver to subcategories of the nursing facility level of care:

#### Institution for Mental Disease for persons with mental illnesses aged 65 and older as provided in 42 CFR §440.140

#### Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) (as defined in 42 CFR §440.150)

If applicable, specify whether the state additionally limits the waiver to subcategories of the ICF/IID level of care:

## 1. Request Information (3 of 3)

**G. Concurrent Operation with Other Programs.** This waiver operates concurrently with another program (or programs) approved under the following authorities

Select one:

**Not applicable**

**Applicable**

Check the applicable authority or authorities:

**Services furnished under the provisions of §1915(a)(1)(a) of the Act and described in Appendix I**

**Waiver(s) authorized under §1915(b) of the Act.**

Specify the §1915(b) waiver program and indicate whether a §1915(b) waiver application has been submitted or previously approved:

**Specify the §1915(b) authorities under which this program operates** (*check each that applies*):

**§1915(b)(1) (mandated enrollment to managed care)**

**§1915(b)(2) (central broker)**

**§1915(b)(3) (employ cost savings to furnish additional services)**

**§1915(b)(4) (selective contracting/limit number of providers)**

**A program operated under §1932(a) of the Act.**

Specify the nature of the state plan benefit and indicate whether the state plan amendment has been submitted or previously approved:

**A program authorized under §1915(i) of the Act.**

**A program authorized under §1915(j) of the Act.**

**A program authorized under §1115 of the Act.**

*Specify the program:*

**H. Dual Eligibility for Medicaid and Medicare.**

Check if applicable:

**This waiver provides services for individuals who are eligible for both Medicare and Medicaid.**

## **2. Brief Waiver Description**

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**Brief Waiver Description.** *In one page or less*, briefly describe the purpose of the waiver, including its goals, objectives, organizational structure (e.g., the roles of state, local and other entities), and service delivery methods.

The Community Supports Waiver is designed to provide integrated support services to participants and their families, which enable participants' to work toward self-determination, independence, productivity, integration, and inclusion in all facets of community life across their lifespans. It supports participants and their families as they focus on life experiences that point the trajectory toward a good quality of life across the participant's lifespan. Services can support integrated life domains that are important to a good quality of life for the participant, including daily life, safety and security, community living, healthy lifestyle, social and spirituality, and citizenship and advocacy. These services will build on each participant's current support structures to work toward individually defined life outcomes, which focus on developing the participant's abilities for self-determination, community living, socialization, and economic self-sufficiency. The intent of services and supports are to maintain, acquire, and increase individuals' independence and reduce their level of services needed.

As an Employment First State, Meaningful Day and Employment services are predicated on the belief that all individuals with developmental disabilities can work when given the opportunity, training, and supports that build on an individual's strengths. Employment is the first service considered but not the only choice.

#### Waiver Organizational Structure:

The Maryland Department of Health (MDH) is the single state agency ultimately responsible for administering Maryland's Medical Assistance Program. MDH's Office of Long-Term Services and Supports (OLTSS) is responsible for ensuring compliance with federal and state laws and regulations in the operation and administration of this and other Waiver programs. MDH's Developmental Disabilities Administration (DDA) is the operating state agency administering this Waiver program and providing funds for community-based services and supports for eligible individuals with developmental disabilities in the State of Maryland. The DDA has a Headquarters (HQ) and four Regional Offices (RO) across the State: Central, Eastern, Southern, and Western.

The DDA utilizes various agents, licensed providers, and contractors to support the administrative, operations, and direct service delivery. Medicaid State Plan targeted case management (TCM) services are provided by certified Coordination of Community Services provider organizations. The MDH's Office of Health Care Quality (OHCQ) performs licensing, surveys, and incident investigations of many of the DDA's licensed home- and community-based services providers. MDH's Office of Inspector General investigates allegations of overpayment or fraud.

Participants will receive case management services, provided by DDA-certified Coordination of Community Services provider organizations, through the Medicaid State Plan Targeted Case Management (TCM) authority. Each Coordinator of Community Services (CCS) assists participants in developing a Person-Centered Plan, which identifies individual health and safety needs and supports that can meet those needs. The CCS is also responsible for conducting monitoring and follow-up to assess the quality of service implementation.

Services are delivered under either the Self-Directed Services or Traditional Service Delivery Models provided by qualified providers (such as individuals, community-based service provider organizations, vendors, and other entities) throughout the State. Services are provided, based on each participant's Person-Centered Plan, to enhance the participant's and their family's quality of life as identified by the participant and their person-centered planning team through the person-centered planning process.

Services are provided by individuals or provider organizations (i.e., private entities) that meet applicable requirements set forth in Appendix C prior to rendering services. Generally, for Traditional Services delivery model, individuals and provider organizations are licensed or certified by MDH; for the Self-Directed Services delivery model, the individual or provider organization must be confirmed by the Fiscal Management Services provider as meeting applicable requirements. Providers offering career exploration facility-based supports, day habilitation, licensed respite, community living - group home, and community living - enhanced supports waiver services must meet provider qualifications and have their provider owned and/or operated sites licensed. Services provided in the community or the person's own home such as employment services, personal supports, respite, and assistive technology and services must meet provider qualifications to be certified by the DDA. Fiscal Management Services (FMS) and Support Broker services are also provided for individuals that use the self-directed service delivery option. This organizational structure provides a coordinated community-based service delivery system so that participants receive appropriate services oriented toward the goal of full integration into their community.

### 3. Components of the Waiver Request

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**The waiver application consists of the following components. Note: Item 3-E must be completed.**

- A. Waiver Administration and Operation. Appendix A** specifies the administrative and operational structure of this waiver.
- B. Participant Access and Eligibility. Appendix B** specifies the target group(s) of individuals who are served in this waiver, the number of participants that the state expects to serve during each year that the waiver is in effect, applicable Medicaid eligibility and post-eligibility (if applicable) requirements, and procedures for the evaluation and reevaluation of level of care.
- C. Participant Services. Appendix C** specifies the home and community-based waiver services that are furnished through the waiver, including applicable limitations on such services.
- D. Participant-Centered Service Planning and Delivery. Appendix D** specifies the procedures and methods that the state uses to develop, implement and monitor the participant-centered service plan (of care).
- E. Participant-Direction of Services.** When the state provides for participant direction of services, **Appendix E** specifies the participant direction opportunities that are offered in the waiver and the supports that are available to participants who direct their services. (*Select one*):
- |  |
|--|
| <p><b>Yes. This waiver provides participant direction opportunities. Appendix E is required.</b></p> <p><b>No. This waiver does not provide participant direction opportunities. Appendix E is not required.</b></p> |
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- F. Participant Rights. Appendix F** specifies how the state informs participants of their Medicaid Fair Hearing rights and other procedures to address participant grievances and complaints.
- G. Participant Safeguards. Appendix G** describes the safeguards that the state has established to assure the health and welfare of waiver participants in specified areas.
- H. Quality Improvement Strategy. Appendix H** contains the Quality Improvement Strategy for this waiver.
- I. Financial Accountability. Appendix I** describes the methods by which the state makes payments for waiver services, ensures the integrity of these payments, and complies with applicable federal requirements concerning payments and federal financial participation.
- J. Cost-Neutrality Demonstration. Appendix J** contains the state's demonstration that the waiver is cost-neutral.

#### 4. Waiver(s) Requested

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- A. Comparability.** The state requests a waiver of the requirements contained in §1902(a)(10)(B) of the Act in order to provide the services specified in **Appendix C** that are not otherwise available under the approved Medicaid state plan to individuals who: (a) require the level(s) of care specified in Item 1.F and (b) meet the target group criteria specified in **Appendix B**.
- B. Income and Resources for the Medically Needy.** Indicate whether the state requests a waiver of §1902(a)(10)(C)(i)(III) of the Act in order to use institutional income and resource rules for the medically needy (*select one*):
- Not Applicable**
- No**
- Yes**
- C. Statewide.** Indicate whether the state requests a waiver of the statewide requirements in §1902(a)(1) of the Act (*select one*):
- No**
- Yes**
- If yes, specify the waiver of statewide that is requested (*check each that applies*):
- Geographic Limitation.** A waiver of statewide is requested in order to furnish services under this waiver only to individuals who reside in the following geographic areas or political subdivisions of the state. *Specify the areas to which this waiver applies and, as applicable, the phase-in schedule of the waiver by geographic area:*

**Limited Implementation of Participant-Direction.** A waiver of statewideness is requested in order to make *participant-direction of services* as specified in **Appendix E** available only to individuals who reside in the following geographic areas or political subdivisions of the state. Participants who reside in these areas may elect to direct their services as provided by the state or receive comparable services through the service delivery methods that are in effect elsewhere in the state.

*Specify the areas of the state affected by this waiver and, as applicable, the phase-in schedule of the waiver by geographic area:*

## 5. Assurances

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In accordance with 42 CFR §441.302, the state provides the following assurances to CMS:

- A. Health & Welfare:** The state assures that necessary safeguards have been taken to protect the health and welfare of persons receiving services under this waiver. These safeguards include:
1. As specified in **Appendix C**, adequate standards for all types of providers that provide services under this waiver;
  2. Assurance that the standards of any state licensure or certification requirements specified in **Appendix C** are met for services or for individuals furnishing services that are provided under the waiver. The state assures that these requirements are met on the date that the services are furnished; and,
  3. Assurance that all facilities subject to §1616(e) of the Act where home and community-based waiver services are provided comply with the applicable state standards for board and care facilities as specified in **Appendix C**.
- B. Financial Accountability.** The state assures financial accountability for funds expended for home and community-based services and maintains and makes available to the Department of Health and Human Services (including the Office of the Inspector General), the Comptroller General, or other designees, appropriate financial records documenting the cost of services provided under the waiver. Methods of financial accountability are specified in **Appendix I**.
- C. Evaluation of Need:** The state assures that it provides for an initial evaluation (and periodic reevaluations, at least annually) of the need for a level of care specified for this waiver, when there is a reasonable indication that an individual might need such services in the near future (one month or less) but for the receipt of home and community-based services under this waiver. The procedures for evaluation and reevaluation of level of care are specified in **Appendix B**.
- D. Choice of Alternatives:** The state assures that when an individual is determined to be likely to require the level of care specified for this waiver and is in a target group specified in **Appendix B**, the individual (or, legal representative, if applicable) is:
1. Informed of any feasible alternatives under the waiver; and,
  2. Given the choice of either institutional or home and community-based waiver services. **Appendix B** specifies the procedures that the state employs to ensure that individuals are informed of feasible alternatives under the waiver and given the choice of institutional or home and community-based waiver services.
- E. Average Per Capita Expenditures:** The state assures that, for any year that the waiver is in effect, the average per capita expenditures under the waiver will not exceed 100 percent of the average per capita expenditures that would have been made under the Medicaid state plan for the level(s) of care specified for this waiver had the waiver not been granted. Cost-neutrality is demonstrated in **Appendix J**.
- F. Actual Total Expenditures:** The state assures that the actual total expenditures for home and community-based waiver and other Medicaid services and its claim for FFP in expenditures for the services provided to individuals under the waiver will not, in any year of the waiver period, exceed 100 percent of the amount that would be incurred in the absence of the waiver by the state's Medicaid program for these individuals in the institutional setting(s) specified for this waiver.

- G. Institutionalization Absent Waiver:** The state assures that, absent the waiver, individuals served in the waiver would receive the appropriate type of Medicaid-funded institutional care for the level of care specified for this waiver.
- H. Reporting:** The state assures that annually it will provide CMS with information concerning the impact of the waiver on the type, amount and cost of services provided under the Medicaid state plan and on the health and welfare of waiver participants. This information will be consistent with a data collection plan designed by CMS.
- I. Habilitation Services.** The state assures that prevocational, educational, or supported employment services, or a combination of these services, if provided as habilitation services under the waiver are: (1) not otherwise available to the individual through a local educational agency under the Individuals with Disabilities Education Act (IDEA) or the Rehabilitation Act of 1973; and, (2) furnished as part of expanded habilitation services.
- J. Services for Individuals with Chronic Mental Illness.** The state assures that federal financial participation (FFP) will not be claimed in expenditures for waiver services including, but not limited to, day treatment or partial hospitalization, psychosocial rehabilitation services, and clinic services provided as home and community-based services to individuals with chronic mental illnesses if these individuals, in the absence of a waiver, would be placed in an IMD and are: (1) age 22 to 64; (2) age 65 and older and the state has not included the optional Medicaid benefit cited in 42 CFR §440.140; or (3) age 21 and under and the state has not included the optional Medicaid benefit cited in 42 CFR § 440.160.

## 6. Additional Requirements

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*Note: Item 6-I must be completed.*

- A. Service Plan.** In accordance with 42 CFR §441.301(b)(1)(i), a participant-centered service plan (of care) is developed for each participant employing the procedures specified in **Appendix D**. All waiver services are furnished pursuant to the service plan. The service plan describes: (a) the waiver services that are furnished to the participant, their projected frequency and the type of provider that furnishes each service and (b) the other services (regardless of funding source, including state plan services) and informal supports that complement waiver services in meeting the needs of the participant. The service plan is subject to the approval of the Medicaid agency. Federal financial participation (FFP) is not claimed for waiver services furnished prior to the development of the service plan or for services that are not included in the service plan.
- B. Inpatients.** In accordance with 42 CFR §441.301(b)(1)(ii), waiver services are not furnished to individuals who are inpatients of a hospital, nursing facility or ICF/IID.
- C. Room and Board.** In accordance with 42 CFR §441.310(a)(2), FFP is not claimed for the cost of room and board except when: (a) provided as part of respite services in a facility approved by the state that is not a private residence or (b) claimed as a portion of the rent and food that may be reasonably attributed to an unrelated caregiver who resides in the same household as the participant, as provided in **Appendix I**.
- D. Access to Services.** The state does not limit or restrict participant access to waiver services except as provided in **Appendix C**.
- E. Free Choice of Provider.** In accordance with 42 CFR §431.151, a participant may select any willing and qualified provider to furnish waiver services included in the service plan unless the state has received approval to limit the number of providers under the provisions of §1915(b) or another provision of the Act.
- F. FFP Limitation.** In accordance with 42 CFR §433 Subpart D, FFP is not claimed for services when another third-party (e.g., another third party health insurer or other federal or state program) is legally liable and responsible for the provision and payment of the service. FFP also may not be claimed for services that are available without charge, or as free care to the community. Services will not be considered to be without charge, or free care, when (1) the provider establishes a fee schedule for each service available and (2) collects insurance information from all those served (Medicaid, and non-Medicaid), and bills other legally liable third party insurers. Alternatively, if a provider certifies that a particular legally liable third party insurer does not pay for the service(s), the provider may not generate further bills for that insurer for that annual period.
- G. Fair Hearing:** The state provides the opportunity to request a Fair Hearing under 42 CFR §431 Subpart E, to individuals: (a) who are not given the choice of home and community-based waiver services as an alternative to institutional level of care specified for this waiver; (b) who are denied the service(s) of their choice or the provider(s) of their choice; or (c) whose services are denied, suspended, reduced or terminated. **Appendix F** specifies the state's procedures to provide

individuals the opportunity to request a Fair Hearing, including providing notice of action as required in 42 CFR §431.210.

**H. Quality Improvement.** The state operates a formal, comprehensive system to ensure that the waiver meets the assurances and other requirements contained in this application. Through an ongoing process of discovery, remediation and improvement, the state assures the health and welfare of participants by monitoring: (a) level of care determinations; (b) individual plans and services delivery; (c) provider qualifications; (d) participant health and welfare; (e) financial oversight and (f) administrative oversight of the waiver. The state further assures that all problems identified through its discovery processes are addressed in an appropriate and timely manner, consistent with the severity and nature of the problem. During the period that the waiver is in effect, the state will implement the Quality Improvement Strategy specified in **Appendix H**.

**I. Public Input.** Describe how the state secures public input into the development of the waiver:

The DDA partners with people in services, self-advocates, family members, service providers, advocacy organizations, and subject matter experts to enhance services and supports for Marylanders with developmental disabilities. This partnership includes working with various groups related to employment, self-direction, supporting families, person-centered planning, coordination of services, supporting children, training, system platforms, and rates.

The DDA also shares information and overview of this Waiver program, including its requirements and services, for these various groups. These events provide opportunities to obtain additional information, input, and recommendations from participants that can influence services offered by this Waiver program and applicable policies and procedures.

The DDA recognizes and appreciates the diversity of input it receives from its stakeholders. The DDA carefully considered input and recommendations from people with developmental disabilities and various stakeholders for changes to our services, processes, and policies. This amendment is a result of input and recommendations the DDA received from stakeholders.

#### Dedicated DDA Amendment Webpage

The DDA established a dedicated Amendment #3 2020 webpage and posted information about the proposed waiver amendment including documents showing tracked changes for stakeholders to easily see the edits made to the currently approved waiver. The website is located at:

[https://dda.health.maryland.gov/Pages/Community\\_Supports\\_Waiver\\_Amendment\\_3\\_2020.aspx](https://dda.health.maryland.gov/Pages/Community_Supports_Waiver_Amendment_3_2020.aspx)

#### Waiver Amendment Overview

The DDA conducted a webinar on September 3, 2020 to share an overview of the proposed amendment. The webinar will be recorded and posted to the dedicated amendment page.

#### Formal Public Comment Period

The Maryland Urban Indian Organization (UIO) was notified on August 17, 2020.

Request for public input was also posted in the Maryland Register (Issue Date: August 28, 2020), which is available electronically or in hard copies as well as in different languages and formats to ensure accessibility statewide at the local health departments, DDA Headquarter Office and DDA Regional Offices.

The official public comments period was held from September 1, 2020 through September 30, 2020. Public comments were submitted to [wfb.dda@maryland.gov](mailto:wfb.dda@maryland.gov) or mailed to DDA Federal Programs at 201 West Preston Street, 4th Floor, Baltimore MD 21201. To support the stakeholder input process and minimize public burden, comments for all three waivers were submitted together under one response. In total, 71 unduplicated individuals, families, providers, and advocacy agencies submitted input for the three DDA Waiver Amendments. Below is a summary of the specific recommendations from the public and responses. A complete listing of DDA's responses are posted to the DDA dedicated Amendment #3 2020 webpage.

#### Introduction/Purpose of the Amendment

The DDA accepted a recommendation to edit the sentence in the Brief Waiver Description to reflect the purpose/intent of HCBS services is to maintain and acquire, as possible, independence and skills.

#### Appendix A

The DDA accepted recommendations for Appendix A to add language regarding legacy services and rates during the transition period. Case management language is related to person-centered planning, not service scope.

#### Appendix B

The DDA accepted recommendations for Appendix B to provide eligibility fact sheets, revise language related to an individual being maintained in the community, and change "licensed" to "certified". Recommendations related to increasing reserved capacity, removing age limitations and technical eligibility criteria for waivers, disenrolled participants being able to apply within the waiver year, restoring language associated with State Funded conversion reserved capacity, and having eligibility assessment tools and trained professionals and CCSs involved in eligibility determinations, were not accepted. Reserved capacity was adjusted to account for projected utilization. Each waiver supports a targeted group. Disenrollment is addressed in technical eligibility. Criteria, assessment tools, and trained

professionals are used to determine waiver eligibility. Recommendation to add language around re-enrolling in the waiver was not accepted. Such persons would be considered unduplicated participants. Recommendation to add "as appropriate" to considering natural supports was not accepted as it was not necessary. The DDA clarified that DHS Foster Kids Age out reserved capacity was included in Amendment # 1, interpretation services are included in the waiver, DDA staff is available to provide technical assistance, LOC is included in LTSS Maryland, Current Request language relates to DDA Waiting List priority categories including TYs, TYs include individuals transitioning from educational services and meet COMAR 10.22.12.07b(4), and the definitions of reserved capacity and priority categories. The DDA explained policies around reserved capacity will be shared via PolicyStat, 183 days is the average for six months, the State can request an increase in reserved capacity, and that individuals can only be in one Medicaid Waiver program at a time.

**J. Notice to Tribal Governments.** The state assures that it has notified in writing all federally-recognized Tribal Governments that maintain a primary office and/or majority population within the State of the State's intent to submit a Medicaid waiver request or renewal request to CMS at least 60 days before the anticipated submission date is provided by Presidential Executive Order 13175 of November 6, 2000. Evidence of the applicable notice is available through the Medicaid Agency.

**K. Limited English Proficient Persons.** The state assures that it provides meaningful access to waiver services by Limited English Proficient persons in accordance with: (a) Presidential Executive Order 13166 of August 11, 2000 (65 FR 50121) and (b) Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003). **Appendix B** describes how the state assures meaningful access to waiver services by Limited English Proficient persons.

## 7. Contact Person(s)

**A.** The Medicaid agency representative with whom CMS should communicate regarding the waiver is:

**Last Name:**

Hutchinson

**First Name:**

Marlana R.

**Title:**

Director, Office of Long Term Services and Supports

**Agency:**

Maryland Department of Health

**Address:**

201 West Preston Street

**Address 2:**

RM 123

**City:**

Baltimore

**State:**

Maryland

**Zip:**

21201

**Phone:**

(410) 767-1443

Ext:

TTY

**Fax:**

(410) 333-6547

**E-mail:**

marlana.hutchinson@maryland.gov

**B. If applicable, the state operating agency representative with whom CMS should communicate regarding the waiver is:****Last Name:**

Workman

**First Name:**

Rhonda

**Title:**

Director of Federal Programs

**Agency:**

Maryland Department of Health - Developmental Disabilities Administration

**Address:**

201 West Preston Street, 4th Floor

**Address 2:****City:**

Baltimore

**State:**

Maryland

**Zip:**

21201

**Phone:**

(410) 767-8692

**Ext:**

TTY

**Fax:**

(410) 333-5850

**E-mail:**

Rhonda.Workman@maryland.gov

## 8. Authorizing Signature

This document, together with the attached revisions to the affected components of the waiver, constitutes the state's request to amend its approved waiver under §1915(c) of the Social Security Act. The state affirms that it will abide by all provisions of the waiver, including the provisions of this amendment when approved by CMS. The state further attests that it will continuously operate the waiver in accordance with the assurances specified in Section V and the additional requirements specified in Section VI of the approved waiver. The state certifies that additional proposed revisions to the waiver request will be submitted by the Medicaid agency in the form of additional waiver amendments.

**Signature:**

Alisa Jones

State Medicaid Director or Designee

**Submission Date:**

Jan 14, 2021

**Note: The Signature and Submission Date fields will be automatically completed when the State Medicaid Director submits the application.**

**Last Name:**

Schrader

First Name:

Dennis

Title:

Chief Operating Officer and State Medicaid Director

Agency:

Maryland Department of Health

Address:

201 W. Preston Street

Address 2:

5th Floor

City:

Baltimore

State:

Maryland

Zip:

21201

Phone:

(410) 767-5807

Ext:

TTY

Fax:

(410) 333-7687

E-mail:

**Attachments**

dennis.schrader@maryland.gov

**Attachment #1: Transition Plan**

Check the box next to any of the following changes from the current approved waiver. Check all boxes that apply.

**Replacing an approved waiver with this waiver.****Combining waivers.****Splitting one waiver into two waivers.****Eliminating a service.****Adding or decreasing an individual cost limit pertaining to eligibility.****Adding or decreasing limits to a service or a set of services, as specified in Appendix C.****Reducing the unduplicated count of participants (Factor C).****Adding new, or decreasing, a limitation on the number of participants served at any point in time.****Making any changes that could result in some participants losing eligibility or being transferred to another waiver under 1915(c) or another Medicaid authority.****Making any changes that could result in reduced services to participants.**

Specify the transition plan for the waiver:

As further described in Section II of this Appendix A, this amendment of the this Waiver program includes: (1) updates to eligibility; (2) updates to the transition strategy for the new Long-Term Services and Supports (LTSSMaryland) fee-for-service billing; and (3) consolidating all standalone nursing support services under the new name of Nursing Support Services and therefore removing Nurse Consultation, Nurse Health Case Management, and Nurse Case Management and Delegation standalone support services.

## TRANSITION PLANS

### 1. ELIGIBILITY

Maryland offers three Waivers specifically for individuals with developmental disabilities administered by the DDA including the Family Supports, Community Supports, and Community Pathways Waivers. To assure the participant's health and welfare and avoid an adverse impact on the participant to apply to another DDA waiver program when participants have needs that exceed the waiver cost cap limit, these Waivers programs' eligibility criteria are being amended so that:

- (1) Children up to age 21 are supported with the Family Supports Waiver,
  - (2) Individuals 18 years of age and older are supported in the Community Supports Waiver; and
  - (3) Individuals 18 years of age or older in need of residential services are supported in the Community Pathways Waiver.
- All current participants, regardless of age, will remain in their current Waiver programs. This new eligibility criteria will only apply to new applicants as of the effective date for the waiver amendments.

### 2. LONG-TERM SERVICES AND SUPPORTS (LTSSMARYLAND)

The planned transition to DDA's fee-for-service payment methodology, supported by the new software system known as LTSSMaryland, has been delayed due to COVID-19, as reflected in the approved Appendix K. MDH's processing of claims and payments for services funded by this Waiver program on a fee-for-service basis, including updated rates, units, and service requirements, began with a small transition group in December 2019.

To continue to ensure fiscal payment strategies used within LTSSMaryland are functional, transitions will be implemented using small groups of providers who volunteer to transition. This transition plan will continue to support the 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 full implementing these changes. This testing is being done to reduce the risk of payment issues for all participants and providers.

During the transition period, participants will receive a combination of new services and equivalent legacy service to ensure that their needs and preferences, as documented in the person-centered plan (PCP), are met. Until the DDA billing and payment system is fully transitioned into LTSSMaryland, the DDA will be operating in two systems: LTSSMaryland and the legacy Provider Consumer Information System (PCIS2). Person-centered plans will be completed and approved in LTSSMaryland, and services will be authorized and billed through PCIS2 until they are transitioned. To facilitate service authorization during the transition period, the DDA has developed and published guidance, including a service mapping chart to match the services identified in the detailed service authorization in LTSSMaryland with their equivalent legacy service in PCIS2. Until the service transitions, the legacy service definitions and rates paid for the requested services and the overall authorized plan budget amount is based on rates in PCIS2.

As services transition into LTSSMaryland, legacy services such as Supported Employment and Employment Discovery and Customization Services transitions will end and the new corresponding services (i.e., Employment Services' Job Development, On-Going, and Discovery) will begin.

### 3. NURSING SERVICES

This amendment consolidates the three nursing standalone services (i.e., Nurse Consultation, Nurse Health Case Management, and Nurse Case Management and Delegation Services) under one service titled Nursing Support Services. Stakeholders have expressed confusion as to which of the three nursing services to request. Therefore, Nursing Support Services is being created which will include the current Nurse Consultation, Nurse Health Case Management, and Nurse Case Management and Delegation Services functions not already included in Nurse Case Management and Delegation Services. All participants currently authorized Nurse Consultation, Nurse Health Case Management, and Nurse Case Management and Delegation Services will be authorized Nursing Support Services through a coordinated data patch in the LTSSMaryland and PCIS2 systems. Participants will receive the same type and amount of service. The standalone services are basically moved under the umbrella of Nursing Support Services. Participants will have the same choice of provider.

To support these transitions, the DDA will share information, guidance, and technical assistance with all stakeholders, including through the DDA newsletter, transmittals, and webinars. Coordinators of Community Services (CCS) will continue to share

information with participants and their families about changes to nursing services during quarterly monitoring, the annual person-centered planning process, and when new needs arise.

**Attachment #2: Home and Community-Based Settings Waiver Transition Plan**

Specify the state's process to bring this waiver into compliance with federal home and community-based (HCB) settings requirements at 42 CFR 441.301(c)(4)-(5), and associated CMS guidance.

*Consult with CMS for instructions before completing this item. This field describes the status of a transition process at the point in time of submission. Relevant information in the planning phase will differ from information required to describe attainment of milestones.*

*To the extent that the state has submitted a statewide HCB settings transition plan to CMS, the description in this field may reference that statewide plan. The narrative in this field must include enough information to demonstrate that this waiver complies with federal HCB settings requirements, including the compliance and transition requirements at 42 CFR 441.301(c)(6), and that this submission is consistent with the portions of the statewide HCB settings transition plan that are germane to this waiver. Quote or summarize germane portions of the statewide HCB settings transition plan as required.*

*Note that Appendix C-5 HCB Settings describes settings that do not require transition; the settings listed there meet federal HCB setting requirements as of the date of submission. Do not duplicate that information here.*

*Update this field and Appendix C-5 when submitting a renewal or amendment to this waiver for other purposes. It is not necessary for the state to amend the waiver solely for the purpose of updating this field and Appendix C-5. At the end of the state's HCB settings transition process for this waiver, when all waiver settings meet federal HCB setting requirements, enter "Completed" in this field, and include in Section C-5 the information on all HCB settings in the waiver.*

Not applicable

**Additional Needed Information (Optional)**

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Provide additional needed information for the waiver (optional):

\*\*\*CONTINUED FROM MAIN-6-PUBLIC INPUT DUE TO SPACE LIMITATIONS

### Appendix C

Recommendations for Appendix C to include flexibilities under Appendix K authority, add the PCP process and assessment tool requirements,, add “including skilled nursing facility” to references of short term institutional stay, and revise exhausting services language, were accepted. The DDA did not accept recommendations to remove the in person service requirement for remote services, use HRST score of 3 or above as threshold for enhanced Personal Supports, for billing to begin when the person is in the transportation vehicle, to create a day service that includes a range of options during the day, and to consider the Personal Supports shift habilitative if one or more habilitative interventions occur as part of overnight hours. Direct supports can include a combination of both in-person direct supports and remote/telehealth direct support. Remote/telehealth supports may not be used to isolate people from their community or interacting with others. Criteria for enhanced services are outlined in the application. Transportation is included in the Meaningful Day rates. Participants’ primary care physicians should be contacted with any assessed need for nutrition services. All mentioned activities can be supported in Day Habilitation. Overnight supports are available under residential services. Recommendations to keep Nursing Support Services as a stand-alone service for participants in Meaningful Day services, to include language that allows for appropriate alternatives to the list, to relocate language related to direct contact definition, and to add FMS as a waiver service were not accepted. Nursing Support Services are included in Meaningful Day rates. The list of examples is supposed to be exhaustive and anything not fitting those examples is not covered by the service. Direct contact definition is within the context of information noted. FMS will continue to be an administrative service. Service utilization is monitored so adjustments can be made, if necessary. Recommendations to restore ability to hire individuals with required certifications, and the list of circumstances that legally responsible persons can provide services be mutually exclusive were not accepted. Provider requirements must be met to provide waiver services. Circumstances that a legally responsible person can provide services are listed in the application.

The DDA clarified further guidance will be provided regarding written agreements, transportation is included in the rate of meaningful day services (excluding Follow Along Supports), Participant Education Training and Advocacy Supports, and Personal Supports, assessed need is based on PCP recommendations and supporting documentation, Meaningful Day service meet the needs of a wide variety of people in a manner that is flexible and provides choices for service within a day, and the terms acquire, maintain or improve skills, learn develop and maintain are included in service descriptions. The DDA clarified providers must arrange or provide transportation using the least costly mode of transportation, SD participants can establish their own payment rates for services, based on traditional rates, Nursing Support Services are a part of the Meaningful Day rates, billing guidance has been issued, and remote supports will be an option under specific waiver services once Amendment # 3 is approved.

### Assistive Technology and Services

The DDA accepted recommendations to change language related to the most cost effective options for items under \$1,000 and add “by the waiver participant” to Service Requirement A for Assistive Technology and Services. The DDA did not accept recommendations that documentation of estimates was attempted instead of requiring three estimates, to cover smartphones, initial costs, monthly services, and internet connections, to allow for a more expansive list of items for blind/low vision applications and communication needs, to remove provider application requirements for AT providers, to remove language limiting services, and to remove exclusion of wheelchairs, architectural modifications, adaptive driving, vehicle modifications and devices requiring a prescription. Three estimates are required for AT requests over \$1,000. For AT requests under \$1,000, the most cost effective item that meets the participant’s need should be explored. The waiver does not cover smartphones or associated monthly costs. There are many other resources available to access smartphones. AT includes various software applications including those for speech/screen reading. Private vendors must complete a DDA provider application. Individuals hired through a DDA agency do not need to complete an application. To ensure qualified providers, this service has budget authority only. Language describing AT services clearly defines service. Waiver services cannot duplicate other programs or services, therefore wheelchairs and other exclusion items were not removed. Recommendations to include other technology conditions to avoid upfront expenses, to remove language around requesting an AT needs assessment, and to clarify and change language related to AT assessor credentialing requirements were not accepted. AT is funded by Medicaid; participants do not share in the costs. Current language indicates which credentials are needed to provide the service. The DDA clarified if a requested item is covered by another program but does not meet the participant’s need or funding is not available, it may be covered under the waiver. If the requested item is covered by another waiver service or Medicaid program, then it would be covered under that service or program. The DDA clarified remote support devices are noted in the service, AT assessments have been a component of this service, tablets and communication devices are noted in the application, and a device or item that is not the least expensive option may be selected for inclusion on the PCP if there is an explanation of why the chosen option is the most cost effective.

### Behavioral Support Services

Recommendations to provide guidance regarding assessments, and examples of provider exceptions for Behavioral Support

Services were accepted. The DDA did not accept recommendations to allow BSS under respite, include clinical support and online services to BSIS and Behavioral Consultations, and SD vendors only be licensed by the State. The DDA contracts with independent community organizations for behavioral respite services, and ensures providers are qualified by only allowing budget authority. The DDA clarified BSIS is a time-limited service to provide direct assistance and modeling to caregivers, staff, and family. The DDA clarified that Behavioral Consultation scope is outlined in the application, DDA providers must complete a DDA provider application, BSS providers must meet the qualifications outlined in the waiver, and BBS providers must have a minimum of five (5) years demonstrated experience and capacity providing quality similar services.

#### Career Exploration

The DDA did not accept a recommendation to allow all participants to utilize Career Exploration, regardless of the service start date. This is a time-limited pre-vocational service.

#### Community Development Services (CDS)

The DDA accepted recommendations for CDS to clarify parameters for services being entirely remote, to add time-limited paid or volunteer internships, and to add language for informed decisions related to in person or remote supports. The DDA did not accept recommendations to remove IADLs from language related to personal care assistance, add counseling benefits, make nursing cost should be stand alone, add language “unless approved by the DDA” to age requirements, remove hour limitations to service, change “socially acceptable behavior” language, and re-examining the 8 hour per day cap. Personal care assistance includes supports with performing ADLs and IADLs. Certified benefits counseling is available through Vocational Rehabilitation. Nursing Support Services are part of the rate for meaningful day services. Meaningful day services can be authorized for up to 40 hours a week. This service provides skills related to engaging in community based activities. The daily limit of 8 hours is not intended to limit activities. Recommendations to allow separate billing for transportation, remove language about personal care services not compromising entirety of the service, replace “short term” with “non-permanent”, amend language about live, real time video connection for remote supports, and to remove language related to ensuring safety concerns during remote supports were not accepted. Time spent traveling to/from a location for the service to occur, is not billable, but travel within the service is. Language regarding personal care services ensures there is no service duplication. “Short term” language will remain consistent with Appendix K guidance. Real time audio visual video connection is a part of remote supports. Phones and telehealth technology cannot be used to assess medical emergencies. The DDA did not accept recommendations to delete language related to remote supports costs, and allow CDS in the participant's home. Medicaid does not cover internet costs. This service is provided in the community.

The DDA clarified institutional settings per CMS guidance, DSPs may provide service in an acute care hospital or during a short-term institutional stay to offer personal, behavioral and communication supports, remote supports is available to self-directing participants, and this service may be provided in groups of 4 or less except in time-limited internships. Staffing levels of 1:1 or 2:1 are authorized based on assessed need. The DDA explained nursing support services is included in the rate, meaningful day services will be billed at a daily rate until DDA transitions into new service rates, CDS can occur any day of the week, a person can only receive one meaningful day service per day until new rates begin, and the time-limit for returning home is based on the person's assessed needs. The DDA clarified guidance related to service authorization until transition into LTSSMaryland has been published, safeguards should be in place when a legally responsible person provides services, and other programs and services must be explored before accessing DDA funds for this service. It was clarified that CDS includes support services that enable the participant to learn, develop and maintain community integration skills and volunteer.

#### Day Habilitation

Recommendation to amend Day Habilitation language for remote services related to live, audio-visual connection unless its not in the person's choice was not accepted. Remote services include a live, real-time audio visual connection. The DDA clarified Project Search is a time-limited employment preparation internship program, unpaid and paid internships outside of Project Search are included in the service, people with 1:1 or 2:1 staffing can participate in small or large groups, and in person services can be provided by the DSP in an acute care hospital or during a short-term institutional stay.

#### Employment Discovery and Customization

The DDA did not accept recommendations to allow parents, legal guardians, and legally responsible persons to provide Employment Discovery and Customization under self-direction. This service includes budget authority only to ensure provider qualifications. The DDA clarified the service will end June 30, 2022 to support LTSSMaryland transition.

#### Employment Services

The DDA accepted a recommendation to add informed decision-making requirements for remote supports for Employment Services. Recommendations to split the job development milestone into two payments, make Follow Along Supports an hourly service, establish an alternative to CIE, to remove job development limitations, and for legal guardians and legally responsible adults to perform this service under self-direction were not accepted. Job Development will remain an hourly service at this time to allow for stakeholder input. The DDA will continue to seek stakeholder input regarding future value-based payments. This

service is designed to support competitive integrated outcomes. Job development may be authorized for 8 hours per day and 40 hours per week. This service has budget authority only to ensure qualified providers.

The DDA clarified legal guardians and legally responsible persons of a participant cannot be paid to provide this service, it continues to seek stakeholder input to develop payment models to incentivize Employment First philosophy, job development can be authorized for someone interested in a new or second job, employment certification is outlined in the DDA Meaningful Day Training Policy, and the job development rates includes training, study and exam time. The DDA clarified December 1, 2019 was to accommodate the new employment services in the pilot group, training costs are included in the rates, transportation is included in the rate and can be authorized as a standalone for Follow Along Supports, and initial authorization should not exceed 90 hours and a total of 180 up to twice a year. Additional hours can be authorized with documentation to show need.

#### Environmental Assessment

The DDA accepted a recommendation for Environmental Assessment to add language regarding service limitations.

#### Environmental Modifications

The DDA accepted recommendations to restore language regarding service approval without bids and workman's compensation to Environmental Modifications. A recommendation to remove or edit language about participants staying in the primary residence was not accepted. The intent is to ensure that the participant will stay in the residence where the modification is done for at least one year.

#### Family Caregiver Training and Empowerment

The DDA made clarifications for Family Caregiver Training and Empowerment. This service is only offered for a family caregiver who is providing unpaid support, companionship, or supervision. Information about this service can be found on page 183 of the CMS technical guide.

#### Family and Peer Mentoring Supports

The DDA clarified that a caregiver who is not a family member cannot utilize Family and Peer Mentoring Supports.

#### Housing Supports Services

Recommendations to include rental assistance and bill paying in Housing Supports Service were not accepted. Medicaid programs do not cover housing costs. This service supports identifying and navigating housing opportunities and barriers, and securing and retaining a home.

#### Individual and Family Directed Goods and Services

The DDA did not accept recommendations to remove references to budget savings, allow savings identified at the beginning of the year to be used, expand allowed therapies, and eliminate list and expand service. Goods and services must be purchased from savings within the budget without compromising health and safety. This service utilizes savings from the budget which accrues over time. CMS advised suggested therapies could not be covered under this service. Medicaid does not pay for internet and activity costs. Services that are diversional/recreational in nature fall outside the scope of §1915(c). The DDA clarified the service decreases the need for Medicaid services, increases community integration, safety or family support. Family are parents and legally responsible persons. Fitness memberships, music activities, and horseback riding are included; other therapies are not, per CMS guidance. The DDA will develop additional guidance related to other goods and services.

#### Medical Day Care

A recommendation to include Medical Day Care under self-direction was not accepted, as it is provided in provider owned and operated sites.

#### Nursing Support Services

Recommendations to change the service name to Nursing Support Services and remove language related to needed but insignificant support and service ineligibility was accepted. The DDA clarified this service is a part of meaningful day services, and a standalone to support self-direction, and personal support. Delegation is part of meaningful day services, but if additional services are needed, they can be authorized by DDA.

#### Participant Education, Training and Advocacy Supports

The DDA did not accept a recommendation to add "opportunities" to the service definition, as it was broad and could cause misinterpretation. The DDA clarified the service does not cover tuition, but encourages scholarships and financial aid opportunities. It will monitor service utilization related to 10 hour and \$500 limitations, and training would include developing self- advocacy skills and exercising civil rights.

#### Personal Supports Services

The DDA accepted recommendations to replace “extraordinary care” with “exceptional care”, provide guidance related to 2:1 billing, and to define drop-in supports in Personal Supports Services. Recommendations to allow overnight support, remove habilitative service requirement, remove the 82-hour cap, add language related to maintenance or development and to include behavioral needs support were not accepted. This service is habilitative. Other services in the waiver include overnight support. If a participant needs support above the cap, it can be authorized by the DDA. Behavioral support if applicable, is included. The DDA clarified 1:1 and 2:1 staffing can be authorized based on assessed need, that 2:1 means 2 staff to 1 participant, rates are based on input from the rate group, additional guidance related to 2:1 will be given, and an HRST of 4 or higher, or an approved Behavioral Plan is the criteria used to authorized the enhanced rate. The DDA clarified adding “but not limited to” does not allow for a clear service definition. Personal care assistance reference was revised and moved to Service Definition C and Service Requirement H. Medicaid Provider Services has given guidance on billing under EVV.

#### Remote Support Services

The DDA clarified that trial limited direct supports for Remote Supports is available during transition, and there is no minimum or maximum time limit on the service.

#### Respite Care Services

Recommendation to make an enhanced form of Respite Care Services was not accepted. Respite is time-limited and an enhanced Personal Supports rate is available. The DDA clarified a daily rate is applied at a licensed facility and the daily rate is used when services are provided in a participant’s home or unlicensed site. DDA training is necessary to ensure health and safety.

#### Support Broker

Recommendations to remove or add language to exceed the service cap for Support Broker services and add language that SB will support participants only in areas listed in Participant/Team Agreement, were not accepted. The DDA clarified this service is optional, SBs are certified when they complete DDA required training, and up to 4 hours a month can be billed for this service.

#### Transportation

The DDA did not accept recommendations for Transportation to delete language related to community definition, and state that families can be for mileage and use of a specialized vehicle. The service is designed to improve a participant’s access to their own community. The DDA clarified this service should be provided by the most cost-effective mode that meets the participant’s needs, DDA-certified providers can provide this service, and a relative can provide this service.

#### Appendix D

The DDA accepted recommendations for Appendix D to add language related to the person leading the PCP process, developing outcomes, and available waivers. Recommendations to add language related to promoting health and Behavior plans under the Risk Mitigations section were accepted. The DDA did not accept recommendations to add leading person-centered planning as a CCS skill, add chosen providers as central members to PCP planning, remove “important for”, add language about conflict free case management, remove completing the Cost Detail Tool as a CCS role, add direction related to changes in the Cost Detail Tool, add language that PCP meetings are facilitated by CCS based participant direction, refer to HRST rater instead of CCS, change language related to monitoring PCP implementation, and corrective action when plans are delayed or incomplete. The person leads the person-centered planning process. Participants choose who is a part of the team meeting to develop the PCP. “Important for” is a part of the person-centered planning approach. Conflict free case management does not align with the intent of the section. Cost Detail Tool completion allows for service authorization. The DDA will support CCSs and providers to resolve Cost Detail Tool issues. Language added to indicate the person directs a PCP meeting. The CCS is responsible for completing the HRST and monitoring PCP implementation. Corrective action plans are not included in the section of the application. The DDA clarified service providers do not have access to view the quarterly monitoring in LTSS Maryland, the “individual” and “participant” are used based on the section of the application, “assessed needs” references align with CMS requirements, and performance measures related to the PCP must include assessed needs.

#### Appendix E

The DDA accepted recommendations for Appendix E to provide guidance regarding building budgets and the Designated Representative form. Recommendations to add language regarding how authorized budget notices are sent, use the SDAN agreement, actively promote self-direction, increase rates by COLA annually, refer to DDA Advocacy specialists as Independent Advocates, keep language referencing DDA, add language reflecting what Support Brokers must not do, indicate that the Cost Detail Tool relates to the overall budget and participants maintained budget authority, develop quality assurance to test service aptitude of providers, and reference person-centered planning tools were accepted. The DDA did not accept recommendations to provide payment to vendors for training, travel, benefits, leave or participant absences, continue COLA for SD participants, make Support Broker services a requirement, give SD participants choice of where their staffs’ background check done, make

transportation a stand-alone service, define forms associated with PCP submission, remove language decision-making capacity, adding assistance with budget authority to SB roles, and payments for training, travel, benefits and leave for individual staff. COLA is included in rates annually. It is the participant's choice if they want to use SB services. Background checks are required and completed by the FMS. Transportation is covered in some waiver services; stand-alone transportation is available for independent travel. SD participants or their designated representative are informed of the rights, responsibilities, and risks of self-directing. SBs mentor and coach SD participants. Recommendations to remove language related to SBs not making decisions, signing timesheets, and hiring/firing, FMS to be a waiver service, allow SD services for individuals who reside in other living arrangements, indicate traditional versus self-direction opportunities can be used, provide employer authority for EDC, Nurse Consultation, include Support Brokers in expense reports, add language around moving budget line items with authorization, allow FMS to wait until the last day of the month to provide financial reports, replace designate representative language with participant or team agreement, and allow budget authority for all waiver services were not accepted. SB serve as mentors and coaches. FMS is an administrative service. SD opportunities are available for those who live with others under a lease. Traditional and self-direction opportunities are highlighted in the application. Professional standards and training is required for services to ensure participant health and safety. Participants can choose if they want SB to have access to expense reports. Plans are authorized to support provider payment. The waiver does not specify a day in which expense reports are due. Participants indicate their designated representative.

The DDA clarified that SD participants' applications, PCPs, CCS monitoring forms, and case notes will be in LTSS Maryland, COLA is included in rates, the team is informed of right, risks and responsibilities related to self-direction, the HRST company gives nurses access to the participant's HRST information, the participant must provide financial documents and maintain MD residency for waiver eligibility, self-direction may be terminated when a participant's rights are being violated, and that the COLA is included in the Cost Detail Tool. The DDA explained the Self-Directed Services forms were, FMS roles and responsibilities are indicated in the application, Cost Detail Tool information was shared due to CMS requirements, the CCS shared information regarding self-direction, relatives can provide some services, and CMS directed DDA not to select Independence Plus designation.

#### Appendix F

The DDA accepted a recommendation for Appendix F to include language that appeal rights apply to service reduction and funding. The DDA clarified current language includes eligibility determinations, and that time frame for appeal rights have not been shortened.

#### Appendix G

The DDA accepted a recommendation for Appendix G to replace "provider" with "provider who is providing a service at the time of the incident must report ..." in a sentence related to critical incident reporting.

#### Appendix H

The DDA accepted recommendations for Appendix H to add a step to monitor and analyze system design effectiveness, and update references to DDA Quality Advisory Council. The DDA clarified that data is monitored to determine impact of system changes and that data is defined in performance measures throughout the application.

#### Appendix I

The DDA accepted recommendations for Appendix I to establish an appropriate OHCDs rate, to share the brick workbook model with providers, to do a fiscal impact analysis, and offer provider training, to replace SFP references with DSA throughout the application. Recommendations that the BLS rate used for DSP rates should be equal to the full BLS rate for Maryland, to not move to 15 minute billing increments, to reconsider nursing services rate, to keep the 7.9% rate differential, review the loss of the add on for transportation of persons with wheelchairs, to fund vehicle purchases, and that the DSP BLS rate of \$15.91 per hour be applied to other counties were not accepted. The new DSP rate structure is based on rates from the state excluding geographical differential areas. Converting 1-hour services to a 15 minute billing increment mitigates the revenue loss for providers. The nursing rate includes training requirements. The new rate is based on the BLS wage and the relationship of other costs to wage expenses. Rates for services that include transportation are based on information from providers' ledgers. State General Funds nor Federal Funds can be used to purchase vehicles. A geographical differential rate is being used in some areas. The DDA did not accept recommendations that DDA rates consider nursing home, mental health, and DORS, 86% services auditing threshold be monitored and modified, to increase Housing Support rates and reimburse at the same level as CCS, to change language regarding receipt and invoice submissions, and to include activity costs in Day Hab, CDS, and Personal Supports. The rate methodology is based on submitted provider information. CMS and state expectations are that billing reflects services provided. Housing supports rate is based on the same classification and wage as CCS but calculated differently. Invoices are needed for the payment process. Medicaid does not pay for activity costs. The DDA clarified the standalone Nursing Support Services rate is used for CDS, rates are published on the DDA website, and the geographical differential is based on residency of the person receiving services. The DDA clarified the DSP rate is based on the BLS rate of Maryland minus the geographical differential areas.

## Appendix J

The DDA clarified for Appendix J that SD participants can establish their own pay based on reasonable and customary rates, based on DDA's traditional rates. Rates include things such as state BLS, employment expenses, training and transportation expenses. Nursing Services in WY2 were overestimated; estimates are adjusted in WYs 3-5 based on service utilization.

### Other

The DDA accepted recommendations to revisit LTSS Maryland used in person-centered planning, make documents more accessible by test screen reader compatibility, remove gender specific language, and to continue to build relationships with stakeholders. The DDA clarified background checks are required for Board members, legacy and traditional have different meanings as it relates to DDA services, and waiver amendments are approved by CMS based on federal laws and policies.

\*\*\*\*\*APPENDIX C-1/C-3:  
Service Specification -EMPLOYMENT SERVICES - CONTINUED BELOW DUE TO SPACE LIMITATIONS

U. Documentation must be maintained in the file of each participant receiving this service that the service is not available under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).

V. A relative (who is not a spouse, legal guardian, or legally responsible person) may be paid to provide this service in accordance with the applicable requirements set forth in Appendix C-2. A legally responsible person or legal guardian of the participant cannot be paid by the Waiver program, either directly or indirectly, to provide this Waiver program service.

W. Nursing Support Services/Nurse Health Case Management and Delegation Services, as applicable, can be provided during supports so long as it is not the primary or only service provided. The scope of the Nursing Support Services/Nurse Health Case Management and Delegation Services are defined under the stand alone service in Appendix C.

NOTE: To further explore value based payment models and seek stakeholder and subject matter expert input, no changes will be made at this.

### X. Virtual supports

1. Virtual supports is an electronic method of service delivery.

2. The purpose of virtual supports is to maintain or improve a participant's functional abilities, enhance interactions, support meaningful relationships, and promote their ability to live independently, and meaningfully participate in their community.

3. Direct support can be provided via virtual supports provided however that the virtual supports meet all of the following requirements:

a. The virtual supports ensure the participant's rights of privacy, dignity and respect, and freedom from coercion and restraint.

b. The virtual supports do not isolate the participant from the community or interacting with people without disabilities.

c. The participant has other opportunities for integration in the community via the other Waiver program services the participant receives and are provided in community settings.

d. The use of virtual supports to provide direct support has been agreed to by the participant and their team and is outlined in the Person-Centered Plan;

e. Participants must have an informed choice between in person and virtual remote supports;

i. Virtual remote supports cannot be the only service delivery provision for a participant seeking the given service; and

ii. Participants must affirmatively choose virtual remote service provision over in-person supports

f. Virtual supports is not, and will not be, used for the provider's convenience. The virtual supports must be used to support a participant to reach identified outcomes in the participant's Person-Centered Plan;

g. The use of virtual supports must be documented appropriately, just like any in-person direct supports, and identify the service delivery method (e.g., Skype, Zoom, Facetime, telephonic, or direct care), name of staff person providing service, and start and end times.

h. The virtual supports must be delivered using a live, real-time audio-visual connection that allows the staff member to both see and hear the participant. Text messaging and e-mailing do not constitute virtual supports and, therefore, will not be considered provision of direct supports under this Waiver program service.

i. The virtual supports must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended by the Health Information Technology for Economic and Clinical Health (HITECH) Act, and their applicable regulations to protect the privacy and security of the participant's protected health information.

j. This Waiver program service may not be provided entirely via virtual supports. Virtual supports may supplement in-person direct supports.

k. Virtual supports, including use of phones, cannot be used to assess a participant for a medical emergency. The provider must develop and maintain written policies, train direct support staff on those policies, and advise participants and their person-centered planning team regarding those policies that address:

1. Identifying whether the participant's needs, including health and safety, can be addressed safely via virtual supports;
2. Identifying individuals to intervene (such as uncompensated caregivers present in the participant's home), and ensuring they are present during provision of virtual supports in case the participant experiences an emergency during provision of virtual supports; and
3. Processes for requesting such intervention if the participant experiences an emergency during provision of virtual supports, including contacting 911 if necessary.

1. The virtual supports meets all federal and State requirements, policies, guidance, and regulations.

4. The provider must develop, maintain, and enforce written policies, approved by the DDA, which address:

- a. How the provider will ensure the participant's rights of privacy, dignity and respect, and freedom from coercion and restraint;
- b. How the provider will ensure the virtual supports used meets applicable information security standards; and
- c. How the provider will ensure its provision of virtual supports complies with applicable laws governing individuals' right to privacy.

5. Providers furnishing this Waiver program service via virtual supports must include this virtual supports as a service delivery method in their provider Program Service Plan, required by COMAR Title 10, Subtitle 22. Current providers must submit an amendment to their current Program Service Plan to the DDA Regional Office and receive approval prior to implementing virtual supports outside of the Appendix K authority.

6. The Waiver program will not fund any costs associated with the provider obtaining, installing, implementing, or using virtual supports, such as equipment, internet, software applications, and other related expenses. These costs, in the delivery of new business models, are part of the provider's operating cost

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**\*APPENDIX I-2-A CONTINUED BELOW DUE TO SPACE LIMITATIONS**

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. Career Exploration Facility includes the Facility cost component. The rate assumes staff to participant ratios of 1:6 for Large Group, 1:2 for Small Group, and 1:10 for Facility.

Community Development Services- 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 for Community Development Group (2-4) includes a service adjustment. The three tiered rates assume staff to participant ratios: 1:1, 1:4, and 2:1.

**Market Rate Service (WYs 1-5)**

Assistive Technology and Services, Employment Services Co-Worker Employment for WYs 2-5, Environmental Modifications, Respite Care Camp, 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. assistive technology, environmental modifications, etc.), the estimated actual cost, based on the identified need (e.g. 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 this Waiver program application may provide 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 services. Employment Services Co-Worker Employment rate is limited to an upper payment limit. 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 a 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.

#### Rates for Self -Directed Services

Support Broker Services and Individual and Family Directed Goods and 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 also authorized for FY2020.

Community Support 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, 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.

## Appendix A: Waiver Administration and Operation

**1. State Line of Authority for Waiver Operation.** Specify the state line of authority for the operation of the waiver (*select one*):

**The waiver is operated by the state Medicaid agency.**

Specify the Medicaid agency division/unit that has line authority for the operation of the waiver program (*select one*):

**The Medical Assistance Unit.**

Specify the unit name:

(Do not complete item A-2)

**Another division/unit within the state Medicaid agency that is separate from the Medical Assistance Unit.**

Specify the division/unit name. This includes administrations/divisions under the umbrella agency that has been identified as the Single State Medicaid Agency.

(Complete item A-2-a).

**The waiver is operated by a separate agency of the state that is not a division/unit of the Medicaid agency.**

Specify the division/unit name:

In accordance with 42 CFR §431.10, the Medicaid agency exercises administrative discretion in the administration and supervision of the waiver and issues policies, rules and regulations related to the waiver. The interagency agreement or memorandum of understanding that sets forth the authority and arrangements for this policy is available through the Medicaid agency to CMS upon request. (*Complete item A-2-b*).

## Appendix A: Waiver Administration and Operation

### 2. Oversight of Performance.

**a. Medicaid Director Oversight of Performance When the Waiver is Operated by another Division/Unit within the State Medicaid Agency.** When the waiver is operated by another division/administration within the umbrella agency designated as the Single State Medicaid Agency. Specify (a) the functions performed by that division/administration (i.e., the Developmental Disabilities Administration within the Single State Medicaid Agency), (b) the document utilized to outline the roles and responsibilities related to waiver operation, and (c) the methods that are employed by the designated State Medicaid Director (in some instances, the head of umbrella agency) in the oversight of these activities:

The Maryland Department of Health (MDH) is the Single State Medicaid Agency (SMA) authorized to administer Maryland's Medical Assistance Program. MDH's OLTSS Office of Long Term Services and Supports (OLTSS) is the Medicaid unit within the SMA that oversees the Community Supports Waiver. In this capacity, OLTSS oversees the performance of the Developmental Disabilities Administration (DDA), which is the Operating State Agency (OSA) for this Waiver program. The OLTSS serves as the point of contact with the Centers for Medicare and Medicaid Services (CMS) with programmatic expertise and support provided by DDA.

The DDA is responsible for the day-to-day operations of administering this Waiver program, including, but not limited to, facilitating the waiver application process to enroll participants into this Waiver program, reviewing and approving applications for potential providers, reviewing and monitoring claims for payment, and assuring participants receive quality care and services, based on the assurance requirements set forth in this waiver. The DDA is responsible for collecting, trending, prioritizing, and determining the need for system improvements.

OLTSS will meet regularly with DDA to discuss waiver performance and quality enhancement opportunities with respect to this Waiver program. Furthermore, the DDA will provide OLTSS with regular reports on program performance. In addition, OLTSS will review all policies issued related to this Waiver program. OLTSS will continually monitor the DDA's performance and oversight of all delegated functions through a data-driven approach. If any issues are identified, OLTSS will work collaboratively with the DDA to remediate such issues and to develop successful and sustainable system improvements. OLTSS and the DDA will develop solutions, guided by the required Waiver program assurances and the needs of waiver program participants. OLTSS will provide guidance to the DDA regarding recommended changes in policies, procedures, and systems.

A detailed Interagency Agreement (IA) outlines the roles and responsibilities related to Waiver program operation and those functions of the division within OLTSS with operational and oversight responsibilities.

**b. Medicaid Agency Oversight of Operating Agency Performance.** When the waiver is not operated by the Medicaid agency, specify the functions that are expressly delegated through a memorandum of understanding (MOU) or other written document, and indicate the frequency of review and update for that document. Specify the methods that the Medicaid agency uses to ensure that the operating agency performs its assigned waiver operational and administrative functions in accordance with waiver requirements. Also specify the frequency of Medicaid agency assessment of operating agency performance:

**As indicated in section 1 of this appendix, the waiver is not operated by a separate agency of the State. Thus this section does not need to be completed.**

## Appendix A: Waiver Administration and Operation

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**3. Use of Contracted Entities.** Specify whether contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable) (*select one*):

**Yes. Contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or operating agency (if applicable).**

Specify the types of contracted entities and briefly describe the functions that they perform. *Complete Items A-5 and A-6.:*

As further described below, the DDA currently contracts with community organizations for assistance and services in the following areas: (1) Participant Waiver Applications; (2) Support Intensity Scale (SIS)®; (3) Quality Assurance; (4) System Training; (5) Research and Analysis; (6) Fiscal Management Services (Agency with Choice); (7) Health Risk Screening Tool; (8) MD-Long Term Services and Supports Information System; and (9) Behavioral and Mental Health Crisis Supports.

#### 1. Participant Waiver Application

The DDA certifies independent community-based organizations and local health departments to provide Coordinators of Community Services to perform intake activities, including taking applications to participate in the Waiver program and referrals to county, local, State, and federal programs and resources.

#### 2. Support Intensity Scale (SIS)®

The DDA contracts with an independent community organization to conduct the Support Intensity Scale (SIS®). The SIS® is an assessment of a participant's needs to support independence. It focuses on the participant's current level of support needs instead of focusing on skills or abilities they may not currently demonstrate. The Coordinators of Community Service use each completed SIS® as a planning guide in the development of the participant's Person-Centered Plan.

#### 3. Quality Assurance

The DDA contracts with independent community organizations to conduct and analyze results from the National Core Indicator (NCI) surveys. The DDA will be contracting for a Quality Improvement Organization-like organization to support administrative functions related to technical assistance, quality assurance, and utilization review.

#### 4. System Training

The DDA contracts with independent community organizations to provide trainings for individuals, their family members, community providers, Coordinators of Community Services, Support Brokers, DDA staff, and others related to various topics to support service delivery (e.g., person-centered planning), health and welfare (e.g. choking prevention), and workforce development (e.g., alternative communication methods).

#### 5. Research and Analysis

The DDA contracts with independent community organizations and higher education entities for research and analysis of the Waiver program's service data, trends, options to support the Waiver program assurances, financial strategies, and rates.

#### 6. Fiscal Management Services

The DDA contracts with independent community organization for fiscal management services to support participants that are enrolled in the DDA's Self-Directed Services Model, as described in Appendix E.

#### 7. Health Risk Screen Tool

The DDA contracts with Health Risk Screening, Inc. for training and the use of an electronic Health Risk Screen Tool (HRST) to identify health and safety risk factors for participants and to assist with determining health related support needs and training.

#### 8. Maryland - Long Term Services and Supports Information System

The MDH contracts with information technology organizations for design, revisions, and support of the electronic software database that support the Waiver program's administration and operations.

#### 9. Behavioral and Mental Health Crisis Supports

The DDA contracts with independent community organizations for crisis hotline services, mobile crisis services, and behavioral respite services to support participants and families during a participant's behavioral and mental health crisis.

#### 10. Organized Health Care Delivery System providers

Participants can select to use an Organized Health Care Delivery System (OHCDs) provider to purchase goods and services from community-based individuals and entities that are not Medicaid providers. The OHCDs provider's administrative services to support this action is not charged to the participant.

**No. Contracted entities do not perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable).**

## Appendix A: Waiver Administration and Operation

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**4. Role of Local/Regional Non-State Entities.** Indicate whether local or regional non-state entities perform waiver operational and administrative functions and, if so, specify the type of entity (*Select One*):

**Not applicable**

**Applicable** - Local/regional non-state agencies perform waiver operational and administrative functions.

Check each that applies:

**Local/Regional non-state public agencies** perform waiver operational and administrative functions at the local or regional level. There is an **interagency agreement or memorandum of understanding** between the State and these agencies that sets forth responsibilities and performance requirements for these agencies that is available through the Medicaid agency.

*Specify the nature of these agencies and complete items A-5 and A-6:*

**Local/Regional non-governmental non-state entities** conduct waiver operational and administrative functions at the local or regional level. There is a contract between the Medicaid agency and/or the operating agency (when authorized by the Medicaid agency) and each local/regional non-state entity that sets forth the responsibilities and performance requirements of the local/regional entity. The **contract(s)** under which private entities conduct waiver operational functions are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

*Specify the nature of these entities and complete items A-5 and A-6:*

## Appendix A: Waiver Administration and Operation

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**5. Responsibility for Assessment of Performance of Contracted and/or Local/Regional Non-State Entities.** Specify the state agency or agencies responsible for assessing the performance of contracted and/or local/regional non-state entities in conducting waiver operational and administrative functions:

MDH, including the OLTSS and the DDA, is responsible for monitoring all contracts pertaining to administration and operations supporting this waiver.

## Appendix A: Waiver Administration and Operation

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**6. Assessment Methods and Frequency.** Describe the methods that are used to assess the performance of contracted and/or local/regional non-state entities to ensure that they perform assigned waiver operational and administrative functions in accordance with waiver requirements. Also specify how frequently the performance of contracted and/or local/regional non-state entities is assessed:

MDH in general, and the DDA individually, each have a dedicated procurement function providing oversight of all legal agreements, including contracts and memoranda of understanding, into which they enter.

In accordance with the State's applicable procurement laws, a contract monitor is assigned to provide technical oversight for each agreement, including specific administration and operational functions supporting the Waiver program as required in the agreement. Performance and deliverable requirements are set forth in each agreement, delineating service expectations and outcomes, roles, responsibilities, and monitoring.

DDA staff monitor each agreement and assess contract performance on an ongoing basis, depending on the specific contract requirements, but no less frequently than annually.

1. Participant Waiver Application – DDA reviews all applications daily for completeness as per DDA policy and provide technical assistance, training, or request corrective action as needed.
2. Support Intensity Scale (SIS)® - DDA's contract monitor reviews submitted invoices and documentation monthly related to completed Support Intensity Scale SIS®. Corrective actions are taken for discrepancies.
3. Quality Assurance – DDA's contract monitor reviews submitted data with the National Core Indicator (NCI) Reports upon receipt and initiates corrective actions as needed.
4. System Training – DDA staff review supporting documentation including attendance sheets upon receipt prior to approval of invoices.
5. Research and Analysis – DDA staff review activity reports and supporting documentation upon receipt prior to approval of invoices.
6. Fiscal Management Services – DDA staff conducts audits of FMS records for compliance with operational tasks annually and provide technical assistance, training, or request corrective action as needed.
7. Health Risk Screen Tool – DDA's contract monitor reviews submitted invoices and documentation related to completed HRSTs upon receipt prior to approval of invoices. Corrective actions are taken for discrepancies.
8. LTSS Maryland - Long Term Services and Supports Information System – DDA staff review and authorize service deliverables based on work orders upon receipt.
9. Behavioral and Mental Health Crisis Supports - DDA's contract monitor reviews submitted invoices and documentation related to delivered services as per the contract upon receipt prior to approval of invoices. Corrective actions are taken for discrepancies.
10. Crisis hotline services, mobile crisis services, and behavioral respites services - DDA's contract monitor reviews submitted invoices and documentation related to delivered services as per the contract upon receipt prior to approval of invoices. Corrective actions are taken for discrepancies.
11. Organized Health Care Delivery System providers - DDA audits service providers annually for compliance with DDA policy and regulation and provide technical assistance, training, or request corrective action as needed.

Assessment results will be shared with OLTSS during monthly meetings.

## Appendix A: Waiver Administration and Operation

- 7. Distribution of Waiver Operational and Administrative Functions.** In the following table, specify the entity or entities that have responsibility for conducting each of the waiver operational and administrative functions listed (*check each that applies*):

In accordance with 42 CFR §431.10, when the Medicaid agency does not directly conduct a function, it supervises the performance of the function and establishes and/or approves policies that affect the function. All functions not performed directly by the Medicaid agency must be delegated in writing and monitored by the Medicaid Agency. *Note: More than one box may be checked per item. Ensure that Medicaid is checked when the Single State Medicaid Agency (1) conducts*

*the function directly; (2) supervises the delegated function; and/or (3) establishes and/or approves policies related to the function.*

Function	Medicaid Agency	Contracted Entity
Participant waiver enrollment		
Waiver enrollment managed against approved limits		
Waiver expenditures managed against approved levels		
Level of care evaluation		
Review of Participant service plans		
Prior authorization of waiver services		
Utilization management		
Qualified provider enrollment		
Execution of Medicaid provider agreements		
Establishment of a statewide rate methodology		
Rules, policies, procedures and information development governing the waiver program		
Quality assurance and quality improvement activities		

**Appendix A: Waiver Administration and Operation**

**Quality Improvement: Administrative Authority of the Single State Medicaid Agency**

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

**a. Methods for Discovery: Administrative Authority**

*The Medicaid Agency retains ultimate administrative authority and responsibility for the operation of the waiver program by exercising oversight of the performance of waiver functions by other state and local/regional non-state agencies (if appropriate) and contracted entities.*

**i. Performance Measures**

*For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Performance measures for administrative authority should not duplicate measures found in other appendices of the waiver application. As necessary and applicable, performance measures should focus on:*

- Uniformity of development/execution of provider agreements throughout all geographic areas covered by the waiver
- Equitable distribution of waiver openings in all geographic areas covered by the waiver
- Compliance with HCB settings requirements and other new regulatory components (for waiver actions submitted on or after March 17, 2014)

*Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

**Performance Measure:**

**AA - PM1: Number and percent of annual Quality Reports submitted by DDA, to the OLTSS in the correct format and timely. N = # of Quality Reports submitted by DDA in the**

correct format and timely. D = # of Quality Reports required by the OLTSS.

Data Source (Select one):

**Other**

If 'Other' is selected, specify:

**DDA Quality Report**

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> ):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis ( <i>check each that applies</i> ):	Frequency of data aggregation and analysis( <i>check each that applies</i> ):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly

<b>Responsible Party for data aggregation and analysis</b> (check each that applies):	<b>Frequency of data aggregation and analysis</b> (check each that applies):
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

**Performance Measure:**

**AA - PM2: Number and percent of providers with Medicaid Provider Agreements that are executed in accordance with standards established by the Medicaid agency. N = # of providers with Medicaid Provider Agreements that are executed in accordance with standards established by the Medicaid agency. D = # of providers**

**Data Source** (Select one):

**Reports to State Medicaid Agency on delegated Administrative functions**

If 'Other' is selected, specify:

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify:

		<input type="checkbox"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis (check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

**Performance Measure:**

**AA - PM3: Number and percent of waiver policies approved by the OLTSS** N = Number of waiver policies approved by the OLTSS D = Total number of waiver policies issued.

**Data Source (Select one):**

**Presentation of policies or procedures**

If 'Other' is selected, specify:

<b>Responsible Party for data collection/generation (check each that applies):</b>	<b>Frequency of data collection/generation (check each that applies):</b>	<b>Sampling Approach (check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>

<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input data-bbox="1042 365 1246 450" type="text"/>
<b>Other</b> Specify: <input data-bbox="328 589 588 669" type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input data-bbox="1042 589 1246 669" type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input data-bbox="1042 813 1246 893" type="text"/>
	<b>Other</b> Specify: <input data-bbox="659 1037 919 1117" type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis(check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input data-bbox="328 1664 748 1744" type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input data-bbox="823 1955 1243 2036" type="text"/>

**Performance Measure:**

**AA - PM4: Number and percent of quarterly meetings held over a fiscal year to specifically monitor progress of performance measures. N = # of quarterly meetings held during the fiscal year that focused on monitoring of performance measures. D = # of quarterly meeting scheduled during the fiscal year.**

**Data Source** (Select one):

**Meeting minutes**

If 'Other' is selected, specify:

<b>Responsible Party for data collection/generation</b> ( <i>check each that applies</i> ):	<b>Frequency of data collection/generation</b> ( <i>check each that applies</i> ):	<b>Sampling Approach</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> ( <i>check each that applies</i> ):	<b>Frequency of data aggregation and analysis</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis(check each that applies):</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

**Performance Measure:**

**AA PM5: #/% of Type 1 Priority A incidents of abuse, neglect or exploitation reviewed that did not require technical assistance or intervention by the OLTSS. N=# of Type 1 Priority A incidents of abuse, neglect or exploitation reviewed that did not require technical assistance or intervention by the OLTSS. D = # of Type 1 Priority A incidents of abuse, neglect or exploitation reviewed by the OLTSS.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**PCIS2 PORII Module**

<b>Responsible Party for data collection/generation(check each that applies):</b>	<b>Frequency of data collection/generation(check each that applies):</b>	<b>Sampling Approach(check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>

	<b>Continuously and Ongoing</b>	<b>Other</b> Specify:  <input type="text"/>
	<b>Other</b> Specify:  <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis(check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify:  <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify:  <input type="text"/>

**Performance Measure:**

**AA - PM6: Number and percent of on-site death investigations conducted by the OHCQ that met requirements. N = # of OHCQ on-site death investigations reviewed by the OLTSS that met requirements. D = # of OHCQ on-site death investigations reviewed by the OLTSS**

**Data Source (Select one):**

**Record reviews, on-site**

If 'Other' is selected, specify:

<b>Responsible Party for data collection/generation(check each that applies):</b>	<b>Frequency of data collection/generation(check each that applies):</b>	<b>Sampling Approach(check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>

<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis(check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify:

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis(check each that applies):</b>	
	<table border="1" style="width: 100%; height: 40px;"> <tr> <td></td> </tr> </table>	

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.

--

**b. Methods for Remediation/Fixing Individual Problems**

i. Describe the States 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.

MDH’s Office of Long Term Services and Supports (OLTSS) within the State Medicaid Agency (SMA) is responsible for ensuring that the DDA performs its assigned operational and administrative functions in accordance with the Waiver program’s requirements. To this end, OLTSS has developed communication and reporting mechanisms to track performance measures as detailed herein.

The DDA submits an Annual Quality Report to OLTSS. It is a report on the status of the Waiver program’s performance measures and includes discovery findings, remediation strategies, challenges, and system improvements associated with each waiver assurance including Level of Care, Service Plan, Qualified Providers, Health and Welfare, Financial Accountability, and Administration. The report includes any barriers to data collection and remediation steps. The OLTSS, upon review of the report, will meet with DDA to address problems and barriers. Guidance from OLTSS to DDA regarding changes in policies, procedures, or other system changes will be dependent upon the problems or barriers identified. OLTSS and DDA communicate regularly and meet quarterly to discuss performance measures. If problems are identified regarding delegated functions, OLTSS and DDA develop solutions guided by waiver assurances and the needs of waiver participants with OLTSS exercising ultimate authority to approve such solutions.

**ii. Remediation Data Aggregation**

**Remediation-related Data Aggregation and Analysis (including trend identification)**

<b>Responsible Party(check each that applies):</b>	<b>Frequency of data aggregation and analysis (check each that applies):</b>	
<b>State Medicaid Agency</b>	<b>Weekly</b>	
<b>Operating Agency</b>	<b>Monthly</b>	
<b>Sub-State Entity</b>	<b>Quarterly</b>	
<b>Other</b> Specify: <table border="1" style="width: 100%; height: 30px; margin-top: 5px;"> <tr> <td></td> </tr> </table>		<b>Annually</b>
	<b>Continuously and Ongoing</b>	
	<b>Other</b> Specify:	

<b>Responsible Party</b> (check each that applies):	<b>Frequency of data aggregation and analysis</b> (check each that applies):

**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 Administrative Authority that are currently non-operational.

**No**

**Yes**

Please provide a detailed strategy for assuring Administrative Authority, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

**Appendix B: Participant Access and Eligibility**

**B-1: Specification of the Waiver Target Group(s)**

**a. Target Group(s).** Under the waiver of Section 1902(a)(10)(B) of the Act, the state limits waiver services to one or more groups or subgroups of individuals. Please see the instruction manual for specifics regarding age limits. *In accordance with 42 CFR §441.301(b)(6), select one or more waiver target groups, check each of the subgroups in the selected target group(s) that may receive services under the waiver, and specify the minimum and maximum (if any) age of individuals served in each subgroup:*

Target Group	Included	Target SubGroup	Minimum Age	Maximum Age	
				Maximum Age Limit	No Maximum Age Limit
<b>Aged or Disabled, or Both - General</b>					
		Aged		<input type="checkbox"/>	<input type="checkbox"/>
		Disabled (Physical)		<input type="checkbox"/>	<input type="checkbox"/>
		Disabled (Other)		<input type="checkbox"/>	<input type="checkbox"/>
<b>Aged or Disabled, or Both - Specific Recognized Subgroups</b>					
		Brain Injury		<input type="checkbox"/>	<input type="checkbox"/>
		HIV/AIDS		<input type="checkbox"/>	<input type="checkbox"/>
		Medically Fragile		<input type="checkbox"/>	<input type="checkbox"/>
		Technology Dependent		<input type="checkbox"/>	<input type="checkbox"/>
<b>Intellectual Disability or Developmental Disability, or Both</b>					
		Autism		<input type="checkbox"/>	<input type="checkbox"/>
		Developmental Disability	18	<input type="checkbox"/>	<input type="checkbox"/>
		Intellectual Disability		<input type="checkbox"/>	<input type="checkbox"/>
<b>Mental Illness</b>					
		Mental Illness		<input type="checkbox"/>	<input type="checkbox"/>
		Serious Emotional Disturbance		<input type="checkbox"/>	<input type="checkbox"/>

**b. Additional Criteria.** The state further specifies its target group(s) as follows:

To be eligible for participation in this Waiver program, an individual shall:

1. Have a developmental disability, as defined in § 7-101 of the Health-General Article of the Maryland Annotated Code, which is comparable to the federal definition found at 45 C.F.R. § 1325.3;
2. Meet the level of care provided by an Intermediate Care Facility for Individuals with an Intellectual Disability (ICF/IID), as further described in Appendix B-6, below;
3. Meet financial eligibility requirements as set forth in this Appendix B; and
4. Meet technical eligibility requirements set forth below.

To be eligible for participation in the Waiver program, an applicant or participant must meet all of the following technical eligibility requirements:

1. The individual is 18 years of age or older, unless the individual was enrolled in this Waiver program prior to January 1, 2021.
2. The individual is a resident of the State of Maryland. This includes consideration of whether the individual meets special criteria for military families set forth in Title 7 of the Health-General Article of the Maryland Annotated Code.
3. The individual is not enrolled simultaneously as a participant in another Medicaid Home- and Community-Based Services Waiver program under the authority of Section 1915(c) of the Social Security Act or PACE, a Maryland Medicaid capitated managed care program that includes long-term care.
4. The individual does not currently reside in an institution for 30 consecutive calendar days or has a proposed date for discharge from the institution in which the individual does reside.
5. The Waiver program's services are the most appropriate and cost-effective means to meet the individual's needs without jeopardizing the health, safety, or welfare of the individual or others, including, but not limited to:
  - a. The individual needs services and supports when school is not in session, if the individual attends school;
  - b. The individual requests services that are covered by and, therefore, may be funded by the Waiver program; and
  - c. In combination with available natural supports, community supports, and services funded by other programs, the individual's needs can be met by the Waiver program's services such that the individual can be maintained in the community.
6. The individual complies with applicable Waiver program requirements as set forth in this Waiver program application, applicable federal and State law and regulations, and Department or DDA policies including:

Participants who are still eligible to receive services through the Individuals with Disabilities Education Act (IDEA) shall have a portion of their daily support and supervision needs covered by the school system. The Waiver program does not provide services during school hours to avoid duplication with services required under IDEA.

- c. Transition of Individuals Affected by Maximum Age Limitation.** When there is a maximum age limit that applies to individuals who may be served in the waiver, describe the transition planning procedures that are undertaken on behalf of participants affected by the age limit (*select one*):

**Not applicable. There is no maximum age limit**

**The following transition planning procedures are employed for participants who will reach the waiver's maximum age limit.**

*Specify:*

## Appendix B: Participant Access and Eligibility

### B-2: Individual Cost Limit (1 of 2)

- a. Individual Cost Limit.** The following individual cost limit applies when determining whether to deny home and community-based services or entrance to the waiver to an otherwise eligible individual (*select one*). Please note that a state may have only ONE individual cost limit for the purposes of determining eligibility for the waiver:

**No Cost Limit.** The state does not apply an individual cost limit. *Do not complete Item B-2-b or item B-2-c.*

**Cost Limit in Excess of Institutional Costs.** The state refuses entrance to the waiver to any otherwise eligible individual when the state reasonably expects that the cost of the home and community-based services furnished to that individual would exceed the cost of a level of care specified for the waiver up to an amount specified by the state. *Complete Items B-2-b and B-2-c.*

**The limit specified by the state is** *(select one)*

**A level higher than 100% of the institutional average.**

Specify the percentage:

**Other**

*Specify:*

**Institutional Cost Limit.** Pursuant to 42 CFR 441.301(a)(3), the state refuses entrance to the waiver to any otherwise eligible individual when the state reasonably expects that the cost of the home and community-based services furnished to that individual would exceed 100% of the cost of the level of care specified for the waiver. *Complete Items B-2-b and B-2-c.*

**Cost Limit Lower Than Institutional Costs.** The state refuses entrance to the waiver to any otherwise qualified individual when the state reasonably expects that the cost of home and community-based services furnished to that individual would exceed the following amount specified by the state that is less than the cost of a level of care specified for the waiver.

*Specify the basis of the limit, including evidence that the limit is sufficient to assure the health and welfare of waiver participants. Complete Items B-2-b and B-2-c.*

**The cost limit specified by the state is** *(select one):*

**The following dollar amount:**

Specify dollar amount:

**The dollar amount** *(select one)*

**Is adjusted each year that the waiver is in effect by applying the following formula:**

Specify the formula:

**May be adjusted during the period the waiver is in effect. The state will submit a waiver amendment to CMS to adjust the dollar amount.**

**The following percentage that is less than 100% of the institutional average:**

Specify percent:

**Other:**

Specify:

**Appendix B: Participant Access and Eligibility**

**B-2: Individual Cost Limit (2 of 2)**

Answers provided in Appendix B-2-a indicate that you do not need to complete this section.

**b. Method of Implementation of the Individual Cost Limit.** When an individual cost limit is specified in Item B-2-a, specify the procedures that are followed to determine in advance of waiver entrance that the individual's health and welfare can be assured within the cost limit:

**c. Participant Safeguards.** When the state specifies an individual cost limit in Item B-2-a and there is a change in the participant's condition or circumstances post-entrance to the waiver that requires the provision of services in an amount that exceeds the cost limit in order to assure the participant's health and welfare, the state has established the following safeguards to avoid an adverse impact on the participant (*check each that applies*):

**The participant is referred to another waiver that can accommodate the individual's needs.**

**Additional services in excess of the individual cost limit may be authorized.**

Specify the procedures for authorizing additional services, including the amount that may be authorized:

**Other safeguard(s)**

Specify:

**Appendix B: Participant Access and Eligibility**

**B-3: Number of Individuals Served (1 of 4)**

**a. Unduplicated Number of Participants.** The following table specifies the maximum number of unduplicated participants who are served in each year that the waiver is in effect. The state will submit a waiver amendment to CMS to modify the number of participants specified for any year(s), including when a modification is necessary due to legislative appropriation or another reason. The number of unduplicated participants specified in this table is basis for the cost-neutrality calculations in Appendix J:

Table: B-3-a

Waiver Year	Unduplicated Number of Participants
Year 1	1000
Year 2	1490
Year 3	

Waiver Year	Unduplicated Number of Participants
	1950
Year 4	2440
Year 5	2880

**b. Limitation on the Number of Participants Served at Any Point in Time.** Consistent with the unduplicated number of participants specified in Item B-3-a, the state may limit to a lesser number the number of participants who will be served at any point in time during a waiver year. Indicate whether the state limits the number of participants in this way: (*select one*) :

**The state does not limit the number of participants that it serves at any point in time during a waiver year.**

**The state limits the number of participants that it serves at any point in time during a waiver year.**

The limit that applies to each year of the waiver period is specified in the following table:

Table: B-3-b

Waiver Year	Maximum Number of Participants Served At Any Point During the Year
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	

## Appendix B: Participant Access and Eligibility

### B-3: Number of Individuals Served (2 of 4)

**c. Reserved Waiver Capacity.** The state may reserve a portion of the participant capacity of the waiver for specified purposes (e.g., provide for the community transition of institutionalized persons or furnish waiver services to individuals experiencing a crisis) subject to CMS review and approval. The State (*select one*):

**Not applicable. The state does not reserve capacity.**

**The state reserves capacity for the following purpose(s).**

Purpose(s) the state reserves capacity for:

Purposes	
Family Supports Waiver Participants with Increased Needs	
Psychiatric Hospital Discharge	
State Funded Conversions	
Money Follows the Person	
Families with Multiple Children on Waiting List	
Military Families	
Previous Waiver Participants with New Service Need	
Maryland State Department of Education (MSDE) Residential Age Out	
Department of Human Services (DHS) Foster Kids Age Out	
Emergency	

Purposes	
Waiting List Equity Fund	
Transitioning Youth	

**Appendix B: Participant Access and Eligibility**

**B-3: Number of Individuals Served (2 of 4)**

**Purpose** (provide a title or short description to use for lookup):

Family Supports Waiver Participants with Increased Needs

**Purpose** (describe):

Family Supports Waiver Participants with ongoing increased needs that cannot be met within the waiver.

**Describe how the amount of reserved capacity was determined:**

Initial estimate to be reassessed with waiver renewal.

**The capacity that the State reserves in each waiver year is specified in the following table:**

Waiver Year	Capacity Reserved
Year 1	0
Year 2	10
Year 3	10
Year 4	10
Year 5	10

**Appendix B: Participant Access and Eligibility**

**B-3: Number of Individuals Served (2 of 4)**

**Purpose** (provide a title or short description to use for lookup):

Psychiatric Hospital Discharge

**Purpose** (describe):

Individuals with developmental disabilities that transition from inpatient mental health facilities need community supports and services. Transitions from an inpatient mental health facility is not covered under the federal Money Follows the Person grant. The State has identified this group as a priority and therefore is establishing reserved capacity.

**Describe how the amount of reserved capacity was determined:**

Initial estimate based on recent trend and will be reassessed with waiver renewal.

The capacity that the State reserves in each waiver year is specified in the following table:

Waiver Year	Capacity Reserved
Year 1	0
Year 2	5
Year 3	5
Year 4	5
Year 5	5

**Appendix B: Participant Access and Eligibility**

**B-3: Number of Individuals Served (2 of 4)**

**Purpose** (provide a title or short description to use for lookup):

State Funded Conversions

**Purpose** (describe):

State Funded Conversions refers to individuals receiving ongoing services funded with 100 percent State general funds including previous years that participants failed to maintain their Waiver program eligibility and were disenrolled. Some individuals may leave the waiver for various reasons such as entering a hospital or rehabilitation facility to meet their needs at that time or failure to complete the financial redetermination process. The State has supported these individuals with 100 percent State General Funds for services instead of placing them on a waiting list if they do not meet any of the reserved capacity priority categories. By establishing this priority category, the State can provide additional waiver services to meet needs and maximize State General Funds to support additional individuals in the waiver.

**Describe how the amount of reserved capacity was determined:**

Initial estimate based on recent trend and will be reassessed with waiver renewal.

The capacity that the State reserves in each waiver year is specified in the following table:

Waiver Year	Capacity Reserved
Year 1	50
Year 2	100
Year 3	50
Year 4	50
Year 5	50

**Appendix B: Participant Access and Eligibility**

**B-3: Number of Individuals Served (2 of 4)**

**Purpose** (provide a title or short description to use for lookup):

Money Follows the Person

**Purpose** *(describe):*

As per Maryland Statute, Health General Article 5–137, reserved waiver capacity is for eligible individuals moving out of institutions under the Money Follows the Individual Accountability Act.

**Describe how the amount of reserved capacity was determined:**

Initial estimate based on half of the proposed transitions for Maryland's Money Follows the Person Program.

**The capacity that the State reserves in each waiver year is specified in the following table:**

Waiver Year	Capacity Reserved
Year 1	0
Year 2	25
Year 3	15
Year 4	15
Year 5	15

**Appendix B: Participant Access and Eligibility**

**B-3: Number of Individuals Served (2 of 4)**

**Purpose** *(provide a title or short description to use for lookup):*

Families with Multiple Children on Waiting List

**Purpose** *(describe):*

The purpose of this reserved capacity category is to support families seeking supports that have more than one child on the DDA Waiting List.

**Describe how the amount of reserved capacity was determined:**

Initial estimate is based on the number of families with more than one child on the DDA Waiting List or Future Needs Registry.

**The capacity that the State reserves in each waiver year is specified in the following table:**

Waiver Year	Capacity Reserved
Year 1	0
Year 2	3
Year 3	3
Year 4	3
Year 5	3

**Appendix B: Participant Access and Eligibility**

**B-3: Number of Individuals Served (2 of 4)**

**Purpose** (provide a title or short description to use for lookup):

Military Families

**Purpose** (describe):

Military Families category is based on legislation (Senate Bill 563) passed during the Fiscal Year 2015 session to support individuals’ reentry into services after returning to the State. The U.S. Department of Defense has provided information and fact sheets related to eligibility requirements and lengthy waiting lists hindering military families from obtaining supports and services for members with special needs during critical transitions periods. There are national efforts to allow service members to retain their priority for receiving home and community-based services.

**Describe how the amount of reserved capacity was determined:**

Initial estimate assumes 5 of the approximately 3000 families on the DDA Waiting List meet this criterion. The estimate will be reassessed with waiver renewal.

**The capacity that the State reserves in each waiver year is specified in the following table:**

Waiver Year	Capacity Reserved
Year 1	0
Year 2	5
Year 3	5
Year 4	5
Year 5	5

**Appendix B: Participant Access and Eligibility**

**B-3: Number of Individuals Served (2 of 4)**

**Purpose** (provide a title or short description to use for lookup):

Previous Waiver Participants with New Service Need

**Purpose** (describe):

Previously enrolled DDA waiver participants for whom the waiver service needs were met will exit the waiver. If a new service need develops at a later time, they may reapply to the waiver.

**Describe how the amount of reserved capacity was determined:**

Initial estimate to be reassessed with waiver renewal.

**The capacity that the State reserves in each waiver year is specified in the following table:**

Waiver Year	Capacity Reserved
Year 1	0
Year 2	10
Year 3	10
Year 4	10
Year 5	10

**Appendix B: Participant Access and Eligibility**

**B-3: Number of Individuals Served (2 of 4)**

**Purpose** (provide a title or short description to use for lookup):

Maryland State Department of Education (MSDE) Residential Age Out

**Purpose** (describe):

Purpose: Children supported by the Maryland State Department of Education (MSDE) residential services may be placed either in or out of the State of Maryland for residential support based on assessed service need. The purpose of this reserved category is to transition these individuals from the MSDE residential supports while they continue to receive State educational services until age 21 as per State regulation.

**Describe how the amount of reserved capacity was determined:**

Describe how the amount of reserved capacity was determined: Reserved capacity is based on historical data on individuals that transition from the MSDE residential supports while they continue to receive State educational services and split with the Community Supports Waiver.

**The capacity that the State reserves in each waiver year is specified in the following table:**

Waiver Year	Capacity Reserved
Year 1	0
Year 2	10
Year 3	10
Year 4	10
Year 5	10

**Appendix B: Participant Access and Eligibility**

**B-3: Number of Individuals Served (2 of 4)**

**Purpose** (provide a title or short description to use for lookup):

Department of Human Services (DHS) Foster Kids Age Out

**Purpose** (describe):

Individuals within the Maryland Department of Human Services (DHS) foster care system receive foster care residential supports up to the age of 18 years. At age 18, they must transition from their foster care home to other residential services and supports. The purpose of this reserved category is to transition these individuals from DHS's foster care residential supports while they continue to receive State educational services until age 21 as per State regulation.

**Describe how the amount of reserved capacity was determined:**

Reserved capacity is based on historical data on individuals from the foster care system who need residential supports and split with the Community Supports Waiver.

**The capacity that the State reserves in each waiver year is specified in the following table:**

Waiver Year	Capacity Reserved
Year 1	0
Year 2	10
Year 3	10
Year 4	10
Year 5	10

## Appendix B: Participant Access and Eligibility

### B-3: Number of Individuals Served (2 of 4)

**Purpose** (provide a title or short description to use for lookup):

Emergency

**Purpose** (describe):

Purpose: The purpose of this reserved capacity category is to support individuals in immediate crisis or other situations that threatens the life and safety of the person.

**Describe how the amount of reserved capacity was determined:**

Describe how the amount of reserved capacity was determined: Initial estimate assume most applicants that meet this criterion will need a higher level of supports beyond the Community Supports Waiver cap. The estimate will be reassessed with waiver renewal.

**The capacity that the State reserves in each waiver year is specified in the following table:**

Waiver Year	Capacity Reserved
Year 1	0
Year 2	10
Year 3	10
Year 4	10
Year 5	10

**Appendix B: Participant Access and Eligibility**

**B-3: Number of Individuals Served (2 of 4)**

**Purpose** (provide a title or short description to use for lookup):

Waiting List Equity Fund

**Purpose** (describe):

As per Maryland Statute, Health General Article 7-205, the Waiting List Equity Fund is to support individuals on the waiting list with the eldest caregiver or individuals transitioning from a State Residential Center.

**Describe how the amount of reserved capacity was determined:**

Initial estimate based on recent trend and will be reassessed with waiver renewal.

**The capacity that the State reserves in each waiver year is specified in the following table:**

Waiver Year	Capacity Reserved
Year 1	0
Year 2	15
Year 3	10
Year 4	10
Year 5	10

**Appendix B: Participant Access and Eligibility**

**B-3: Number of Individuals Served (2 of 4)**

**Purpose** (provide a title or short description to use for lookup):

Transitioning Youth

**Purpose** (describe):

Individuals transitioning from educational services including public school system and nonpublic school placements. The purpose is to transition the most vulnerable youth from the education system into the adult developmental disabilities system to prevent loss of skills and abilities and to support employment and community integration before skills become dormant.

**Describe how the amount of reserved capacity was determined:**

Initial estimate to be reassessed with waiver renewal.

**The capacity that the State reserves in each waiver year is specified in the following table:**

Waiver Year	Capacity Reserved
Year 1	450
Year 2	325
Year 3	500
Year 4	500
Year 5	500

**Appendix B: Participant Access and Eligibility**

**B-3: Number of Individuals Served (3 of 4)**

**d. Scheduled Phase-In or Phase-Out.** Within a waiver year, the state may make the number of participants who are served subject to a phase-in or phase-out schedule (*select one*):

**The waiver is not subject to a phase-in or a phase-out schedule.**

**The waiver is subject to a phase-in or phase-out schedule that is included in Attachment #1 to Appendix B-3. This schedule constitutes an intra-year limitation on the number of participants who are served in the waiver.**

**e. Allocation of Waiver Capacity.**

*Select one:*

**Waiver capacity is allocated/managed on a statewide basis.**

**Waiver capacity is allocated to local/regional non-state entities.**

Specify: (a) the entities to which waiver capacity is allocated; (b) the methodology that is used to allocate capacity and how often the methodology is reevaluated; and, (c) policies for the reallocation of unused capacity among local/regional non-state entities:

**f. Selection of Entrants to the Waiver.** Specify the policies that apply to the selection of individuals for entrance to the waiver:

Individuals are prioritized for entrance to the waiver based on: (1) reserved capacity categories described in subsection c. above; and (2) the Waiting List and its priority categories established in the Code of Maryland Regulations (COMAR) 10.22.12 .

#### Reserved Capacity

In addition, reserved capacity is established for discrete groups of individuals as noted in subsection c. above including: (1) Families with Multiple Children on the Waiting List; (2) Military Families; (3) Previous Waiver Participants with New Service Need; (4) Family Support Waiver Participant with Increased Need; (5) Psychiatric Hospital Discharge; (6) State Funded Conversions; (7) Money Follows the Person; (8) Waiting List Equity Fund; (9) Transitioning Youth; (10) Emergency; (11) DHS Foster Kid Age Out; and (12) MSDE Residential Age Out.

#### Waiting List

The DDA prioritizes individual's placement on the Waiting List into one of three categories based on each individual's needs: (1) crisis resolution; (2) crisis prevention; and (3) current request.

Crisis Resolution - To qualify for this category, the applicant must meet one or more of the following criteria. The applicant shall be:

1. Homeless or living in temporary housing with clear time- limited ability to continue to live in this setting with no viable non-DDA funded alternative;
2. At serious risk of physical harm in the current environment;
3. At serious risk of causing physical harm to others in the current environment; or
4. Living with a caregiver who is unable to provide adequate care due to the caregiver's impaired health, which may place the applicant at risk of serious physical harm.

Crisis Prevention - To qualify for this category, the applicant:

1. Shall have been determined by the DDA to have an urgent need for services;
2. May not qualify for services based on the criteria for Category I- Crisis Resolution; and
3. Shall be at substantial risk for meeting one or more of the criteria for Crisis Resolution within 1 year, or have a caregiver who is 65 years old or more.

Current Request - To qualify for this category, the applicant shall indicate at least a current need for services.

When funding becomes available, individuals in the highest priority level of need (crisis resolution) receive services, followed by crisis prevention, and then current request. Determination of and criteria for each service priority category is standardized across the State as set forth in DDA's regulations and policy.

## Appendix B: Participant Access and Eligibility

### B-3: Number of Individuals Served - Attachment #1 (4 of 4)

Answers provided in Appendix B-3-d indicate that you do not need to complete this section.

## Appendix B: Participant Access and Eligibility

### B-4: Eligibility Groups Served in the Waiver

- a. **1. State Classification.** The state is a (*select one*):

§1634 State

SSI Criteria State

209(b) State

- 2. Miller Trust State.**

Indicate whether the state is a Miller Trust State (*select one*):

No

Yes

**b. Medicaid Eligibility Groups Served in the Waiver.** Individuals who receive services under this waiver are eligible under the following eligibility groups contained in the state plan. The state applies all applicable federal financial participation limits under the plan. *Check all that apply:*

---

***Eligibility Groups Served in the Waiver (excluding the special home and community-based waiver group under 42 CFR §435.217)***

---

**Low income families with children as provided in §1931 of the Act**

**SSI recipients**

**Aged, blind or disabled in 209(b) states who are eligible under 42 CFR §435.121**

**Optional state supplement recipients**

**Optional categorically needy aged and/or disabled individuals who have income at:**

*Select one:*

**100% of the Federal poverty level (FPL)**

**% of FPL, which is lower than 100% of FPL.**

Specify percentage:

**Working individuals with disabilities who buy into Medicaid (BBA working disabled group as provided in §1902(a)(10)(A)(ii)(XIII) of the Act)**

**Working individuals with disabilities who buy into Medicaid (TWWIA Basic Coverage Group as provided in §1902(a)(10)(A)(ii)(XV) of the Act)**

**Working individuals with disabilities who buy into Medicaid (TWWIA Medical Improvement Coverage Group as provided in §1902(a)(10)(A)(ii)(XVI) of the Act)**

**Disabled individuals age 18 or younger who would require an institutional level of care (TEFRA 134 eligibility group as provided in §1902(e)(3) of the Act)**

**Medically needy in 209(b) States (42 CFR §435.330)**

**Medically needy in 1634 States and SSI Criteria States (42 CFR §435.320, §435.322 and §435.324)**

**Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the state plan that may receive services under this waiver)**

*Specify:*

Individuals aged 19 up to 65 (42 CFR 435.119) Infants and children under 19 (42 CFR 435.118) Reasonable classifications of individuals under 21 (42 CFR 435.222) Optional targeted low-income children (42 CFR 435.229)
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***Special home and community-based waiver group under 42 CFR §435.217*** Note: When the special home and community-based waiver group under 42 CFR §435.217 is included, Appendix B-5 must be completed

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**No. The state does not furnish waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217. Appendix B-5 is not submitted.**

**Yes. The state furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217.**

*Select one and complete Appendix B-5.*

**All individuals in the special home and community-based waiver group under 42 CFR §435.217**

**Only the following groups of individuals in the special home and community-based waiver group under 42 CFR §435.217**

*Check each that applies:*

**A special income level equal to:**

Select one:

**300% of the SSI Federal Benefit Rate (FBR)**

**A percentage of FBR, which is lower than 300% (42 CFR §435.236)**

Specify percentage:

**A dollar amount which is lower than 300%.**

Specify dollar amount:

**Aged, blind and disabled individuals who meet requirements that are more restrictive than the SSI program (42 CFR §435.121)**

**Medically needy without spend down in states which also provide Medicaid to recipients of SSI (42 CFR §435.320, §435.322 and §435.324)**

**Medically needy without spend down in 209(b) States (42 CFR §435.330)**

**Aged and disabled individuals who have income at:**

Select one:

**100% of FPL**

**% of FPL, which is lower than 100%.**

Specify percentage amount:

**Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the state plan that may receive services under this waiver)**

Specify:

**Appendix B: Participant Access and Eligibility**

**B-5: Post-Eligibility Treatment of Income (1 of 7)**

*In accordance with 42 CFR §441.303(e), Appendix B-5 must be completed when the state furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217, as indicated in Appendix B-4. Post-eligibility applies only to the 42 CFR §435.217 group.*

**a. Use of Spousal Impoverishment Rules.** Indicate whether spousal impoverishment rules are used to determine eligibility for the special home and community-based waiver group under 42 CFR §435.217:

*Note: For the period beginning January 1, 2014 and extending through September 30, 2019 (or other date as required by law), the following instructions are mandatory. The following box should be checked for all waivers that furnish waiver services to the 42 CFR §435.217 group effective at any point during this time period.*

**Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group. In the case of a participant with a community spouse, the state uses spousal post-eligibility rules under §1924 of the Act.**

*Complete Items B-5-e (if the selection for B-4-a-i is SSI State or §1634) or B-5-f (if the selection for B-4-a-i is 209b State) and Item B-5-g unless the state indicates that it also uses spousal post-eligibility rules for the time periods before January 1, 2014 or after September 30, 2019 (or other date as required by law).*

*Note: The following selections apply for the time periods before January 1, 2014 or after September 30, 2019 (or other date as required by law) (select one).*

**Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group.**

In the case of a participant with a community spouse, the state elects to (*select one*):

**Use spousal post-eligibility rules under §1924 of the Act.**

(Complete Item B-5-b (SSI State) and Item B-5-d)

**Use regular post-eligibility rules under 42 CFR §435.726 (SSI State) or under §435.735 (209b State)**

(Complete Item B-5-b (SSI State). Do not complete Item B-5-d)

**Spousal impoverishment rules under §1924 of the Act are not used to determine eligibility of individuals with a community spouse for the special home and community-based waiver group. The state uses regular post-eligibility rules for individuals with a community spouse.**

(Complete Item B-5-b (SSI State). Do not complete Item B-5-d)

## Appendix B: Participant Access and Eligibility

### B-5: Post-Eligibility Treatment of Income (2 of 7)

*Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.*

#### **b. Regular Post-Eligibility Treatment of Income: SSI State.**

The state uses the post-eligibility rules at 42 CFR 435.726. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following allowances and expenses from the waiver participant's income:

#### **i. Allowance for the needs of the waiver participant (*select one*):**

**The following standard included under the state plan**

*Select one:*

**SSI standard**

**Optional state supplement standard**

**Medically needy income standard**

**The special income level for institutionalized persons**

(*select one*):

**300% of the SSI Federal Benefit Rate (FBR)**

**A percentage of the FBR, which is less than 300%**

Specify the percentage:

**A dollar amount which is less than 300%.**

Specify dollar amount:

**A percentage of the Federal poverty level**

Specify percentage:

**Other standard included under the state Plan**

*Specify:*

**The following dollar amount**

Specify dollar amount:  If this amount changes, this item will be revised.

**The following formula is used to determine the needs allowance:**

*Specify:*

**Other**

*Specify:*

---

**ii. Allowance for the spouse only (select one):**

---

**Not Applicable (see instructions)**

**SSI standard**

**Optional state supplement standard**

**Medically needy income standard**

**The following dollar amount:**

Specify dollar amount:  If this amount changes, this item will be revised.

**The amount is determined using the following formula:**

*Specify:*

---

**iii. Allowance for the family (select one):**

---

**Not Applicable (see instructions)**

**AFDC need standard**

**Medically needy income standard**

**The following dollar amount:**

Specify dollar amount:  The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the state's approved AFDC plan or the medically needy income standard established under 42 CFR §435.811 for a family of the same size. If this amount changes, this item will be revised.

**The amount is determined using the following formula:**

*Specify:*

**Other**

Specify:



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**iv. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 §CFR 435.726:**

---

- a. Health insurance premiums, deductibles and co-insurance charges
- b. Necessary medical or remedial care expenses recognized under state law but not covered under the state's Medicaid plan, subject to reasonable limits that the state may establish on the amounts of these expenses.

Select one:

**Not Applicable (see instructions)***Note: If the state protects the maximum amount for the waiver participant, not applicable must be selected.*

**The state does not establish reasonable limits.**

**The state establishes the following reasonable limits**

Specify:



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## Appendix B: Participant Access and Eligibility

### B-5: Post-Eligibility Treatment of Income (3 of 7)

*Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.*

**c. Regular Post-Eligibility Treatment of Income: 209(B) State.**

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**Answers provided in Appendix B-4 indicate that you do not need to complete this section and therefore this section is not visible.**

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## Appendix B: Participant Access and Eligibility

### B-5: Post-Eligibility Treatment of Income (4 of 7)

*Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.*

**d. Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules**

The state uses the post-eligibility rules of §1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care if it determines the individual's eligibility under §1924 of the Act. There is deducted from the participant's monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the state Medicaid Plan. The state must also protect amounts for incurred expenses for medical or remedial care (as specified below).

---

**Answers provided in Appendix B-5-a indicate that you do not need to complete this section and therefore this section is not visible.**

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## Appendix B: Participant Access and Eligibility

### B-5: Post-Eligibility Treatment of Income (5 of 7)

*Note: The following selections apply for the five-year period beginning January 1, 2014.*

**e. Regular Post-Eligibility Treatment of Income: §1634 State - 2014 through 2018.**

The state uses the post-eligibility rules at 42 CFR §435.726 for individuals who do not have a spouse or have a spouse who is not a community spouse as specified in §1924 of the Act. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following allowances and expenses from the waiver participant's income:

**i. Allowance for the needs of the waiver participant (select one):**

**The following standard included under the state plan**

*Select one:*

**SSI standard**

**Optional state supplement standard**

**Medically needy income standard**

**The special income level for institutionalized persons**

*(select one):*

**300% of the SSI Federal Benefit Rate (FBR)**

**A percentage of the FBR, which is less than 300%**

Specify the percentage:

**A dollar amount which is less than 300%.**

Specify dollar amount:

**A percentage of the Federal poverty level**

Specify percentage:

**Other standard included under the state Plan**

*Specify:*

**The following dollar amount**

Specify dollar amount:  If this amount changes, this item will be revised.

**The following formula is used to determine the needs allowance:**

*Specify:*

**Other**

*Specify:*

**ii. Allowance for the spouse only (select one):****Not Applicable****The state provides an allowance for a spouse who does not meet the definition of a community spouse in §1924 of the Act. Describe the circumstances under which this allowance is provided:***Specify:*

**Specify the amount of the allowance (select one):****SSI standard****Optional state supplement standard****Medically needy income standard****The following dollar amount:**Specify dollar amount:  If this amount changes, this item will be revised.**The amount is determined using the following formula:***Specify:*

**iii. Allowance for the family (select one):****Not Applicable (see instructions)****AFDC need standard****Medically needy income standard****The following dollar amount:**Specify dollar amount:  The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the State's approved AFDC plan or the medically needy income standard established under 42 CFR §435.811 for a family of the same size. If this amount changes, this item will be revised.**The amount is determined using the following formula:***Specify:*

**Other***Specify:*

**iv. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 §CFR 435.726:**

- a. Health insurance premiums, deductibles and co-insurance charges
- b. Necessary medical or remedial care expenses recognized under state law but not covered under the state's Medicaid plan, subject to reasonable limits that the state may establish on the amounts of these expenses.

Select one:

**Not Applicable (see instructions)***Note: If the state protects the maximum amount for the waiver participant, not applicable must be selected.*

**The state does not establish reasonable limits.**

**The state establishes the following reasonable limits**

*Specify:*

## Appendix B: Participant Access and Eligibility

### B-5: Post-Eligibility Treatment of Income (6 of 7)

*Note: The following selections apply for the five-year period beginning January 1, 2014.*

**f. Regular Post-Eligibility Treatment of Income: 209(B) State - 2014 through 2018.**

**Answers provided in Appendix B-4 indicate that you do not need to complete this section and therefore this section is not visible.**

## Appendix B: Participant Access and Eligibility

### B-5: Post-Eligibility Treatment of Income (7 of 7)

*Note: The following selections apply for the five-year period beginning January 1, 2014.*

**g. Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules - 2014 through 2018.**

The state uses the post-eligibility rules of §1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care. There is deducted from the participant's monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the state Medicaid Plan. The state must also protect amounts for incurred expenses for medical or remedial care (as specified below).

**i. Allowance for the personal needs of the waiver participant**

*(select one):*

**SSI standard**

**Optional state supplement standard**

**Medically needy income standard**

**The special income level for institutionalized persons**

**A percentage of the Federal poverty level**

Specify percentage:

**The following dollar amount:**

Specify dollar amount:  If this amount changes, this item will be revised

**The following formula is used to determine the needs allowance:**

*Specify formula:*

**Other**

*Specify:*

**ii. If the allowance for the personal needs of a waiver participant with a community spouse is different from the amount used for the individual's maintenance allowance under 42 CFR §435.726 or 42 CFR §435.735, explain why this amount is reasonable to meet the individual's maintenance needs in the community.**

Select one:

**Allowance is the same**

**Allowance is different.**

*Explanation of difference:*

**iii. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 CFR §435.726:**

- a. Health insurance premiums, deductibles and co-insurance charges
- b. Necessary medical or remedial care expenses recognized under state law but not covered under the state's Medicaid plan, subject to reasonable limits that the state may establish on the amounts of these expenses.

Select one:

**Not Applicable (see instructions)***Note: If the state protects the maximum amount for the waiver participant, not applicable must be selected.*

**The state does not establish reasonable limits.**

**The state uses the same reasonable limits as are used for regular (non-spousal) post-eligibility.**

## **Appendix B: Participant Access and Eligibility**

### **B-6: Evaluation/Reevaluation of Level of Care**

*As specified in 42 CFR §441.302(c), the state provides for an evaluation (and periodic reevaluations) of the need for the level(s) of care specified for this waiver, when there is a reasonable indication that an individual may need such services in the near future (one month or less), but for the availability of home and community-based waiver services.*

**a. Reasonable Indication of Need for Services.** In order for an individual to be determined to need waiver services, an individual must require: (a) the provision of at least one waiver service, as documented in the service plan, and (b) the provision of waiver services at least monthly or, if the need for services is less than monthly, the participant requires regular monthly monitoring which must be documented in the service plan. Specify the state's policies concerning the reasonable indication of the need for services:

**i. Minimum number of services.**

The minimum number of waiver services (one or more) that an individual must require in order to be determined to need waiver services is:

**ii. Frequency of services.** The state requires (select one):

**The provision of waiver services at least monthly**

**Monthly monitoring of the individual when services are furnished on a less than monthly basis**

*If the state also requires a minimum frequency for the provision of waiver services other than monthly (e.g., quarterly), specify the frequency:*

**b. Responsibility for Performing Evaluations and Reevaluations.** Level of care evaluations and reevaluations are performed (*select one*):

**Directly by the Medicaid agency**

**By the operating agency specified in Appendix A**

**By a government agency under contract with the Medicaid agency.**

*Specify the entity:*

**Other**

*Specify:*

**c. Qualifications of Individuals Performing Initial Evaluation:** Per 42 CFR §441.303(c)(1), specify the educational/professional qualifications of individuals who perform the initial evaluation of level of care for waiver applicants:

**d. Level of Care Criteria.** Fully specify the level of care criteria that are used to evaluate and reevaluate whether an individual needs services through the waiver and that serve as the basis of the state's level of care instrument/tool. Specify the level of care instrument/tool that is employed. State laws, regulations, and policies concerning level of care criteria and the level of care instrument/tool are available to CMS upon request through the Medicaid agency or the operating agency (if applicable), including the instrument/tool utilized.

All waiver participants must meet the DDA's criteria for developmental disability in accordance with Annotated Code of Maryland, Health-General Article, § 7-101, which is comparable to the federal definition, originally found at 45 CFR. §1385.3, but redesignated as 45 CFR. §1325.3.

In order to be eligible for the Waiver, applicants must also meet the level of care of an ICF/IID. See 42 U.S.C. § 1396n(c); 42 CFR §441.301(b)(1)(iii). Therefore, DDA considers the level of care of an ICF/IID in its application of its statutory definition of developmental disability. In determining the level of care for an ICF/IID, DDA looks to the federal definitions of intellectual disability and related condition, set forth in 42 CFR §435.1010, as required for admission to an ICF/IID. See 42 CFR §440.150(a)(2).

The DDA requires that the CCS completes a Comprehensive Assessment (CA) form based on this criteria. The CCS uses the CA to make an informed recommendation to DDA on eligibility for all individuals who apply for services. The CCS submits the CA as well as any supporting documentation the CCS has gathered, including professional assessments and standardized tools, to the DDA Regional Office for review. The CCS verifies annually that the participant continues to meet the developmental disability eligibility determination.

- e. Level of Care Instrument(s).** Per 42 CFR §441.303(c)(2), indicate whether the instrument/tool used to evaluate level of care for the waiver differs from the instrument/tool used to evaluate institutional level of care (*select one*):

**The same instrument is used in determining the level of care for the waiver and for institutional care under the state Plan.**

**A different instrument is used to determine the level of care for the waiver than for institutional care under the state plan.**

Describe how and why this instrument differs from the form used to evaluate institutional level of care and explain how the outcome of the determination is reliable, valid, and fully comparable.

- f. Process for Level of Care Evaluation/Reevaluation:** Per 42 CFR §441.303(c)(1), describe the process for evaluating waiver applicants for their need for the level of care under the waiver. If the reevaluation process differs from the evaluation process, describe the differences:

Each CCS completes the initial Level of Care (LOC) evaluation and annual reviews.

#### Initial Evaluation

As described in subsection d. above, for the initial evaluation, the CCS completes the CA and forwards the CA, including any supporting documentation, to the DDA Regional Office for review. Supporting documentation may include professional assessments, such as psychological, neuropsychological, and medical evaluations, special education evaluations, behavioral rating scales, autism rating scales, evaluations conducted by speech-language, physical, and occupational therapists, and social histories.

The DDA Regional Office staff review these materials and the DDA Regional Director issues a final determination on eligibility.

#### Annual Re-Evaluation

The CCS reviews a participant's LOC eligibility on an annual basis, assessing whether there are any changes in status and completes the LOC form. The DDA insure review of all participants on an annual basis. If there are changes in a participant's status, then the CCS submits a request for a reconsideration with any new supporting documentation, and the CCS's updated recommendation to the DDA Regional Office for review.

If a participant no longer meets LOC or other eligibility requirements, the DDA will disenroll the participant from the Waiver program.

#### Failure to Meet LOC Requirement

If an applicant or current participant is denied eligibility for and enrollment in the waiver then he or she is provided a Medicaid Fair Hearing as further specified in Appendix F.

**g. Reevaluation Schedule.** Per 42 CFR §441.303(c)(4), reevaluations of the level of care required by a participant are conducted no less frequently than annually according to the following schedule (*select one*):

**Every three months**

**Every six months**

**Every twelve months**

**Other schedule**

*Specify the other schedule:*

**h. Qualifications of Individuals Who Perform Reevaluations.** Specify the qualifications of individuals who perform reevaluations (*select one*):

**The qualifications of individuals who perform reevaluations are the same as individuals who perform initial evaluations.**

**The qualifications are different.**

*Specify the qualifications:*

**i. Procedures to Ensure Timely Reevaluations.** Per 42 CFR §441.303(c)(4), specify the procedures that the state employs to ensure timely reevaluations of level of care (*specify*):

LTSSMaryland provides alerts and generates reports related to status of annual LOC re-evaluations, therefore ensuring that all enrolled waiver participants obtain an annual re-evaluation of their LOC.

The Coordinator of Community Services completes the re-evaluation as provided in subsection f. above. The CCS completes a recertification of need form and uploads into the LOC module in LTSSMaryland.

**j. Maintenance of Evaluation/Reevaluation Records.** Per 42 CFR §441.303(c)(3), the state assures that written and/or electronically retrievable documentation of all evaluations and reevaluations are maintained for a minimum period of 3 years as required in 45 CFR §92.42. Specify the location(s) where records of evaluations and reevaluations of level of care are maintained:

LTSSMaryland maintain records of initial evaluations and annual re-evaluations of LOC.

## Appendix B: Evaluation/Reevaluation of Level of Care

### Quality Improvement: Level of Care

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

**a. Methods for Discovery: Level of Care Assurance/Sub-assurances**

*The state demonstrates that it implements the processes and instrument(s) specified in its approved waiver for evaluating/reevaluating an applicant's/waiver participant's level of care consistent with level of care provided in a hospital, NF or ICF/IID.*

**i. Sub-Assurances:**

**a. Sub-assurance:** *An evaluation for LOC is provided to all applicants for whom there is reasonable indication that services may be needed in the future.*

**Performance Measures**

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

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

**Performance Measure:**

**LOC – PM1 Number and percent of new enrollees who have an initial level of care determination prior to receipt of waiver services. Numerator = number of new enrollees who have a LOC completed prior to entry into the waiver. Denominator = number of new enrollees.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**LTSSMaryland**

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
--	---	---

<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis (check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>

<b>Responsible Party for data aggregation and analysis</b> (check each that applies):	<b>Frequency of data aggregation and analysis</b> (check each that applies):
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>

**b. Sub-assurance: The levels of care of enrolled participants are reevaluated at least annually or as specified in the approved waiver.**

**Performance Measures**

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

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

**Performance Measure:**

**Per 2014 CMS guidance, states no longer have to report on this sub-assurance.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

N/A

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>
<b>Other</b> Specify:	<b>Annually</b>	<b>Stratified</b> Describe Group:

N/A		
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify:  N/A
	<b>Other</b> Specify:  N/A	

**Data Aggregation and Analysis:**

Responsible Party for data aggregation and analysis ( <i>check each that applies</i> ):	Frequency of data aggregation and analysis( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify:  N/A	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify:  N/A

**c. Sub-assurance:** *The processes and instruments described in the approved waiver are applied appropriately and according to the approved description to determine participant level of care.*

**Performance Measures**

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

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the*

method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

**Performance Measure:**

**LOC – PM2 Number and percent of LOC initial determinations completed according to State policies and procedures. Numerator = number of LOC initial determinations completed according to State policies and procedures. Denominator = number of initial determinations reviewed.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**Participant Record Review**

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text" value="95% +/- 5%"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis (check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify:  <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify:  <input type="text"/>

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.

**b. Methods for Remediation/Fixing Individual Problems**

i. Describe the States 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.

DDA’s Coordination of Community Services staff provides technical assistance and support on an ongoing basis to CCS providers and will provide specific remediation recommendations on identified issues. Based on the identified issues, a variety of remediation strategies may be used including conference call, letter, in person meeting, and training. Remediation efforts will be documented in the provider’s file with the DDA.

**ii. Remediation Data Aggregation**

**Remediation-related Data Aggregation and Analysis (including trend identification)**

<b>Responsible Party (check each that applies):</b>	<b>Frequency of data aggregation and analysis (check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify:	<b>Annually</b>

Responsible Party <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
<input type="checkbox"/>	
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="checkbox"/>

**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 Level of Care that are currently non-operational.

**No**

**Yes**

Please provide a detailed strategy for assuring Level of Care, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

**Appendix B: Participant Access and Eligibility**

**B-7: Freedom of Choice**

**Freedom of Choice.** As provided in 42 CFR §441.302(d), when an individual is determined to be likely to require a level of care for this waiver, the individual or his or her legal representative is:

- i. informed of any feasible alternatives under the waiver; and*
- ii. given the choice of either institutional or home and community-based services.*

**a. Procedures.** Specify the state's procedures for informing eligible individuals (or their legal representatives) of the feasible alternatives available under the waiver and allowing these individuals to choose either institutional or waiver services. Identify the form(s) that are employed to document freedom of choice. The form or forms are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Each individual and participant is afforded freedom of choice in their

2. Selection of service delivery model (either self-directed services or traditional services models); and
3. Ability to choose from qualified providers ( i.e. individuals, community-based service providers, vendors and entities) based on service delivery model.

After an individual is determined to be eligible for the waiver, but prior to determining need for specific services or entering services, the CCS informs the individual and their authorized representative (if any) of services available under both an ICF/IID or other institutional setting and DDA's Home- and Community-Based Waiver programs. The CCS also provides information regarding service delivery models available under the DDA's Waiver programs. In addition, for those individuals considering the waiver, the CCS provides the individual and their authorized representative with information on how to access via the internet, a comprehensive listing of DDA services and providers. If the individual or their authorized representative does not have internet access, the CCS will provide a hard-copy resource manual.

Then, the individual and their authorized representative are given the choice of receiving services in either an institutional setting or home and community-based setting. This choice must be documented in the DDA's "Freedom of Choice" Form. The CCS presents and explains this form to the individual and their authorized representative and family. This form is available to CMS upon request.

The application packet is not considered complete and the individual will not be enrolled in the waiver until the Freedom of Choice form is signed by the individual or their authorized representative, a witness, and the CCS.

- b. Maintenance of Forms.** Per 45 CFR §92.42, written copies or electronically retrievable facsimiles of Freedom of Choice forms are maintained for a minimum of three years. Specify the locations where copies of these forms are maintained.

LTSSMaryland retains copies of the "Freedom of Choice" form.

## Appendix B: Participant Access and Eligibility

### B-8: Access to Services by Limited English Proficiency Persons

**Access to Services by Limited English Proficient Persons.** Specify the methods that the state uses to provide meaningful access to the waiver by Limited English Proficient persons in accordance with the Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003):

The State provides meaningful access to individuals with Limited English Proficiency (LEP) who are applying for or receiving Medicaid services. Methods include providing interpreters at no cost to individuals, and making available language translations of various forms and documents. Additionally, interpreter resources are available for individuals who contact the DDA for information, requests for assistance, or complaints. All agency staff receive training in cultural competence as it relates to health care information and interpreting services.

The Maryland Department of Health's website contains useful information on Medicaid waivers and other programs and resources. The website will translate this information into a number of languages that are predominant in the community.

The State also provides translation services at Medicaid Fair Hearings, if necessary. If an LEP appellant attends a hearing without first requesting services of an interpreter, the Administrative Law Judge will not proceed unless there is an assurance from the appellant that they are able to sufficiently understand the proceedings. If not, the hearing will be postponed until an interpreter has been secured.

## Appendix C: Participant Services

### C-1: Summary of Services Covered (1 of 2)

- a. Waiver Services Summary.** List the services that are furnished under the waiver in the following table. If case management is not a service under the waiver, complete items C-1-b and C-1-c:

Service Type	Service
Statutory Service	Career Exploration
Statutory Service	Day Habilitation
Statutory Service	Medical Day Care
Statutory Service	Personal Supports
Statutory Service	Respite Care Services
Supports for Participant Direction	Support Broker Services
Other Service	Assistive Technology and Services
Other Service	Behavioral Support Services
Other Service	Community Development Services
Other Service	Employment Discovery and Customization <b>**ENDING JUNE 30, 2022**</b>
Other Service	Employment Services <b>**BEGINNING DECEMBER 1, 2019**</b>
Other Service	Environmental Assessment
Other Service	Environmental Modifications
Other Service	Family and Peer Mentoring Supports
Other Service	Family Caregiver Training and Empowerment Services
Other Service	Housing Support Services
Other Service	Individual and Family Directed Goods and Services
Other Service	Nurse Case Management and Delegation Services <b>**Ending March 2021**</b>
Other Service	Nurse Consultation <b>**ENDING March 2021**</b>
Other Service	Nurse Health Case Management <b>**Ending March 2021**</b>
Other Service	Nursing Support Services
Other Service	Participant Education, Training and Advocacy Supports
Other Service	Supported Employment <b>**ENDING JUNE 30, 2021**</b>
Other Service	Transportation
Other Service	Vehicle Modifications

## Appendix C: Participant Services

### C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Statutory Service

**Service:**

Supported Employment

**Alternate Service Title (if any):**

Career Exploration

**HCBS Taxonomy:**

**Category 1:**

04 Day Services

**Sub-Category 1:**

04010 prevocational services

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

A. Career Exploration services are time limited services to help participants learn skills to work in competitive integrated employment.

1. Teaching methods based on recognized best practices are used such as systematic instruction.
2. Career Exploration provide the participant with opportunities to develop skills related to work in a competitive employment position in an integrated community environment including learning:
  - a. skills for employment, such as time-management and strategies for completing work tasks;
  - b. socially acceptable behavior in a work environment;
  - c. effective communication in a work environment; and
  - d. self-direction and problem-solving for a work task.

B. Career Exploration includes (1) Facility-Based Supports; (2) Small Group Supports; and (3) Large Group Supports.

1. Facility-Based Supports are provided at a fixed site that is owned, operated, or controlled by a licensed provider.
2. Small Group Supports are provided in groups of between two (2) and eight (8) individuals (including the participant) where the group completes work tasks on a contract-basis. This work must be conducted at another site in the community not owned, operated, or controlled by the licensed provider. Supports models include enclaves, mobile work crews, and work tasks on a contract-basis. The licensed provider is the employer of record and enters into the contract on behalf of the group.
3. Large Group Supports are provided in groups of between nine (9) and sixteen (16) individuals (including the participant) where the group completes work tasks on a contract-basis. This work must be conducted at another site in the community not owned, operated, or controlled by the licensed provider. The licensed provider is the employer of record and enters into the contract on behalf of the group.
4. Nursing Support Services/Nurse Case Management and Delegation services based on assessed need. The scope of the Nursing Support Services/Nurse Case Management and Delegation Services is defined under the stand alone service in Appendix C.

C. Career Exploration services include:

1. Direct support services that enable the participant to learn skills to work toward competitive integrated employment, as described in Sections A-B above;
2. The following services provided in combination with, and incidental to, the provision of this Waiver program service:
  - a. Transportation to, from, and within this Waiver program service;
  - b. Delegated nursing tasks or other nursing support services covered by this Waiver program based on assessed need; and
  - c. Personal care assistance, based on the participant's assessed need.

#### SERVICE REQUIREMENTS

A. The participant must be 18 years of age or older and no longer enrolled in primary or secondary high school.

B. Career Exploration services and supports must be provided in compliance with all applicable federal, State, and local laws and regulations.

C. Participants previously receiving facility based, small group, and large group supports under Supported Employment or Day services will transition to Career Exploration services by creating an employment goal within their Person-Centered Plan during their annual planning process that outlines how they will transition to community integrated employment (such as participating in discovery and job development).

D. Participants must have an employment goal within their Person-Centered Plan that outlines how they will transition to community integrated employment (such as participating in discovery and job development) or another service.

E. The level of staffing and meaningful activities provided to the participant under this Waiver program service must be based on the participant's assessed level of service need.

F. If transportation is provided as part of this Waiver program service, then:

1. The participant cannot receive Transportation services separately at the same time as provision of this Waiver program service;

2. The provider must:

- a. Provide, or arrange for provision of, transportation to meet the needs of the participant identified in the participant's person-centered plan; and
  - b. Use the most cost-effective mode of transportation, with priority given to the use of public transportation; and
3. Transportation services may not compromise the entirety of this Waiver program service.

G. If direct support staff perform delegated nursing tasks as part of this Waiver program service, then:

1. The participant must receive Nursing Support Services/Nurse Case Management and Delegation services under this Waiver program service;
2. The delegated nursing tasks:
  - a. Must be provided by direct support staff who are currently certified as a Medication Technician by the Maryland Board of Nursing; and
  - b. May not compromise the entirety of this Waiver program service.

H. If personal care assistance services are provided as part of this Waiver program service, then the personal care assistance may not comprise the entirety of the service. For purposes of this Waiver program service, personal care assistance means the provision of supports to assist a participant in performing activities of daily living and instrumental activities of daily living

I. Until the service transitions to the LTSSMaryland system, under the traditional service delivery model, a participant's Person-Centered Plan may include a mix of employment and day related daily waiver services units such as Day Habilitation, Community Development Services, and Employment Discovery and Customization Services provided on different days.

J. Beginning December 2019, a participant's Person-Centered Plan may include a mix of employment and day type services such as Day Habilitation, Community Development Services, and Employment Discovery and Customization Services provided at different times under both service delivery models.

K. Until the service transitions to the LTSSMaryland system, Career Exploration daily services units are not available:

1. On the same day a participant is receiving Community Development Services, Day Habilitation, Employment Discovery and Customization, Medical Day Care, or Supported Employment services under the Traditional Service delivery model; and
2. At the same time as the direct provision of Personal Supports, Respite Care Services, or Transportation services.

L. Until the service transitions to the LTSSMaryland system, Career Exploration services are not available at the same time as the direct provision of Community Development Services, Day Habilitation, Medical Day Care, Nurse Consultation, Personal Supports, Respite Care Services, or Transportation services.

M. Prior to accessing DDA funding for this service, , services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

N. To the extent any listed services are covered under the Medicaid State Plan, the services under the waiver will be limited to additional services not otherwise covered under the Medicaid State Plan, but consistent with waiver objectives of avoiding institutionalization.

O. Nursing Support Services/Nurse Case Management and Delegation Services , as applicable, can be provided during services so long as it is not the primary or only service provided. The scope of the Nursing Support Services/Nurse Case Management and Delegation Services are defined under the stand alone service in Appendix C.

P. In the event that additional Nursing Support Services/Nurse Case Management and Delegation training supports are needed as indicated in the HRST because of a change in the participant's health status or after discharge from a

hospital or skilled nursing facility, the request is reviewed by DDA’s Regional Office and additional standalone Nursing Support Services/Nurse Case Management and Delegation Service support service hours can be authorized

Q. A legally responsible person, relative, or legal guardian of the participant cannot be paid by the Waiver program, either directly or indirectly, to provide this Waiver program service.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

1. Career Exploration – Facility Based supports are provided Monday through Friday only.
2. Career Exploration may not exceed a maximum of eight (8) hours per day including in combination with any of the following other Waiver program services in a single day: Community Development, Supported Employment, Employment Service – Ongoing Supports, Employment Discovery and Customization, and Day Habilitation services.
3. Career Exploration are limited to 40 hours per week.
4. Career Exploration services for participants accessing this service for the first time is limited to up to 720 hours for the plan year unless otherwise authorized by DDA.

**Service Delivery Method** (check each that applies):

- Participant-directed as specified in Appendix E**
- Provider managed**

**Specify whether the service may be provided by** (check each that applies):

- Legally Responsible Person**
- Relative**
- Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	Career Exploration Provider

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Statutory Service**  
**Service Name: Career Exploration**

**Provider Category:**

Agency

**Provider Type:**

Career Exploration Provider

**Provider Qualifications**

**License** (specify):

**Certificate** (specify):

**Other Standard** (*specify*):

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:
  - A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
  - B. A minimum of five (5) years demonstrated experience and capacity providing quality similar services;
  - C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
  - D. Except for currently DDA licensed or certified providers, demonstrate the capability to provide or arrange for the provision of all services required by submitting, at a minimum, the following documents with the application:
    - (1) A program service plan that details the agencies service delivery model;
    - (2) A business plan that clearly demonstrates the ability of the agency to provide Career Exploration;
    - (3) A written quality assurance plan to be approved by the DDA;
    - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
    - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
  - E. If currently licensed or certified, produce, upon written request from the DDA, the documents required under D;
  - F. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
  - G. Have Workers' Compensation Insurance;
  - H. Have Commercial General Liability Insurance;
  - I. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
  - J. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;
  - K. Complete required orientation and training;
  - L. Comply with the DDA standards related to provider qualifications; and
  - M. Complete and sign any agreements required by MDH or DDA.
2. Be licensed by the Office of Health Care Quality;
3. All new providers must meet and comply with the federal community settings regulations and requirements;
4. Have a signed Medicaid provider agreement.
5. Have documentation that all vehicles used in the provision of services have automobile insurance; and
6. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation.

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

1. Be at least 18 years old;
2. Have required credentials, license, or certification as noted below;
3. Possess current first aid and CPR certification;
4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
5. Complete necessary pre/in-service training based on the Person-Centered Plan;
6. Complete the training designated by DDA. After July 1, 2019, all new hires must complete the

DDA required training prior to independent service delivery.  
 7. Possess a valid driver’s license, if the operation of a vehicle is necessary to provide services; and  
 8. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

1. DDA for certified providers
2. Provider for individual staff members’ licenses, certifications, and training

**Frequency of Verification:**

1. DDA – Initial and at least every three years
2. Provider – prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Statutory Service

**Service:**

Day Habilitation

**Alternate Service Title (if any):**

Day Habilitation

**HCBS Taxonomy:**

**Category 1:**

04 Day Services

**Sub-Category 1:**

04020 day habilitation

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

A. Day Habilitation services may provide the participant with any of the following development and maintenance of skills related to activities of daily living, instrumental activities of daily living, and vocation and socialization, through application of formal and informal teaching methods and participation in meaningful activities.

1. Teaching methods based on recognized best practices are used such as systematic instruction.
2. Meaningful activities under this service will provide the participant with opportunities to develop skills related to the learning new skills, building positive social skills and interpersonal skills, greater independence, and personal choice including:
  - a. Learning skills for employment
  - b. Learning acceptable socially skills;
  - c. Learning effective communication;
  - d. Learning self-direction and problem solving;
  - e. Engaging in safety practices;
  - f. Performing household chores in a safe and effective manner; and
  - g. Performing self-care.

B. Day habilitation services may include participation in the following regularly scheduled meaningful activities:

1. Learning general skills that can be used to do the type of work the person is interested in;
2. Participating in self-advocacy classes/activities;
3. Participating in local and community events;
4. Volunteering;
5. Training and supports designed to maintain abilities and to prevent or slow loss of skills for individuals with declining conditions;
6. Time-limited participation in Project Search, or similar programs approved by the DDA; and
7. Transportation services; and
8. Nursing Support Services/Nurse Case Management and Delegation Service. The scope of the Nursing Support Services/Nurse Case Management and Delegation Services is defined under the stand alone service in Appendix C.

C. This Waiver program service includes provision of:

1. Direct support services, for provision of services as provided in Sections A-B above; and
2. The following services provided in combination with, and incidental to, the provision of this Waiver program service:
  - a. Transportation to and from and within this Waiver program service;
  - b. Delegated nursing tasks or other nursing support services covered by this Waiver program, based on the participant's assessed need; and
  - c. Personal care assistance, based on the participant's assessed need.

#### SERVICE REQUIREMENTS:

A. The participant must be 18 years of age or older and no longer enrolled in primary or secondary school.

B. Day Habilitation services can be provided in a variety of settings in the community or in a facility owned or operated by the provider agency. Services take place in non-residential settings separate from a participant's private residence or other residential living arrangements.

C. Services may also be provided in small groups (i.e., 2 to 5 participants) or large groups (i.e., 6 to 10 participants). The level of staffing and meaningful activities provided to the participant under this Waiver program service must be based on the participant's assessed level of service need. Based on the participant's assessed need, the DDA may authorize a 1:1 or 2:1 staff-to-participant ratio

D. Day Habilitation services are separate and distinct from other waiver services, including residential services.

E. Until the service transitions to the LTSS Maryland system, under the traditional service delivery model, a participant's Person-Centered Plan may include a mix of employment and day related daily waiver services units such as Supported Employment, Employment Discovery and Customization, Community Development Services, and Career Exploration provided on different days.

F. An individualized schedule will be used to provide an estimate of what the participant will do and where the

participant will spend their time when in this service. Updates should be made as needed to meet the changing needs, desires and circumstances of the participant. The individualized schedule will be based on a Person-Centered Plan.

G. If transportation is provided as part of this Waiver program service, then:

1. The participant cannot receive Transportation services separately at the same time as provision of this Waiver program service;
2. The Provider must:
  - a. Provide, or arrange for provision of, transportation to meet the needs of the participant identified in the participant's person-centered plan; and
  - b. Use the most cost-effective mode of transportation, with priority given to the use of public transportation; and
3. Transportation services may not compromise the entirety of this Waiver program service.

H. If direct support staff perform delegated nursing tasks as part of this Waiver program service, then:

1. The participant must receive Nursing Support Services/Nurse Case Management and Delegation services under this Waiver program service; and
2. The delegated nursing tasks:
  - a. Must be provided by direct support staff who are currently certified as a Medication Technician by the Maryland Board of Nursing; and
  - b. May not compromise the entirety of this Waiver program service.

I. If personal care assistance services are provided as part of this Waiver program service, then the personal care assistance may not comprise the entirety of the service. For purposes of this Waiver program service, personal care assistance means the provision of supports to assist a participant in performing activities of daily living and instrumental activities of daily living.

J. Day Habilitation includes supports for volunteering and time limited generic paid and unpaid internships and apprenticeships for development of employment skills.

K. Day Habilitation does not include meals as part of a nutritional regimen.

L. Day Habilitation does not include vocational services that: (1) teach job task specific skills required by a participant for the primary purpose of completing those tasks for a specific facility based job and (2) are delivered in an integrated work setting through employment supports.

M. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

N. Until the service transitions to the LTSS Maryland system, Day Habilitation daily services units are not available:

1. On the same day a participant is receiving Career Exploration, Community Development Services, Employment Discovery and Customization, Medical Day Care, or Supported Employment services under the traditional service delivery model; and
2. At the same time as the direct provision of Personal Supports, Respite Care Services, or Transportation services.

O. Effective July 1, 2020, Day Habilitation services are not available at the same time as the direct provision of Career Exploration, Community Development Services, Employment Discovery and Customization, Employment Services, Nurse Consultation, Medical Day Care, Personal Supports, Respite Care Services, Supported Employment, or Transportation services.

P. To the extent any listed services are covered under the Medicaid State Plan, the services under the waiver will be limited to additional services not otherwise covered under the Medicaid State Plan, but consistent with waiver objectives of avoiding institutionalization.

Q. As per Attachment #1: Transition Plan, beginning December 2019, services will begin to transition to small

groups (i.e. 2 to 5 people) and large groups (i.e. 6 to 10) to support the development and maintenance of skills during community engagement and provider offered activities.

R. Nursing Support Services/Nurse Case Management and Delegation Service, as applicable, can be provided during day habilitation activities so long as it is not the primary or only service provided. The scope of the Nursing Support Services/Nurse Case Management and Delegation Service are defined under the stand alone service in Appendix C.

S. In the event that additional Nursing Support Services/Nurse Case Management and Delegation training supports are needed as indicated in the HRST because of a change in the participant's health status or after discharge from a hospital or skilled nursing facility, the request is reviewed by DDA's Regional Office and additional standalone Nursing Support Services/Nurse Case Management and Delegation Service support service hours can be authorized.

T. A legally responsible person, relative, or legal guardian of the participant cannot be paid by the Waiver program, either directly or indirectly, to provide this Waiver program service.

U. Direct Support Professional services may be provided in an acute care hospital for the purposes of supporting the participant's personal, behavioral and communication supports not otherwise provided in that setting. Services may not be duplicative of hospital or short-term institutional services.

1. The State has mechanisms in place to prevent duplicate billing for both institutional and home and community-based services.

2. These necessary waiver services:

- a. Must be identified in the individual's person-centered service plan;
- b. Must be provided to meet the individual's needs and are not covered in such settings;
- c. Should not substitute for services that the setting is obligated to provide through its condition of participation under federal or State law, under another applicable requirement; and
- d. Should be designed to ensure smooth transitions between the setting and the home community-based setting and preserves the participant's functional abilities.

V. Virtual supports

1. Virtual supports is an electronic method of service delivery.

2. The purpose of virtual supports is to maintain or improve a participant's functional abilities, enhance interactions, support meaningful relationships, and promote their ability to live independently, and meaningfully participate in their community.

3. Direct support can be provided via virtual supports provided however that the virtual supports meet all of the following requirements:

- a. The virtual supports ensure the participant's rights of privacy, dignity and respect, and freedom from coercion and restraint.
- b. The virtual supports do not isolate the participant from the community or interacting with people without disabilities.
- c. The participant has other opportunities for integration in the community via the other Waiver program services the participant receives and are provided in community settings.
- d. The use of virtual supports to provide direct support has been agreed to by the participant and their team and is outlined in the Person-Centered Plan;
  - i. Participants must have an informed choice between in person and virtual supports;
  - ii. Virtual remote supports cannot be the only service delivery provision for a participant seeking the given service; and
  - iii. Participants must affirmatively choose virtual service provision over in-person support.

SERVICE DEFINITION CONTINUED BELOW DUE TO SPACE LIMITATIONS

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

**SERVICE DEFINITION CONTINUED FROM ABOVE:**

- e. Virtual supports is not, and will not be, used for the provider's convenience. The virtual supports must be used to support a participant to reach identified outcomes in the participant's Person-Centered Plan;
- f. The use of virtual supports must be documented appropriately, just like any in-person direct supports, and identify the service delivery method (e.g., Skype, Zoom, Facetime, telephonic, or direct care), name of staff person providing service, and start and end times.
- g. The virtual supports must be delivered using a live, real-time audio-visual connection that allows the staff member to both see and hear the participant. Text messaging and e-mailing do not constitute virtual supports and, therefore, will not be considered provision of direct supports under this Waiver program service.
- h. The virtual supports must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended by the Health Information Technology for Economic and Clinical Health (HITECH) Act, and their applicable regulations to protect the privacy and security of the participant's protected health information.
- i. This Waiver program service may not be provided entirely via virtual supports. Virtual supports may supplement in-person direct supports.
- j. Virtual supports, including use of phones, cannot be used to assess a participant for a medical emergency. The provider must develop and maintain written policies, train direct support staff on those policies, and advise participants and their person-centered planning team regarding those policies that address:
- i. Identifying whether the participant's needs, including health and safety, can be addressed safely via virtual supports;
  - ii. Identifying individuals to intervene (such as uncompensated caregivers present in the participant's home), and ensuring they are present during provision of virtual supports in case the participant experiences an emergency during provision of virtual supports; and
  - iii. Processes for requesting such intervention if the participant experiences an emergency during provision of virtual supports, including contacting 911 if necessary.
- k. The virtual supports meets all federal and State requirements, policies, guidance, and regulations.
4. The provider must develop, maintain, and enforce written policies, approved by the DDA, which address:
- a. How the provider will ensure the participant's rights of privacy, dignity and respect, and freedom from coercion and restraint;
  - b. How the provider will ensure the virtual supports used meets applicable information security standards; and
  - c. How the provider will ensure its provision of virtual supports complies with applicable laws governing individuals' right to privacy
5. Providers furnishing this Waiver Waiver program service via virtual supports must include this virtual supports as a service delivery method in their provider Program Service Plan, required by COMAR Title 10, Subtitle 22. Current providers must submit an amendment to their current Program Service Plan to the DDA Regional Office and receive approval prior to implementing virtual supports outside of the Appendix K authority.
6. The Waiver program will not fund any costs associated with the provider obtaining, installing, implementing, or using virtual supports, such as equipment, internet, software applications, and other related expenses. These costs, in the delivery of new business models, are part of the provider's operating cost

**LIMITS ON THE AMOUNT, FREQUENCY, OR DURATION OF THIS SERVICE**

1. Day Habilitation services are provided Monday through Friday only and, therefore, cannot be provided on Saturdays or Sundays.
2. Day Habilitation services may not exceed a maximum of eight (8) hours per day including in combination with any of the following other Waiver program services in a single day: Employment Services - Ongoing Supports,

Supported Employment, Career Exploration, Employment Discovery and Customization and Community Development Services.

**Service Delivery Method** (*check each that applies*):

**Participant-directed as specified in Appendix E**

**Provider managed**

**Specify whether the service may be provided by** (*check each that applies*):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	Day Habilitation Service Provider

### Appendix C: Participant Services

#### C-1/C-3: Provider Specifications for Service

**Service Type: Statutory Service**

**Service Name: Day Habilitation**

**Provider Category:**

Agency

**Provider Type:**

Day Habilitation Service Provider

**Provider Qualifications**

**License** (*specify*):

Licensed DDA Day Habilitation Service Provider

**Certificate** (*specify*):

**Other Standard** (*specify*):

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:

- A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
- B. A minimum of five (5) years demonstrated experience and capacity providing quality similar services;
- C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
- D. Except for currently DDA licensed or certified Day Habilitation providers, demonstrate the capability to provide or arrange for the provision of all services required by submitting, at a minimum, the following documents with the application:
  - (1) A program service plan that details the agencies service delivery model;
  - (2) A business plan that clearly demonstrates the ability of the agency to provide Day Habilitation;
  - (3) A written quality assurance plan to be approved by the DDA;
  - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
  - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
- E. If currently licensed or certified, produce, upon written request from the DDA, the documents required under D;
- F. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
- G. Have Workers' Compensation Insurance;
- H. Have Commercial General Liability Insurance;
- I. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
- J. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;
- K. Complete required orientation and training;
- L. Comply with the DDA standards related to provider qualifications; and
- M. Complete and sign any agreements required by MDH or DDA.

2. Be licensed by the Office of Health Care Quality;

3. All new providers must meet and comply with the federal community settings regulations and requirements prior to enrollment;

4. Have a signed Medicaid provider agreement;

5. Have documentation that all vehicles used in the provision of services have automobile insurance; and

6. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation.

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

1. Be at least 18 years old;

2. Have required credentials, license, or certification as noted below;

3. Possess current first aid and CPR certification;

4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;

5. Complete necessary pre/in-service training based on the Person-Centered Plan;

6. Complete the training designated by DDA. . After July 1, 2019, all new hires must complete the DDA required training prior to independent service delivery.

7. Unlicensed staff paid to administer medication and/or perform treatments must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians;

- 8. Possess a valid driver’s license, if the operation of a vehicle is necessary to provide services; and
- 9. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- 1.DDA for Provider’s license to provide services
- 2.Provider for individual staff member’s licenses, certifications, and training

**Frequency of Verification:**

- 1.DDA – Initially and at least every three years
- 2.Provider – prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Statutory Service

**Service:**

Adult Day Health

**Alternate Service Title (if any):**

Medical Day Care

**HCBS Taxonomy:**

**Category 1:**

04 Day Services

**Sub-Category 1:**

04050 adult day health

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

A. Medical Day Care (MDC) services provide medically supervised, health-related services in an ambulatory facility setting, as defined in Code of Maryland Regulations 10.09.07.

B. Medical Day Care includes the following services:

1. Health care services;
2. Nursing services;
3. Physical therapy services;
4. Occupational therapy services;
5. Assistance with activities of daily living such as walking, eating, toileting, grooming, and supervision of personal hygiene;
6. Nutrition services;
7. Social work services;
8. Activity Programs; and
9. Transportation services.

Service Requirements:

A. A participant must attend the Medical Day Care a minimum of four (4) hours per day for the service to be reimbursed.

B. Medical Day Care services cannot be billed during the same period of time that the individual is receiving other day or employment waiver services.

C. Services and activities take place in non-institutional, community-based settings.

D. Nutritional services do not constitute a full nutritional regimen.

E. This waiver service is only provided to individuals age 16 and over.

F. Medical Day Care services are not available to participants at the same time a participant is receiving Supported Employment, Employment Discovery and Customization, Employment Services, Career Exploration, Community Development Services, Day Habilitation, or Respite Care Services.

G. Medical Day Care services may not be provided at the same time as the direct provision of Behavioral Support Services, Career Exploration, Community Development Services, Day Habilitation, Employment Discovery and Customization, Nurse Consultation, Nurse Health Case Management, Nurse Case Management and Delegation Services, Nursing Support Services, Personal Supports, Respite Care Services, Supported Employment, or Transportation services.

H. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services (“DORS”), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

I. To the extent that any listed services are covered under the State plan, the services under the waiver would be limited to additional services not otherwise covered under the State plan, but consistent with waiver objectives of avoiding institutionalization.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

**Service Delivery Method** (check each that applies):

**Participant-directed as specified in Appendix E**

**Provider managed**

Specify whether the service may be provided by (check each that applies):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	Medical Day Care Providers

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Statutory Service**  
**Service Name: Medical Day Care**

**Provider Category:**

Agency

**Provider Type:**

Medical Day Care Providers

**Provider Qualifications**

**License (specify):**

Licensed Medical Day Care Providers as per COMAR 10.12.04

**Certificate (specify):**

**Other Standard (specify):**

All new providers must meet and comply with the federal community settings regulations and requirements prior to enrollment.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

Maryland Department of Health

**Frequency of Verification:**

Every 2 years and in response to complaints

**Appendix C: Participant Services**

**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Statutory Service

**Service:**

Habilitation

**Alternate Service Title (if any):**

Personal Supports

**HCBS Taxonomy:**

**Category 1:**

08 Home-Based Services

**Sub-Category 1:**

08010 home-based habilitation

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

A. Personal Supports are individualized drop in supports, delivered in a personalized manner, to support independence in an individual's own home and community in which the participant wishes to be involved, based on their personal resources.

B. Personal Supports provide habilitative services to assist individuals who live in their own or family homes with acquiring, building, or maintaining the skills necessary to maximize their personal independence. These services include:

1. In home skills development including budgeting and money management; completing homework; maintaining a bedroom for a child or home for an adult; being a good tenant; meal preparation; personal care; house cleaning/chores; and laundry; and
2. Community integration and engagement skills development needed to be part of a family event or community at large. Community integration services facilitate the process by which individuals integrate, engage and navigate their lives at home and in the community. They may include, the development of skills or providing supports that make it possible for participants and families to lead full integrated lives (e.g. grocery shopping; banking; getting a haircut; using public transportation; attending school or social events; joining community organizations or clubs; any form of recreation or leisure activity; volunteering; and participating in organized worship or spiritual activities) and health management assistance for adults (e.g. learning how to schedule a health appointment; identifying transportation options; and developing skills to communicate health status, needs, or concerns).

C. This Waiver program service includes the provision of:

1. Direct support services, providing habilitation services to the participant;
2. The following services provided, in combination with, and incidental to, the provision of habilitation services:
  - a. Transportation to, from, and within this Waiver program service;
  - b. Delegated nursing tasks, based on the participant's assessed need; and
  - c. Personal care assistance, based on the participant's assessed need.

#### SERVICE REQUIREMENTS:

A. Personal Supports services under the waiver differ in scope, nature, and provider training and qualifications from personal care services in the State Plan.

B. The level of support and meaningful activities provided to the participant under this Waiver program service must be based on the participant's level of service need.

1. Based on the participant's assessed need, the DDA may authorize a 1:1 and 2:1 staff-to-participant ratio
2. An enhanced rate, reflected as Personal Supports – Enhanced in the Person-Centered Plan, will be used to support participant with significant needs;
3. The following criteria will be used to authorize the enhanced rate:
  - a. The participant has an approved Behavioral Plan; or
  - b. The participant has a Health Risk Screening Tool (HRST) Score of 4 or higher.

C. Effective July 1, 2019, the following criteria will be used for participants to access Personal Supports:

1. Participant needs support for community engagement (outside of meaningful day services) or home skills development; and
2. This service is necessary and appropriate to meet the participant's needs;
3. This service is the most cost-effective service to meet the participant's needs unless otherwise authorized by the DDA due to "extraordinary" circumstances.

D. Personal Support Services includes the provision of supplementary care by legally responsible persons necessary to meet the participant's extraordinary care needs due to the child's disability that are above and beyond the typical, basic care for a legally responsible person would ordinarily perform or be responsible to perform on behalf of a waiver participant.

E. Personal Supports are available:

1. Before and after school;
2. Any time when school is not in session;
3. During the day when meaningful day services (i.e. Employment Services, Supported Employment, Employment Discovery and Customization, Career Exploration, Community Development Services, and Day Habilitation) are not provided, and
4. On nights and weekends.

F. If transportation is provided as part of this Waiver program service, then:

1. The participant cannot receive Transportation services separately at the same time as provision of this Waiver program service;
2. The provider or participants self-directing their services must:

- a. Provide, or arrange for provision of, transportation to meet the needs of the participant identified in the participant's Person-Centered Plan; and
- b. Use the most cost-effective mode of transportation, with priority given to the use of public transportation; and
3. Transportation services may not compromise the entirety of this Waiver program service.
- G. If direct support staff perform delegated nursing tasks as part of this Waiver program service, then:
1. The participant must receive Nursing Support Services/Nurse Case Management and Delegation services under this Waiver program; and
  2. The delegated nursing tasks:
    - a. Must be provided by direct support staff who are currently certified as a Medication Technician by the Maryland Board of Nursing; and
    - b. May not compromise the entirety of this Waiver program service.
- H. If personal care assistance services are provided as part of this Waiver program service, then the personal care assistance may not comprise the entirety of the service. For purposes of this Waiver program service, personal care assistance means the provision of supports to assist a participant in performing activities of daily living and instrumental activities of daily living.
- I. For participants enrolled in the self-directed services delivery model, this Waiver program service includes:
1. The costs of training the participant's direct support staff, including First Aid and Cardiopulmonary Resuscitation certifications;
  2. Travel reimbursement, benefits and leave time for the participant's direct support staff, subject to the following requirements:
    - a. The reimbursement, benefits and leave time requested are:
      1. Within applicable reasonable and customary standards as established by DDA policy; or
      2. Required for the participant's compliance, as the employer of record, with applicable federal, State, or local laws; and
    - b. Any reimbursement, travel reimbursement (e.g. mileage), benefit and leave time requested by the participant must comply with applicable federal, State, or local laws
- J. A legally responsible individual, legal guardian, or a relative of a participant (who is not a spouse) may be paid to provide this service in accordance with the applicable requirements set forth in Section C-2.
- K. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.
- L. To the extent that any listed services are covered under the Medicaid State Plan, the services under the waiver would be limited to additional services not otherwise covered under the Medicaid State Plan, but consistent with waiver objectives of avoiding institutionalization.
- M. Personal Supports services are not available at the same time as the direct provision of Career Exploration, Community Development Services, Community Living-Enhanced Supports, Community Living-Group Homes, Day Habilitation, Employment Discovery and Customization, Employment Services, Medical Day Care, Respite Care Services, Supported Employment, Supported Living, or Transportation Services (beginning July 2020).
- N. Children have access to any medically necessary preventive, diagnostic, and treatment services under Medicaid's Early and Periodic Screening, Diagnostic and Treatment (EPSDT) services to help meet children's health and developmental needs. This includes age appropriate medical, dental, vision, and hearing screening services and diagnostic and treatment services to correct or ameliorate identified conditions. Supports provided by this waiver service is to improve and maintain the ability of the child to remain in and engage in community activities.
- O. Personal Supports can be provided in a variety of community settings and activities that promote opportunities for increased independence and inclusion. Through the person-centered planning process, all opportunities should be explored based on the person's preferences and support his or her desired outcomes and goals. The setting should not have institutional qualities. Considering the person's overall person-centered plan, activities should not isolate or segregate. If the individual chooses any disability specific classes, activities, events or programs, the choice must be documented in the person-centered plan.
- P. Direct Support Professional services may be provided in an acute care hospital for the purposes of supporting the participant's personal, behavioral and communication supports not otherwise provided in that setting. Services may not be duplicative of hospital or short-term institutional services.
1. The State has mechanisms in place to prevent duplicate billing for both institutional and home and community-

based services.

2. These necessary waiver services:

- a. Must be identified in the individual's person-centered service plan;
- b. Must be provided to meet the individual's needs and are not covered in such settings;
- c. Should not substitute for services that the setting is obligated to provide through its condition of participation under federal or State law, under another applicable requirement; and
- d. Should be designed to ensure smooth transitions between the setting and the home community-based setting and preserves the participant's functional abilities.

Q. Virtual supports

1. Virtual supports is an electronic method of service delivery.
2. The purpose of virtual supports is to maintain or improve a participant's functional abilities, enhance interactions, support meaningful relationships, and promote their ability to live independently, and meaningfully participate in their community.
3. Direct support can be provided via virtual supports provided however that the virtual supports meet all of the following requirements:
  - a. The virtual supports ensure the participant's rights of privacy, dignity and respect, and freedom from coercion and restraint.
  - b. The virtual supports do not isolate the participant from the community or interacting with people without disabilities.
  - c. The participant has other opportunities for integration in the community via the other Waiver program services the participant receives and are provided in community settings.
  - d. The use of virtual supports to provide direct support has been agreed to by the participant and their team and is outlined in the Person-Centered Plan;
    - i. Participants must have an informed choice between in person and virtual supports;
    - ii. Virtual supports cannot be the only service delivery provision for a participant seeking the given service; and
    - iii. Participants must affirmatively choose virtual service provision over in-person supports

SERVICE DEFINITION CONTINUED BELOW DUE TO SPACE LIMITATIONS

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

**SERVICE DEFINITION CONTINUED FROM ABOVE:**

e. Virtual supports is not, and will not be, used for the provider's convenience. The virtual supports must be used to support a participant to reach identified outcomes in the participant's Person-Centered Plan;e. The use of virtual supports must be documented appropriately, just like any in-person direct supports, and identify the service delivery method (e.g., Skype, Zoom, Facetime, telephonic, or direct care), name of staff person providing service, and start and end times.

f. The virtual supports must be delivered using a live, real-time audio-visual connection that allows the staff member to both see and hear the participant. Text messaging and e-mailing do not constitute virtual supports and, therefore, will not be considered provision of direct supports under this Waiver program service.

g. The virtual supports must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended by the Health Information Technology for Economic and Clinical Health (HITECH) Act, and their applicable regulations to protect the privacy and security of the participant's protected health information.

h. This Waiver program service may not be provided entirely via virtual supports. Virtual supports may supplement in-person direct supports.

i. Virtual supports, including use of phones, cannot be used to assess a participant for a medical emergency. The provider must develop and maintain written policies, train direct support staff on those policies, and advise participants and their person-centered planning team regarding those policies that address:

i. Identifying whether the participant's needs, including health and safety, can be addressed safely via virtual supports;

ii. Identifying individuals to intervene (such as uncompensated caregivers present in the participant's home), and ensuring they are present during provision of virtual supports in case the participant experiences an emergency during provision of virtual supports; and

iii. Processes for requesting such intervention if the participant experiences an emergency during provision of virtual supports, including contacting 911 if necessary.

j. The virtual supports meets all federal and State requirements, policies, guidance, and regulations.

4. The provider must develop, maintain, and enforce written policies, approved by the DDA, which address:

a. How the provider will ensure the participant's rights of privacy, dignity and respect, and freedom from coercion and restraint;

b. How the provider will ensure the virtual supports used meets applicable information security standards; and

c. How the provider will ensure its provision of virtual supports complies with applicable laws governing individuals' right to privacy.

5. Providers furnishing this Waiver program service via virtual supports must include this virtual supports as a service delivery method in their provider Program Service Plan, required by COMAR Title 10, Subtitle 22. Current providers must submit an amendment to their current Program Service Plan to the DDA Regional Office and receive approval prior to implementing virtual supports outside of the Appendix K authority.

6. The Waiver program will not fund any costs associated with the provider obtaining, installing, implementing, or using virtual supports, such as equipment, internet, software applications, and other related expenses. These costs, in the delivery of new business models, are part of the provider's operating cost.

**LIMITS ON THE AMOUNT, FREQUENCY, OR DURATION OF SERVICES LISTED BELOW:**

1. Legally responsible persons, legal guardians and relatives may not be paid for greater than 40-hours per week for services rendered to any Medicaid participant, unless otherwise approved by the DDA.

2. Personal Supports services are limited to 82 hours per week unless otherwise preauthorized by the DDA.

**Service Delivery Method** (check each that applies):

**Participant-directed as specified in Appendix E**

**Provider managed**

**Specify whether the service may be provided by (check each that applies):**

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Personal Support Professional
Agency	Personal Supports Provider

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Statutory Service**

**Service Name: Personal Supports**

**Provider Category:**

Individual

**Provider Type:**

Personal Support Professional

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Have a GED or high school diploma;
3. Possess current first aid and CPR certification;
4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
5. Unlicensed direct support professional staff who administer medication or perform delegable nursing tasks as part of this Waiver service must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians, except if the participant and their medication administration or nursing tasks qualifies for exemption from nursing delegation pursuant to COMAR 10.27.11;
6. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
7. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;
8. Complete required orientation and training designated by DDA;
9. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
10. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
11. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
12. Complete and sign any agreements required by MDH or DDA; and
13. Have a signed Medicaid Provider Agreement.

Individuals providing services for participants self-directing their services must meet the standards 1 through 7 noted above and submit forms and documentation as required by the Fiscal Management Service (FMS) agency. FMS must ensure the individual or entity performing the service meets the qualifications.

Participants in self-directing services, as the employer, may require additional staffing requirements based on their preferences and level of needs.

#### **Verification of Provider Qualifications**

##### **Entity Responsible for Verification:**

1. DDA for certified Personal Support Professional
2. Fiscal Management Service (FMS) providers, as described in Appendix E, for participants self-directing services

##### **Frequency of Verification:**

1. DDA - Initial and at least every three years
2. Provider – prior to service delivery and continuing thereafter

## **Appendix C: Participant Services**

### **C-1/C-3: Provider Specifications for Service**

**Service Type: Statutory Service**

**Service Name: Personal Supports**

#### **Provider Category:**

Agency

#### **Provider Type:**

Personal Supports Provider

#### **Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:

- A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
  - B. A minimum of five (5) years demonstrated experience and capacity providing quality similar services;
  - C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
  - D. Except for currently DDA licensed or certified Personal Supports providers, demonstrate the capability to provide or arrange for the provision of all personal support services required by submitting, at a minimum, the following documents with the application:
    - (1) A program service plan that details the agencies service delivery model;
    - (2) A business plan that clearly demonstrates the ability of the agency to provide personal support services;
    - (3) A written quality assurance plan to be approved by the DDA;
    - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
    - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
  - E. If currently licensed or certified, produce, upon written request from the DDA, the documents required under D.
  - F. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
  - G. Have Workers' Compensation Insurance;
  - H. Have Commercial General Liability Insurance;
  - I. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and as per DDA policy;
  - J. Submit documentation of staff certifications, licensees, and/or trainings as required to perform services;
  - K. Complete required orientation and training;
  - L. Comply with the DDA standards related to provider qualifications and;
  - M. Complete and sign any agreements required by MDH or DDA.
2. Have a signed Medicaid provider agreement;
3. Have documentation that all vehicles used in the provision of services have automobile insurance; and
4. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities and be in good standing with the IRS, and Maryland Department of Assessments and Taxation.

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

- 1. Be at least 18 years old;
- 2. Have a GED or high school diploma;
- 3. Possess current first aid and CPR certification;
- 4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
- 5. Complete necessary pre/in-service training based on the Person-Centered Plan;
- 6. Complete the training designated by DDA. After July 1, 2019, all new hires must complete the DDA required training prior to independent service delivery.
- 7. Unlicensed direct support professional staff who administer medication or perform delegable nursing tasks as part of this Waiver service must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians, except if the participant and their medication administration or nursing tasks qualifies for exemption from nursing delegation pursuant to COMAR 10.27.11;

- 8. Possess a valid driver’s license, if the operation of a vehicle is necessary to provide services; and
- 9. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- 1. DDA for approval of provider
- 2. Provider for staff licenses, certifications, and training

**Frequency of Verification:**

- 1. DDA - Initial and at least every three years
- 2. Provider – prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Statutory Service

**Service:**

Respite

**Alternate Service Title (if any):**

Respite Care Services

**HCBS Taxonomy:**

**Category 1:**

09 Caregiver Support

**Sub-Category 1:**

09011 respite, out-of-home

**Category 2:**

09 Caregiver Support

**Sub-Category 2:**

09012 respite, in-home

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

A. Respite is short-term care intended to provide both the family or the primary caregiver and the participant with a break from their daily routines. Respite relieves families or the primary caregivers from their daily caregiving responsibilities.

B. Respite can be provided in:

1. The participant's own home,
2. The home of a respite care provider,
3. A licensed residential site,
4. State certified overnight or youth camps, and
5. Other settings and camps as approved by DDA

**SERVICE REQUIREMENTS:**

A. Someone who lives with the participant may be the respite provider, as long as she or he is not the person who normally provides care for the participant and is not contracted or paid to provide any other DDA funded service to the participant.

B. A relative of a participant (who is not a spouse) may be paid to provide this service in accordance with the applicable requirements set forth in Appendix C-2. A legally responsible person or legal guardian of the participant cannot be paid by the Waiver program, either directly or indirectly, to provide this Waiver program service.

C. A neighbor or friend may provide services under the same requirements as defined in Appendix C-2-e.

D. Receipt of respite services does not preclude a participant from receiving other services on the same day. For example, the participant may receive meaningful day services (e.g., Employment Services or Day Habilitation) on the same day they receive respite services so long as these services are provided at different times.

E. Under self-directing services, the following applies:

1. Participant or their designated representative is considered the employer of record;
2. Participant or their designated representative is responsible for supervising, training and determining the frequency of services and supervision of their direct service workers;
3. Respite Care Services include the cost associated with staff training such as First Aid and CPR; and
4. Respite Care Services staff, with the exception of legal guardians and relatives, must be compensated overtime pay as per the Fair Labor Standards Act from the self-directed budget.

F. Payment rates for services must be customary and reasonable, as established by the DDA.

G. Services are reimbursed based on:

1. An hourly rate for services provided in the participant's home or non-licensed respite provider's home;
2. Daily rate for services provided in a licensed residential site; or
3. Reasonable and customary camp fee.

H. Respite cannot replace day care while the participant's parent or guardian is at work.

I. If respite is provided in a residential site, the site must be licensed. Services provided in the participant's home or the home of a relative, neighbor, or friend does not require licensure.

J. Respite does not include funding for any fees associated with the respite care (for example, membership fees at a recreational facility, community activities, or insurance fees).

K. Respite Care Services are not available at the same time as the direct provision of Career Exploration, Community Development Services, Day Habilitation, Employment Discovery and Customization, Medical Day Care, Personal Supports, Supported Employment, or Transportation services.

L. Payment may not be made for services furnished at the same time as other services that include care and supervision. This includes Medicaid State Plan Personal Care Services as described in COMAR 10.09.20, the Attendant Care Program (ACP), and the In-Home Aide Services Program (IHAS).

M. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan,

Division of Rehabilitation Services (“DORS”), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

N. Participants authorized above the amendment service limit prior to July 1, 2019 can continue to receive their previously authorized service level until their annual person-centered planning meeting. This will support additional time for person-centered service exploration, planning, and service implementation.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

1. Respite care services hourly and daily total hours may not exceed 720 hours within each Person-Centered Plan year unless otherwise authorized by the DDA.
2. The total cost for camp cannot exceed \$7,248 within each plan year.

**Service Delivery Method** *(check each that applies):*

- Participant-directed as specified in Appendix E**
- Provider managed**

**Specify whether the service may be provided by** *(check each that applies):*

- Legally Responsible Person**
- Relative**
- Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	Respite Care Provider
Agency	Individual
Individual	Respite Care Supports
Agency	Licensed Community Residential Services Provider

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Statutory Service**  
**Service Name: Respite Care Services**

**Provider Category:**

**Provider Type:**

**Provider Qualifications**

**License** *(specify):*

**Certificate** *(specify):*

**Other Standard** (*specify*):

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:
  - A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
  - B. A minimum of five (5) years demonstrated experience and capacity providing quality similar services;
  - C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements applicable laws, and regulations;
  - D. Except for currently DDA certified respite care providers, demonstrate the capability to provide or arrange for the provision of respite care services required by submitting, at a minimum, the following documents with the application:
    - (1) A program service plan that details the agencies service delivery model;
    - (2) A business plan that clearly demonstrates the ability of the agency to provide respite care services;
    - (3) A written quality assurance plan to be approved by the DDA;
    - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
    - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
  - E. If currently licensed or certified, produce, upon written request from the DDA, the documents required under D.
  - F. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
  - G. Have Workers' Compensation Insurance;
  - H. Have Commercial General Liability Insurance;
  - I. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
  - J. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;
  - K. Complete required orientation and training;
  - L. Comply with the DDA standards related to provider qualifications; and
  - M. Complete and sign any agreements required by MDH or DDA.
2. Have a signed Medicaid Provider Agreement.
3. Have documentation that all vehicles used in the provision of services have automobile insurance; and
4. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

1. Be at least 16 years old;
2. Possess current first aid and CPR certification;
3. Training by participant/family on participant-specific information (including preferences, positive behavior supports, when needed, and disability-specific information);
4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
5. Complete necessary pre/in-service training based on the Person-Centered Plan;
6. Complete the training designated by DDA. After July 1, 2019, all new hires must complete the DDA required training prior to independent service delivery.
7. Unlicensed direct support professional staff who administer medication or perform delegable

nursing tasks as part of this Waiver service must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians, except if the participant and their medication administration or nursing tasks qualifies for exemption from nursing delegation pursuant to COMAR 10.27.1;

8. Possess a valid driver’s license, if the operation of a vehicle is necessary to provide services; and
9. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services.

Camps requirements including:

1. Be a certified Organized Health Care Delivery Services provider;
2. State certification and licenses as a camp including overnight and youth camps as per COMAR 10.16.06, unless otherwise approved by the DDA; and
1. DDA approved camp.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

1. DDA for verification of provider approval
2. Respite Care Services Provider for verification of direct support staff and camps

**Frequency of Verification:**

1. DDA - Initial and at least every three years
2. DDA Certified Respite Care Services Provider – prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Statutory Service**

**Service Name: Respite Care Services**

**Provider Category:**

Agency

**Provider Type:**

Individual

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Camp must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting the following standards:
  - A. Be properly organized as a Maryland corporation or surrounding states, if operating as a foreign corporation, be properly registered to do business in Maryland;
  - B. A minimum of five (5) years demonstrated experience and capacity providing quality similar services;
  - C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
  - D. Except for currently DDA certified camps, demonstrate the capability to provide or arrange for the provision services required by submitting, at a minimum, the following documents with the application:
    - (1) A program service plan that details the camp's service delivery model;
    - (2) A summary of the applicant's demonstrated experience in the field of developmental disabilities;
    - (3) State certification and licenses as a camp including overnight and youth camps; and
    - (4) Prior licensing reports issued within the previous 5 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
  - E. If a currently approved camp, produce, upon written request from the DDA, the documents required under D.
  - F. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
  - G. Have Workers' Compensation Insurance;
  - H. Have Commercial General Liability Insurance;
  - I. Required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
  - J. Require staff certifications, licenses, and/or trainings as required to perform services;
  - K. Complete required orientation and training;
  - L. Comply with the DDA standards related to provider qualifications; and
  - M. Complete and sign any agreements required by MDH or DDA.
2. Have a signed Medicaid Provider Agreement.
3. Have documentation that all vehicles used in the provision of services have automobile insurance; and
4. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

#### Verification of Provider Qualifications

##### Entity Responsible for Verification:

1. DDA for approval of camps
2. FMS providers, as described in Appendix E. for participants self-directing services

##### Frequency of Verification:

1. DDA – Initial and at least every three years
2. FMS provider - prior to service delivery and continuing thereafter

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Statutory Service**

**Service Name: Respite Care Services**

#### Provider Category:

Individual

#### Provider Type:

Respite Care Supports

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 16 years old;
2. Possess current first aid and CPR certification;
3. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2;
4. Unlicensed direct support professional staff who administer medication or perform delegable nursing tasks as part of this Waiver service must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians, except if the participant and their medication administration or nursing tasks qualifies for exemption from nursing delegation pursuant to COMAR 10.27.1;
5. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
6. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;
7. Complete required orientation and training designated by DDA;
8. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
9. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
10. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
11. Complete and sign any agreements required by MDH or DDA; and
12. Have a signed Medicaid provider agreement.

Individuals providing services for participants self-directing their services must meet the standards 1 through 7 noted above and submit forms and documentation as required by the Fiscal Management Service (FMS) agency. FMS must ensure the individual or entity performing the service meets the qualifications.

Participants in self-directing services, as the employer, may require additional staffing requirements based on their preferences and level of needs.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

1. DDA for approval of Respite Care Supports
2. FMS providers, as described in Appendix E, for participants self-directing services

**Frequency of Verification:**

1. DDA – Initial and at least every three years
2. FMS provider - prior to service delivery and continuing thereafter

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Statutory Service**

**Service Name: Respite Care Services**

**Provider Category:**

Agency

**Provider Type:**

Licensed Community Residential Services Provider

**Provider Qualifications**

**License** (*specify*):

Licensed Community Residential Services Provider

**Certificate** (*specify*):

**Other Standard** (*specify*):

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:

- A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
- B. A minimum of five (5) years demonstrated experience and capacity providing quality similar services;
- C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
- D. Except for currently DDA licensed residential providers, demonstrate the capability to provide or arrange for the provision of respite care services required by submitting, at a minimum, the following documents with the application:
  - (1) A program service plan that details the agencies service delivery model;
  - (2) A business plan that clearly demonstrates the ability of the agency to provide respite care services;
  - (3) A written quality assurance plan to be approved by the DDA;
  - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
  - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
- E. If currently licensed or certified, produce, upon written request from the DDA, the documents required under D.
- F. Be licensed by the Office of Health Care Quality;
- G. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
- H. Have Workers' Compensation Insurance;
- I. Have Commercial General Liability Insurance;
- J. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
- K. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;
- L. Complete required orientation and training;
- M. Comply with the DDA standards related to provider qualifications; and
- N. Complete and sign any agreements required by MDH or DDA.

- 2. Have a signed Medicaid provider agreement;
- 3. Have documentation that all vehicles used in the provision of services have automobile insurance;
- 4. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy; and
- 5. Respite care services provided in a provider owned and operated residential site must be licensed.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

- 1. Be at least 16 years old;
- 2. Possess current first aid and CPR certification;
- 3. Training by participant/family on participant-specific information (including preferences, positive behavior supports, when needed, and disability-specific information);
- 4. Additional requirements based on the participant's preferences and level of needs.
- 5. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-;
- 6. Complete necessary pre/in-service training based on the Person-Centered Plan;
- 7. Complete the training designated by DDA. After July 1, 2019, all new hires must complete the DDA required training prior to independent service delivery.

- 8. Unlicensed direct support professional staff who administer medication or perform delegable nursing tasks as part of this Waiver service must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians, except if the participant and their medication administration or nursing tasks qualifies for exemption from nursing delegation pursuant to COMAR 10.27.1;
- 9. Possess a valid driver’s license, if the operation of a vehicle is necessary to provide services; and
- 10. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- 1. DDA for verification of provider license and licensed site
- 2. Licensed Community Residential Services Provider for verification of direct support staff and camps

**Frequency of Verification:**

- 1. DDA - Initial and at least every three years
- 2. Licensed Community Residential Services Provider – prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Supports for Participant Direction

The waiver provides for participant direction of services as specified in Appendix E. Indicate whether the waiver includes the following supports or other supports for participant direction.

**Support for Participant Direction:**

Information and Assistance in Support of Participant Direction

**Alternate Service Title (if any):**

Support Broker Services

**HCBS Taxonomy:**

**Category 1:**

12 Services Supporting Self-Direction

**Sub-Category 1:**

12020 information and assistance in support of self-direction

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Category 4:**

**Sub-Category 4:**

**Service Definition (Comment)**

A. Support Broker Services are employer related information and advice for a participant in support of self-direction to make informed decisions related to day-to-day management of staff providing services within the available budget.

B. Information, coaching, and mentoring may be provided to participant about:

1. Self-direction including roles and responsibilities and functioning as the common law employer;
2. Other employment related subjects pertinent to the participant and/or family in managing and directing services;
3. The process for changing the person centered plan and individual budget;
4. Risks and responsibilities of self-direction;
5. Policy on Reportable Incidents and Investigations (PORII);
6. Choice and control over the selection and hiring of qualified individuals as workers;
7. Individual and employer rights and responsibilities; and
8. The reassessments and review of work schedules.

C. Assistance, as necessary and appropriate, if chosen by the participant, may be provided with:

1. Practical skills training (e.g., hiring, managing and terminating workers, problem solving, conflict resolution);
2. Development of risk management agreements;
3. Recognizing and reporting critical events;
4. Developing strategies for recruiting, interviewing, and hiring staff;
5. Developing staff supervision and evaluation strategies;
6. Developing terminating strategies;
7. Developing employer related risk assessment, planning, and remediation strategies;
8. Developing strategies for managing the budget and budget modifications including reviewing monthly Fiscal Management Services reports to ensure that the individualized budget is being spent in accordance with the approved Person-Centered Plan and budget and conducting audits;
9. Developing strategies for managing employees, supports and services;
10. Developing strategies for facilitating meetings and trainings with employees;

11. Developing service quality assurance strategies;
12. Developing strategies for reviewing data, employee timesheets, and communication logs;
13. Developing strategies for effective staff back-up and emergency plans;
14. Developing strategies for training all of the participant's employees on the Policy on Reportable Incidents and ensuring that all critical incidents are reported to the Office of Health Care Quality and DDA; and
15. Developing strategies for complying with all applicable regulations and policies, as well as standards for self-direction including staffing requirements and limitations as required by the DDA.

#### SERVICE REQUIREMENTS:

A. Support Broker services are an optional service to support participants enrolled in the Self-Directed Services Delivery Model, as further described in Appendix E. A participant enrolled in the Traditional Services delivery model is not eligible to receive this service.

B. A relative (who is not a spouse, legally responsible person, legal guardian, or Social Security Administration representative payee) of the participant may be paid to provide this Waiver program service in accordance with applicable requirements set forth in Appendix C-2 and this Section B.

1. A spouse or legally responsible person may provide Support Broker services, but may not be paid by this Waiver program.
2. A relative who is paid to provide Support Broker services cannot:
  - a. Provide this Waiver program service for more than 40 hours a week;
  - b. Serve as the participant's designated representative, managing the participant's self-directed services as provided in Appendix E; or
  - c. Provide any other Waiver program services which are funded by the Waiver program under this Appendix C.

C. Support Brokers must provide assurances that they will implement the Person-Centered Plan as approved by DDA or their designee in accordance with all federal and State laws and regulations governing Medicaid, including the maintenance of all employment and financial records including timesheets and service delivery documentation.

D. Individuals and organizations providing Support Broker services may provide no other paid service to that participant.

E. Support Broker Services may not duplicate, replace, or supplant Coordination of Community Service.

F. Scope and duration of Support Broker Services may vary depending on the participant's choice and need for support, assistance, or existing natural supports. The scope and duration must be within the service description, requirements, and limitations.

G. Additional assistance, coaching, and mentoring may be authorized based on extraordinary circumstances when there are significant changes in the participant's health or medical situation.

H. Service hours must be necessary, documented, and evaluated by the team.

I. Support Brokers shall not make any decision for the participant, sign off on service delivery or timesheets, or hire or fire workers.

J. This service includes the option to provide benefits and leave time to a Support Broker subject to the following requirements:

1. The benefits and leave time which are requested by the participant are: (a) within applicable reasonable and customary standards as established by DDA policy; or (b) required for the participant's compliance, as the employer of record, with applicable federal, State, or local laws;
2. Any benefit and leave time offered by the participant must comply with any and all applicable federal, State, or local laws; and
3. All funded benefits and leave time shall be included in and be part of the participant's annual budget.

E. Support Broker Services may not duplicate, replace, or supplant Coordination of Community Service.

F. Scope and duration of Support Broker Services may vary depending on the participant's choice and need for support, assistance, or existing natural supports. The scope and duration must be within the service description, requirements, and limitations.

G. Additional assistance, coaching, and mentoring may be authorized based on extraordinary circumstances when there are significant changes in the participant's health or medical situation.

H. Service hours must be necessary, documented, and evaluated by the team.

I. Support Brokers shall not make any decision for the participant, sign off on service delivery or timesheets, or hire or fire workers.

J. This service includes the option to provide benefits and leave time to a Support Broker subject to the following requirements:

1. The benefits and leave time which are requested by the participant are: (a) within applicable reasonable and customary standards as established by DDA policy; or (b) required for the participant's compliance, as the employer of record, with applicable federal, State, or local laws;
2. Any benefit and leave time offered by the participant must comply with any and all applicable federal, State, or local laws; and
3. All funded benefits and leave time shall be included in and be part of the participant's annual budget.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

1. Initial orientation and assistance up to 15 hours.
2. Information, coaching, and mentoring up to 4 hours per month unless otherwise authorized by the DDA.

**Service Delivery Method** (*check each that applies*):

**Participant-directed as specified in Appendix E**

**Provider managed**

Specify whether the service may be provided by (check each that applies):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Support Broker Professional
Agency	Support Broker Agency

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Supports for Participant Direction**

**Service Name: Support Broker Services**

**Provider Category:**

Individual

**Provider Type:**

Support Broker Professional

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Have a GED or high school diploma,
3. Possess current first aid and CPR certification;
4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
5. Be certified by the DDA to demonstrate core competency related to self-determination, consumer directed services and service systems (generic and government-sponsored) for individuals with disabilities and effective staff management strategies.
6. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
7. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services; and
8. Complete required orientation and training designated by DDA including the Policy on Reportable Incidents and Investigations (PORII) and Support Broker trainings.

Individuals providing services for participants self-directing their services must meet the standards 1 through 8 noted above and submit forms and documentation as required by the Fiscal Management Service (FMS) agency. FMS must ensure the individual or entity performing the service meets the qualifications.

Participants in self-directing services, as the employer, may require additional staffing requirements based on their preferences and level of needs.

#### **Verification of Provider Qualifications**

##### **Entity Responsible for Verification:**

1. DDA for Support Broker Professional
2. FMS provider, as described in Appendix E, for participants self-directing services

##### **Frequency of Verification:**

1. DDA - Initial and Annually
2. FMS provider - prior to service delivery and continuing thereafter

## **Appendix C: Participant Services**

### **C-1/C-3: Provider Specifications for Service**

**Service Type: Supports for Participant Direction**

**Service Name: Support Broker Services**

#### **Provider Category:**

Agency

#### **Provider Type:**

Support Broker Agency

#### **Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard** (*specify*):

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:
  - A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
  - B. A minimum of five (5) years demonstrated experience and capacity providing quality similar services;
  - C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
  - D. Except for currently DDA licensed or certified providers, demonstrate the capability to provide or arrange for the provision of all services required by submitting, at a minimum, the following documents with the application:
    - (1) A program service plan that details the agencies service delivery model;
    - (2) A business plan that clearly demonstrates the ability of the agency to provide services;
    - (3) A written quality assurance plan to be approved by the DDA;
    - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
    - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
  - E. If currently licensed or certified, produce, upon written request from the DDA, the documents required under D.
  - F. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
  - G. Have Workers' Compensation Insurance;
  - H. Have Commercial General Liability Insurance;
  - I. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
  - J. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;
  - K. Complete required orientation and training;
  - L. Comply with the DDA standards related to provider qualifications; and
  - M. Complete and sign any agreements required by MDH or DDA.
2. Have documentation that all vehicles used in the provision of services have automobile insurance; and
3. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

1. Be at least 18 years old;
2. Have a GED or high school diploma;
3. Be certified by the DDA to demonstrate core competency related to self-determination, consumer directed services and service systems (generic and government-sponsored) for individuals with disabilities and effective staff management strategies.
4. Complete required orientation and training designated by DDA including the Policy on Reportable Incidents and Investigations (PORII) and Support Broker trainings;
5. Complete necessary pre/in-service training based on person-specific information (including preferences, positive behavior supports, when needed, and disability-specific information as noted in the Person-Centered Plan and DDA required training prior to service delivery;

6. Possess current first aid and CPR certification;
7. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
8. Complete necessary pre/in-service training based on the Person-Centered Plan;
9. Complete the new DDA required training by July 1, 2019 or sooner. After July 1, 2019, all new hires must complete the DDA required training prior to service delivery.
10. Possess a valid driver’s license, if the operation of a vehicle is necessary to provide services; and
11. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

1. FMS provider, as described in Appendix E
2. Support Broker Agency for individual staff members’ certifications and training

**Frequency of Verification:**

1. FMS provider - prior to service delivery
2. Provider – prior to service delivery and annually thereafter

**Appendix C: Participant Services**

**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Assistive Technology and Services

**HCBS Taxonomy:**

**Category 1:**

14 Equipment, Technology, and Modifications

**Sub-Category 1:**

14031 equipment and technology

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**



A. The purpose of assistive technology is to maintain or improve a participant's functional abilities, enhance interactions, support meaningful relationships, and promote their ability to live independently, and meaningfully participate in their community.

B. Assistive technology and services includes:

1. Assistive technology needs assessment
2. Acquisition of assistive technology
3. Installation and instruction on use of assistive technology; and
4. Maintenance of assistive technology.

C. Assistive Technology means an item, computer application, piece of equipment, or product system. Assistive Technology may be acquired commercially, modified, or customized. Assistive technology devices only include:

1. Speech and communication devices also known as augmentative and alternative communication devices (AAC), such as speech generating devices, text-to-speech devices and voice amplification devices;
2. Blind and low vision devices, such as video magnifiers, devices with optical character recognizer (OCR) and Braille note takers;
3. Deaf and hard of hearing devices, such as alerting devices, alarms, and assistive listening devices;
4. Devices for computers and telephone use such as alternative mice and keyboards or hands-free phones;
5. Environmental control devices, such as voice activated lights, lights, fans, and door openers;
6. Aides for daily living, such as weighted utensils, adapted writing implements, dressing aids;
7. Cognitive support devices and items, such as task analysis applications or reminder systems;
8. Remote support devices, such as assistive technology health monitoring such as blood pressure bands and oximeter and personal emergency response systems; and
9. Adapted toys and specialized equipment such as specialized car seats and adapted bikes.

D. Assistive technology service means a service that directly assists a participant in the selection, acquisition, use, or maintenance of an assistive technology device. Assistive technology services only include:

1. Assistive Technology needs assessment;
2. Programs, materials and assistance in the development of adaptive materials;
3. Training or technical assistance for the participant and their support network including family members;
4. Repair and maintenance of devices and equipment;
5. Programming and configuration of devices and equipment;
6. Coordination and use of assistive technology devices and equipment with other necessary therapies, interventions, or services in the Person-Centered Plan; and
7. Services consisting of purchasing or leasing devices.

E. Specifically excluded under this service are:

1. Wheelchairs, architectural modifications, adaptive driving, vehicle modifications, and devices requiring a prescription by physicians or other licensed health care providers as these items are covered through: (i) the Medicaid State Plan as Durable Medical Equipment (DME); (ii) other Waiver program services (e.g., environmental modification and vehicle modifications); (iii) the Division of Rehabilitation Services; or (iv) any other State funding program;
2. Services, equipment, items or devices that are experimental or not authorized by applicable State or Federal authority; and
3. Smartphones and associated monthly service line and data cost.

#### SERVICE REQUIREMENTS:

A. If the Assistive Technology, requested for the participant, costs up to, but does not equal or exceed \$1,000, then an assistive technology needs assessment is not required, but may be requested by the participant, prior to the acquisition of the Assistive Technology.

B. If the Assistive Technology, requested for the participant, has a cost that equals or exceeds \$1,000, then an assistive technology needs assessment is required prior to acquisition of the Assistive Technology.

C. The Assistive technology assessment must contain the following components:

1. A description of the participant's needs and goals;
2. A description of the participant's functional abilities without Assistive Technology;
3. A description of whether and how Assistive Technology will meet the participant's needs and goals; and
4. A list of all Assistive technology, and other Waiver program services (including a combination of any of the

elements listed) that would be most effective to meet the technology needs of the participant.

D. If the item costs over \$1000, the most cost effective option that best meets the participant’s needs shall be selected from the list, developed in the Assistive Technology assessment described in C. above, must be selected for inclusion on the Person-Centered Plan unless an explanation of why the chosen option is the most cost effective.

E. Prior to acquisition of the Assistive Technology, the participant must submit three estimates for the Assistive Technology and services for review and selection by the DDA.

F. Upon delivery to the participant (including installation) or maintenance performed, the assistive technology must be in good operating condition and repair in accordance with applicable specifications.

G. Prior to accessing DDA funding for this service, Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

H. To the extent that any listed services are covered under the Medicaid State Plan, the services under the waiver would be limited to additional services not otherwise covered under the Medicaid State Plan, but consistent with waiver objectives of avoiding institutionalization.

I. A legally responsible person, relative, or legal guardian of the participant cannot be paid by the Waiver program, either directly or indirectly, to provide this Waiver program service.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

**Service Delivery Method** *(check each that applies):*

- Participant-directed as specified in Appendix E**
- Provider managed**

**Specify whether the service may be provided by** *(check each that applies):*

- Legally Responsible Person**
- Relative**
- Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Assistive Technology Professional
Agency	Organized Health Care Delivery System

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**  
**Service Name: Assistive Technology and Services**

**Provider Category:**

Individual

**Provider Type:**

Assistive Technology Professional

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Have required credentials, license, or certification in an area related to the specific type of technology needed as noted below;
3. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
4. Have Commercial General Liability Insurance;
5. Complete required orientation and training designated by DDA;
6. Complete necessary pre/in-service training based on the Person-Centered Plan
7. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
8. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
9. Complete and sign any agreements required by MDH or DDA; and
10. Have a signed Medicaid Provider Agreement.

Assistive Technology Professional credentialing, licensing, or certification requirements:

1. Individuals performing assessments for Assistive Technology (except for Speech Generating Devices) must meet following requirements :
  - a. Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) Assistive Technology Practitioner (ATP);
  - b. California State University Northridge (CSUN) Assistive Technology Applications Certificate; or
  - c. Certificate of Clinical Competence in Speech Language Pathology (CCC-SLP).
2. Individuals performing assessments for any Speech Generating Devices must meet the following requirements:
  - a. Needs assessment and recommendation must be completed by a licensed Speech Therapist;
  - b. Program and training can be conducted by a RESNA Assistive Technology Practitioner (ATP) or California State University North Ridge (CSUN) Assistive Technology Applications Certificate professional.
3. Assistive Technology Specialist/Practitioner must have an acceptable certification from any of the following:
  - a. Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) Assistive Technology Practitioner (ATP);
  - b. California State University Northridge (CSUN) Assistive Technology Applications Certificate; or
  - c. Certificate of Clinical Competence in Speech Language Pathology (CCC-SLP); and
  - d. Minimum of three years of professional experience in adaptive rehabilitation technology in each device and service area certified.
4. Licensed professional must have:
  - a. Maryland Board of Audiologists, Hearing Aid Dispensers & Speech-Language Pathologists license for Speech-Language Pathologist; or
  - b. Maryland Board of Occupational Therapy Practice license for Occupational Therapist.
5. Entity designated by the Division of Rehabilitation Services (DORS) as an Assistive Technology service vendor.

#### **Verification of Provider Qualifications**

##### **Entity Responsible for Verification:**

1. DDA for certified Assistive Technology Professional
2. FMS provider, as described in Appendix E, for participants self-directing services

##### **Frequency of Verification:**

1. DDA – Initially and at least every three years
2. FMS provider - prior to service delivery and continuing thereafter

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Other Service**

**Service Name: Assistive Technology and Services**

**Provider Category:**

Agency

**Provider Type:**

Organized Health Care Delivery System

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):

Agencies must meet the following standards:

1. Be certified or licensed by the DDA to provide at least one Medicaid waiver service; and
2. Complete the DDA provider application to be an Organized Health Care Delivery Services provider.

OHCDS providers shall verify the licenses, credentials, and experience of all professionals with whom they contract or employ and have a copy of the same available upon request.

Assistive Technology Professional credentialing, licensing, or certification requirements:

1. Individuals performing assessments for Assistive Technology (except for Speech Generating Devices) must meet following requirements:
  - a. Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) Assistive Technology Practitioner (ATP ),
  - b. California State University Northridge (CSUN) Assistive Technology Applications Certificate, or
  - c. Certificate of Clinical Competence in Speech Language Pathology (CCC-SLP).
2. Individuals performing assessments for any Speech Generating Devices must meet the following requirements:
  - a. Need assessment and recommendation must be completed by a licensed Speech Therapist;
  - b. Program and training can be conducted by a RESNA Assistive Technology Practitioner (ATP) or California State University North Ridge (CSUN) Assistive Technology Applications Certificate professional.
3. Assistive Technology Specialist/Practitioner must have an acceptable certification from any of the following:
  - a. Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) Assistive Technology Practitioner (ATP );
  - b. California State University Northridge (CSUN) Assistive Technology Applications Certificate; or
  - c. Certificate of Clinical Competence in Speech Language Pathology (CCC-SLP); and
  - d. Minimum of three years of professional experience in adaptive rehabilitation technology in each device and service area certified;
4. Licensed professional must have:
  - a. Maryland Board of Audiologists, Hearing Aid Dispensers & Speech-Language Pathologists license for Speech-Language Pathologist, or
  - b. Maryland Board of Occupational Therapy Practice license for Occupational Therapist.
5. Entity designated by the Division of Rehabilitation Services (DORS) as an Assistive Technology service vendor.

#### **Verification of Provider Qualifications**

##### **Entity Responsible for Verification:**

1. DDA for OHCDS
2. OHCDS providers for entities and individuals they contract or employ

##### **Frequency of Verification:**

1. OHCDS - initial and at least every three years
2. OHCDS providers – prior to service delivery and continuing thereafter

## **Appendix C: Participant Services**

### **C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

#### **Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Behavioral Support Services

**HCBS Taxonomy:**

**Category 1:**

10 Other Mental Health and Behavioral Services

**Sub-Category 1:**

10040 behavior support

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

A. Behavioral Support Services are an array of services to assist participants who without such supports are experiencing, or are likely to experience, difficulty at home or in the community as a result of behavioral, social, or emotional issues. These services seek to help understand a participant's challenging behavior and its function is to develop a Behavior Plan with the primary aim of enhancing the participant's independence and inclusion in their community.

B. Behavioral Support Services includes:

1. Behavioral Assessment - identifies a participant's challenging behaviors by collecting and reviewing relevant data, discussing the information with the participant's support team, and developing a Behavior Plan, that best addresses the function of the behavior, if needed;
2. Behavioral Consultation - services that oversee, monitor, and modify the Behavior Plan; and
3. Brief Support Implementation Services - time limited service to provide direct assistance and modeling to families, staff, caregivers, and any other individuals supporting the participant so they can independently implement the Behavior Plan.

SERVICE REQUIREMENT:

A. Behavioral Assessment:

1. Is based on the principles of person-centered thinking, a comprehensive Functional Behavioral Assessment (FBA), and supporting data;
2. Is performed by a qualified clinician;
3. Requires development of specific hypotheses for the challenging behavior, a description of the challenging behaviors in behavioral terms, to include topography, frequency, duration, intensity/severity, and variability/cyclical of the behaviors;
4. Must be based on a collection of current specific behavioral data; and
5. Includes the following:
  - a. An onsite observation of the interactions between the participant and their caregiver(s) in multiple settings and observation of the implementation of existing programs;
  - b. An environmental assessment of all primary environments;
  - c. A medical assessment including a list of all medications including those specifically prescribed to modify challenging behaviors, the rationale for prescribing each medication, and the potential side effects of each medication;
  - d. A participant's history based upon the records and interviews with the participant and with the people important to/for the person (e.g. parents, caregivers, vocational staff, etc.);
  - e. Record reviews and interviews recording the history of the challenging behaviors and attempts to modify it;
  - f. Recommendations, after discussion of the results within the participant's interdisciplinary team, for behavioral support strategies, including those required to be developed in a Behavior Plan; and
  - g. Development of the Behavior Plan, if applicable.

B. Behavioral Consultation services only include:

1. Recommendations for subsequent professional evaluation services (e.g., Psychiatric, Neurological, Psychopharmacological, etc.), not identified in the Behavioral Assessment, that are deemed necessary and pertinent to the behavioral challenges;
2. Consultation, subsequent to the development of the Behavioral Plan which may include speaking with the participant's Psychiatrists and other medical/therapeutic practitioners;
3. Developing, writing, presenting, and monitoring the strategies for working with the participant and their caregivers;
4. Providing ongoing education on recommendations, strategies, and next steps to the participant's support network (i.e. caregiver(s), family members, agency staff, etc.) regarding the structure of the current environment, activities, and ways to communicate with and support the participant;
5. Developing, presenting, and providing ongoing education on recommendations, strategies, and next steps to ensure that the participant is able to continue to participate in all pertinent environments (i.e. home, day program, job, and community) to optimize community inclusion in the most integrated environment;
6. Ongoing assessment of progress in all pertinent environments against identified goals;
7. Preparing written progress notes on the participant's goals identified in the Behavior Plan at a minimum include the following information:
  - a. Assessment of behavioral supports in the environment;
  - b. Progress notes detailing the specific Behavior Plan interventions and outcomes for the participant;
  - c. Data, trend analysis and graphs to detail progress on target behaviors identified in a Behavioral Plan; and
  - d. Recommendations;

8. Development and updates to the Behavioral Plan as required by regulations; and
9. Monitoring and ongoing assessment of the implementation of the Behavioral Plan based on the following:
  - a. At least monthly for the first six months; and
  - b. At least quarterly after the first six months or as dictated by progress against identified goals.
- C. Brief Support Implementation Services includes:
  1. On-site execution and modeling of identified behavioral support strategies;
  2. Timely semi-structured written feedback to the clinicians on the provision and effectiveness of the Behavior Plan and strategies;
  3. Participation in onsite meetings or instructional sessions with the participant's support network regarding the recommendations, strategies, and next steps identified in the Behavior Plan;
  4. Brief Support Implementation Services cannot be duplicative of other services being provided (e.g. 1:1 supports); and
  5. Staff must provide Brief Support Implementation Services on-site and in person with the individuals supporting the participant in order to model the implementation of identified strategies to be utilized in the Behavior Plan.
- D. The DDA policies, procedure and guidance must be followed when developing a behavior plan.
- E. If the requested Behavioral Support Services, or Behavior Plan, restricts the participant's rights, as set forth in Title 7 of the Health-General Article of the Maryland Annotated Code or COMAR Title 10, Subtitle 22, then the need for the restriction must be set forth in the participant's behavior plan in accordance with applicable regulations and policies governing restrictions of participant rights, behavior plans, and positive behavior supports.
- F. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.
- G. To the extent that any listed services are covered under the Medicaid State Plan, the services under the waiver would be limited to additional services not otherwise covered under the Medicaid State Plan, but consistent with waiver objectives of avoiding institutionalization.
- H. Behavioral Assessment is reimbursed based on a milestone for a completed assessment.
- I. The Behavior Plan is reimbursed based on a milestone for a completed plan.
- J. Behavioral Support Services may not be provided at the same time as the direct provision of Respite Care Services.
- K. Behavioral Consultation and Brief Support Implementation Services service hours are based on assessed needs, supporting data, plan implementation, and authorization from the DDA.
- L. Children have access to any medically necessary preventive, diagnostic, and treatment services under Medicaid's Early and Periodic Screening, Diagnostic and Treatment (EPSDT) services to help meet children's health and developmental needs. This includes age appropriate medical, dental, vision, and hearing screening services and diagnostic and treatment services to correct or ameliorate identified conditions. Supports provided by this waiver service is to improve and maintain the ability of the child to remain in and engage in community activities.
- M. A legally responsible person, relative, or legal guardian of the participant cannot be paid by the Waiver program, either directly or indirectly, to provide this Waiver program service.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

1. Behavioral Assessment is limited to one per person-centered plan year unless otherwise approved by the DDA.
2. For Behavioral Consultation and Brief Support Implementation Services, the Waiver program will fund up to a maximum of 8 hours per day.

**Service Delivery Method** (check each that applies):

**Participant-directed as specified in Appendix E**

**Provider managed**

**Specify whether the service may be provided by** (check each that applies):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Behavioral Support Services Professional
Agency	Behavioral Support Services Provider

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Behavioral Support Services**

**Provider Category:**

Individual

**Provider Type:**

Behavioral Support Services Professional

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Have required credentials, license, or certification as noted below;
3. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
4. Complete required orientation and training designated by DDA;
5. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
6. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
7. Have Commercial General Liability Insurance;
8. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
9. Complete and sign any agreements required by MDH or DDA; and
10. Have a signed Medicaid provider agreement.

An individual is qualified to complete the behavioral assessment and consultation services if they have one of the following:

1. Licensed psychologist;
2. Psychology associate working under the license of the psychologist (and currently registered with and approved by the Maryland Board of Psychology);
3. Licensed professional counselor;
4. Licensed certified social worker; and
5. Licensed behavioral analyst.

In addition, an individual who provides behavioral assessment and/or consultation services must have the following training and experience:

1. A minimum of one year of clinical experience under the supervision of a Maryland licensed Health Occupations professional with training and experience in functional analysis and tiered behavior support plans with the I/DD population;
2. A minimum of one year clinical experience working with individuals with co-occurring mental health or neurocognitive disorders; and
3. Competencies in areas related to:
  - (a) Analysis of verbal behavior to improve socially significant behavior;
  - (b) Behavior reduction/elimination strategies that promote least restrictive approved alternatives, including positive reinforcement/schedules of reinforcement;
  - (c) Data collection, tracking and reporting;
  - (d) Demonstrated expertise with populations being served;
  - (e) Ethical considerations related to behavioral services;
  - (f) Functional analysis and functional assessment and development of functional alternative behaviors and generalization and maintenance of behavior change;
  - (g) Measurement of behavior and interpretation of data, including ABC (antecedent-behavior-consequence) analysis including antecedent interventions;
  - (h) Identifying desired outcomes;
  - (i) Selecting intervention strategies to achieve desired outcomes;
  - (j) Staff/caregiver training;
  - (k) Support plan monitors and revisions; and
  - (l) Self-management.

Staff providing the Brief Support Implementation Services must be a person who has:

- a. Demonstrated completion of high school or equivalent/higher,
- b. Successfully completed an 40-hour Registered Behavioral Technician (RBT) training, and
- c. Receives ongoing supervision by a qualified clinician who meets the criteria to provided behavioral assessment and behavioral consultation.

#### **Verification of Provider Qualifications**

##### **Entity Responsible for Verification:**

- 1. DDA for certified Behavioral Support Services Professional
- 2. FMS provider, as described in Appendix E for participants self-directing services

**Frequency of Verification:**

- 1. DDA – Initially and at least every three years
- 2. FMS provider – prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Behavioral Support Services**

**Provider Category:**

Agency

**Provider Type:**

Behavioral Support Services Provider

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:

- A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
- B. A minimum of five (5) years demonstrated experience and capacity providing quality similar services;
- C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
- D. Except for currently DDA licensed or certified Behavioral Support Services providers, demonstrate the capability to provide or arrange for the provision of all behavioral support services required by submitting, at a minimum, the following documents with the application:
  - (1) A program service plan that details the agencies service delivery model;
  - (2) A business plan that clearly demonstrates the ability of the agency to provide behavioral support services;
  - (3) A written quality assurance plan to be approved by the DDA;
  - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
  - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
- E. If currently licensed or certified, produce, upon written request from the DDA, the documents required under D;
- F. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
- G. Have Workers' Compensation Insurance;
- H. Have Commercial General Liability Insurance;
- I. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
- J. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;
- K. Complete required orientation and training;
- L. Comply with the DDA standards related to provider qualifications; and
- M. Complete and sign any agreements required by MDH or DDA.

2. Have a signed Medicaid provider agreement.

3. Have documentation that all vehicles used in the provision of services have automobile insurance; and

4. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

- 1. Be at least 18 years old;
- 2. Have required credentials, license, or certification as noted below;
- 3. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
- 4. Complete necessary pre/in-service training based on the Person-Centered Plan;
- 5. Complete the training designated by DDA. After July 1, 2019, all new hires must complete the DDA required training prior to independent service delivery.

An individual is qualified to complete the behavioral assessment and consultation services if they have one of the following licenses:

- 1. Licensed psychologist;

2. Psychology associate working under the license of the psychologist (and currently registered with and approved by the Maryland Board of Psychology);
3. Licensed professional counselor;
4. Licensed certified social worker; and
5. Licensed behavioral analyst.

In addition, an individual who provides behavioral assessment and/or consultation services must have the following training and experience:

1. A minimum of one year of clinical experience under the supervision of a Maryland licensed Health Occupations professional with training and experience in functional analysis and tiered behavior support plans with the I/DD population;
2. A minimum of one year clinical experience working with individuals with co-occurring mental health or neurocognitive disorders; and
3. Competencies in areas related to:
  - (a) Analysis of verbal behavior to improve socially significant behavior;
  - (b) Behavior reduction/elimination strategies that promote least restrictive approved alternatives, including positive reinforcement/schedules of reinforcement;
  - (c) Data collection, tracking and reporting;
  - (d) Demonstrated expertise with populations being served;
  - (e) Ethical considerations related to behavioral services;
  - (f) Functional analysis and functional assessment and development of functional alternative behaviors and generalization and maintenance of behavior change;
  - (g) Measurement of behavior and interpretation of data, including ABC (antecedent-behavior-consequence) analysis including antecedent interventions;
  - (h) Identifying desired outcomes;
  - (i) Selecting intervention strategies to achieve desired outcomes;
  - (j) Staff/caregiver training;
  - (k) Support plan monitors and revisions; and
  - (l) Self-management.

Staff providing the Brief Support Implementation Services must be a person who has:

- a. Demonstrated completion of high school or equivalent/higher,
- b. Successfully completed an 40-hour behavioral technician training, and
- c. Receives ongoing supervision by a qualified clinician who meets the criteria to provided behavioral assessment and behavioral consultation.

#### **Verification of Provider Qualifications**

##### **Entity Responsible for Verification:**

1. DDA for certified behavioral support services provider
2. Providers for verification of clinician's and staff qualifications and training

##### **Frequency of Verification:**

1. DDA - initially and at least every three years  
FMS Providers – prior to service delivery and continuing thereafter

## **Appendix C: Participant Services**

### **C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

#### **Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Community Development Services

**HCBS Taxonomy:**

**Category 1:**

04 Day Services

**Sub-Category 1:**

04070 community integration

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

A. Community Development Services provide the participant with development and maintenance of skills related to community membership through engagement in community-based activities with people without disabilities.

B. Community-based activities under this service will provide the participant access and supports to engage in community-based activities for development, acquisition, and maintenance of skills to increase the participant's independence related to community integration with individuals without disabilities including, but not limited to:

1. Promoting positive growth and developing general skills and social supports necessary to gain, retain or advance competitive integrated employment opportunities;
2. Learning socially acceptable behavior; and
3. Learning self-advocacy skills.

C. Community Development Services may include participation in the following activities:

1. Engagement in activities that facilitate and promote integration and inclusion of a participant in their chosen community; including identifying a path to employment for working age individuals;
2. Travel training;
3. Participating in self-advocacy classes and activities;
4. Participating in local community events;
5. Volunteering; and
6. Time limited generic paid and unpaid internships and apprenticeships for development of employment skills, and
7. Time-limited participation in Project Search, or similar programs approved by the DDA.

D. Community Development Services can be provided in a variety of community settings and activities that promote opportunities for increased independence and inclusion. Through the person-centered planning process, all opportunities should be explored based on the person's preferences and support their desired outcomes and goals. The setting should not have institutional qualities. Considering the person's overall person-centered plan, activities should not isolate or segregate. If the individual chooses any disability specific classes, activities, events or programs, the choice must be documented in the person-centered plan

E. Community Development Services include:

1. Provision of direct support services that enable the participant to learn, develop, and maintain general skills related to participate in community activities as provided in Sections A-C above;
2. Transportation to, from, and within this Waiver program service;
3. Delegated nursing tasks or other nursing services covered by this Waiver program based on assessed need; and
4. Personal care assistance, based on an assessed need and subject to limitations set forth below .

#### SERVICE REQUIREMENTS:

A. The participant must be 18 years of age or older and no longer enrolled in primary or secondary school.

B. The level of staffing and meaningful activities provided to the participant under this Waiver program service must be based on the participant's assessed level of service need. Based on the participant's assessed need, the DDA may authorize a 1:1 and 2:1 staff-to-participant ratio.

C. Community Development Services are separate and distinct from residential services.

Participants may return home or to the provider operated site during time-limited periods of the day due to lack of accessible restrooms and public areas to support personal care, health, emotional, and behavioral needs as indicated in the Person-Centered Plan. Residential services cannot be billed during these times.

D. If personal care assistance services are provided as part of this Waiver program service, then the personal care assistance may not comprise the entirety of the service. For purposes of this Waiver program service, personal care assistance means the provision of supports to assist a participant in performing activities of daily living and instrumental activities of daily living.

E. For participants enrolled in the self-directed services delivery model, this Waiver program service includes:

1. The costs of training the participant's direct support staff, including First Aid and Cardiopulmonary Resuscitation certifications;
2. Travel reimbursement, benefits and leave time for the participant's direct support staff, subject to the following requirements:
  - a. The reimbursement, benefits and leave time requested are:

- i. Within applicable reasonable and customary standards as established by the DDA policy; or
  - ii. Required for the participant's compliance, as the employer of record, with applicable federal, State, or local laws; and
- b. Any reimbursement, travel reimbursement (e.g. mileage), benefit and leave time requested by the participant must comply with applicable federal, State, or local laws.

F. Until the service transitions to the LTSSMaryland system, under the traditional service delivery model, a participant's Person-Centered Plan may include a mix of employment and day related daily waiver services units such as Day Habilitation, Career Exploration, Employment Discovery and Customization, and Supported Employment provided on different days.

G. Service may be provided in groups of no more than four (4) participants all of whom have similar interests and goals as outlined in their Person-Centered Plan, unless it is to participate in a time limited internship through Project Search, or a similar program approved by the DDA.

H. If transportation is provided as part of this Waiver program service, then:

1. The participant cannot receive Transportation services separately at the same time as provision of this Waiver program service;
2. The Provider or participant self-directing services must:
  - a. Provide, or arrange for provision of, transportation to meet the needs of the participant identified in the participant's person-centered plan; and
  - b. Use the most cost-effective mode of transportation, with priority given to the use of public transportation; and
3. Transportation services may not compromise the entirety of this Waiver program service.

I. If direct support staff perform delegated nursing tasks as part of this Waiver program service, then:

1. The participant must receive Nursing Supports Services/Nurse Case Management and Delegation services under this Waiver program service; and
2. The delegated nursing tasks:
  - a. Must be provided by direct support staff who are currently certified as a Medication Technician by the Maryland Board of Nursing; and
  - b. May not compromise the entirety of this Waiver program service.

J. An individualized schedule will be used to provide an estimate of what the individual will do and where the individual will spend their time when in this service. Updates should be made as needed to meet the changing needs, desires and circumstances of the individual. The individualized schedule will be based on a Person-Centered Plan that clearly outlines how this time would be used.

K. A legally responsible person or a relative (who is not a spouse) of a participant may be paid to provide this service, in accordance with the applicable requirements set forth in Section C-2.

L. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

M. Until the service transitions to the LTSSMaryland system, Community Development Services daily service units are not available:

1. On the same day a participant is receiving Career Exploration, Day Habilitation, Employment Discovery and Customization, Medical Day Care, or Supported Employment services under the traditional service delivery model; and
2. At the same time as the direct provision of Personal Supports, Respite Care Services, or Transportation services.

N. Effective July 1, 2020, Community Development Services are not available at the same time as the direct provision of Career Exploration, Day Habilitation, Employment Discovery and Customization, Employment Services, Medical Day Care, Nurse Consultation, Personal Supports, Respite Care Services, Supported Employment,

or Transportation services.

O. To the extent any listed services are covered under the Medicaid State Plan, the services under the waiver will be limited to additional services not otherwise covered under the Medicaid State Plan, but consistent with waiver objectives of avoiding institutionalization.

P. Nursing Support Services/Nurse Case Management and Delegation Services, as applicable, can be provided activities so long as it is not the primary or only service provided. The scope of the Nursing Support Services/Nurse Case Management and Delegation Services are defined under the stand alone service in Appendix C.

Q. In the event that additional Nursing Support Services/Nurse Case Management and Delegation training supports are needed as indicated in the Health Risk Screening Tool (HRST) because of a change in the participant's health status or after discharge from a hospital or skilled nursing facility, the request is reviewed by the DDA's Regional Office and additional standalone Nurse Case Management and Delegation Service support service hours can be authorized.

R. Direct Support Professional staffing services may be provided in an acute care hospital for the purposes of supporting the participant's personal, behavioral and communication supports not otherwise provided in that setting. Services may not be duplicative of hospital or short-term institutional services.

1. The State has mechanisms in place to prevent duplicate billing for both institutional and home and community-based services.

2. These necessary waiver services:

a. Must be identified in the individual's person-centered service plan;

b. Must be provided to meet the individual's needs and are not covered in such settings;

c. Should not substitute for services that the setting is obligated to provide through its condition of participation under federal or State law, under another applicable requirement; and

d. Should be designed to ensure smooth transitions between the setting and the home community-based setting and preserves the participant's functional abilities.

SERVICE DESCRIPTION CONTINUED BELOW DUE TO SPACE LIMITATIONS

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

## SERVICE DESCRIPTION CONTINUED FROM ABOVE:

## S. Virtual supports

1. Virtual supports is an electronic method of service delivery.

2. The purpose of virtual supports is to maintain or improve a participant's functional abilities, enhance interactions, support meaningful relationships, and promote their ability to live independently, and meaningfully participate in their community.

3. Direct support can be provided via virtual supports provided however that the virtual supports meet all of the following requirements:

a. The virtual supports ensure the participant's rights of privacy, dignity and respect, and freedom from coercion and restraint.

b. The virtual supports do not isolate the participant from the community or interacting with people without disabilities.

c. The participant has other opportunities for integration in the community via the other Waiver program services the participant receives and are provided in community settings.

d. The use of virtual supports to provide direct support has been agreed to by the participant and their team and is outlined in the Person-Centered Plan;

i. Participants must have an informed choice between in person and virtual supports;

ii. Virtual supports cannot be the only service delivery provision for a participant seeking the given service; and

iii. Participants must affirmatively choose virtual service provision over in-person supports

e. virtual supports is not, and will not be, used for the provider's convenience. The virtual supports must be used to support a participant to reach identified outcomes in the participant's Person-Centered Plan;

f. The use of virtual supports must be documented appropriately, just like any in-person direct supports, and identify the service delivery method (e.g., Skype, Zoom, Facetime, telephonic, or direct care), name of staff person providing service, and start and end times.

g. The virtual supports must be delivered using a live, real-time audio-visual connection that allows the staff member to both see and hear the participant. Text messaging and e-mailing do not constitute virtual supports and, therefore, will not be considered provision of direct supports under this Waiver program service.

h. The virtual supports must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended by the Health Information Technology for Economic and Clinical Health (HITECH) Act, and their applicable regulations to protect the privacy and security of the participant's protected health information.

i. This Waiver program service may not be provided entirely via virtual supports. Virtual supports may supplement in-person direct supports.

j. Virtual supports, including use of phones, cannot be used to assess a participant for a medical emergency. The provider must develop and maintain written policies, train direct support staff on those policies, and advise participants and their person-centered planning team regarding those policies that address:

i. Identifying whether the participant's needs, including health and safety, can be addressed safely via virtual supports;

ii. Identifying individuals to intervene (such as uncompensated caregivers present in the participant's home), and ensuring they are present during provision of virtual supports in case the participant experiences an emergency during provision of virtual supports; and

iii. Processes for requesting such intervention if the participant experiences an emergency during provision of virtual supports, including contacting 911 if necessary.

k. The virtual supports meets all federal and State requirements, policies, guidance, and regulations.

4. The provider must develop, maintain, and enforce written policies, approved by the DDA, which address:

a. How the provider will ensure the participant's rights of privacy, dignity and respect, and freedom from coercion and restraint;

- b. How the provider will ensure the virtual supports used meets applicable information security standards; and
- c. How the provider will ensure its provision of virtual supports complies with applicable laws governing individuals' right to privacy.

5. Providers furnishing this Waiver program service via virtual supports must include this virtual supports as a service delivery method in their provider Program Service Plan, required by COMAR Title 10, Subtitle 22. Current providers must submit an amendment to their current Program Service Plan to the DDA Regional Office and receive approval prior to implementing virtual supports outside of the Appendix K authority.

6. The Waiver program will not fund any costs associated with the provider obtaining, installing, implementing, or using virtual supports, such as equipment, internet, software applications, and other related expenses. These costs, in the delivery of new business models, are part of the provider's operating cost.

**LIMITS ON THE AMOUNT, FREQUENCY, OR DURATION LISTED BELOW:**

- 1. Community Development Services are limited to 40 hours per week.
- 2. Community Development Supports may not exceed a maximum of eight (8) hours per day including in combination with any of the following other Waiver program services in a single day: Employment Services - Ongoing Supports, Supported Employment, Career Exploration, Employment Discovery and Customization and Community Development and Day Habilitation Services.

**Service Delivery Method** *(check each that applies):*

- Participant-directed as specified in Appendix E**
- Provider managed**

**Specify whether the service may be provided by** *(check each that applies):*

- Legally Responsible Person**
- Relative**
- Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Community Development Services Professional
Agency	Community Development Services Provider

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**  
**Service Name: Community Development Services**

**Provider Category:**

Individual

**Provider Type:**

Community Development Services Professional

**Provider Qualifications**

**License** *(specify):*

**Certificate** *(specify):*

--

**Other Standard** (*specify*):

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Have a GED or high school diploma;
3. Possess current first aid and CPR certification;
4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
5. Unlicensed direct support professional staff who administer medication or perform delegatable nursing tasks as part of this Waiver service must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians, except if the participant and their medication administration or nursing tasks qualifies for exemption from nursing delegation pursuant to COMAR 10.27.11;
6. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
7. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;
8. Complete required orientation and training designated by DDA;
9. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
10. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
11. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
12. Complete and sign any agreements required by MDH or DDA; and
13. Have a signed Medicaid provider agreement.

Individuals providing services for participants self-directing their services must meet the standards 1 through 7 noted above and submit forms and documentation as required by the Fiscal Management Service (FMS) agency. FMS must ensure the individual or entity performing the service meets the qualifications.

Participants in self-directing services, as the employer, may require additional staffing requirements based on their preferences and level of needs.

**Verification of Provider Qualifications****Entity Responsible for Verification:**

- |  |
|--|
| <ol style="list-style-type: none"> <li>1. DDA for certified Community Development Services Professional</li> <li>2. Fiscal Management Service (FMS) providers, as described in Appendix E, for participants self-directing services</li> </ol> |
|--|

**Frequency of Verification:**

- |  |
|--|
| <ol style="list-style-type: none"> <li>1. DDA – Initially and at least every three years</li> <li>2. FMS provider - prior to service delivery and continuing thereafter</li> </ol> |
|--|

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service**


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**Service Type: Other Service**

**Service Name: Community Development Services**

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**Provider Category:**

Agency

**Provider Type:**

Community Development Services Provider

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:

- A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
- B. A minimum of five (5) years demonstrated experience and capacity providing quality similar services;
- C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
- D. Except for currently DDA licensed or certified Community Development Services providers, demonstrate the capability to provide or arrange for the provision of all services required by submitting, at a minimum, the following documents with the application:
  - (1) A program service plan that details the agencies service delivery model;
  - (2) A business plan that clearly demonstrates the ability of the agency to provide community development services;
  - (3) A written quality assurance plan to be approved by the DDA;
  - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
  - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
- E. If currently licensed or certified, produce, upon written request from the DDA, the documents required under D;
- F. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
- G. Have Workers' Compensation Insurance;
- H. Have Commercial General Liability Insurance;
- I. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and as per DDA policy;
- J. Submit documentation of staff certifications, licensees, and/or trainings as required to perform services;
- K. Complete required orientation and training;
- L. Comply with the DDA standards related to provider qualifications; and
- M. Complete and sign any agreements required by MDH or DDA.

2. All new providers must meet and comply with the federal community settings regulations and requirements prior to enrollment;

3. Have a signed Medicaid provider agreement;

4. Have documentation that all vehicles used in the provision of services have automobile insurance; and

5. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities and be in good standing with the IRS, and Maryland Department of Assessment and Taxation.

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

- 1. Be at least 18 years old;
- 2. Have a GED or high school diploma;
- 3. Possess current first aid and CPR certification;
- 4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
- 5. Complete necessary pre/in-service training based on the Person-Centered Plan;

- 6. Complete the training designated by the DDA. After July 1, 2019, all new hires must complete the DDA required training prior to independent service delivery.
- 7. Unlicensed direct support professional staff who administer medication or perform delegatable nursing tasks as part of this Waiver service must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians, except if the participant and their medication administration or nursing tasks qualifies for exemption from nursing delegation pursuant to COMAR 10.27.11;
- 8. Possess a valid driver’s license, if the operation of a vehicle is necessary to provide services;
- 9. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- 1.DDA for certified providers
- 2.Provider for individual staff members’ licenses, certifications, and trainin

**Frequency of Verification:**

- 1.DDA – initial and annual
- 2.Provider – prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Employment Discovery and Customization **\*\*ENDING JUNE 30, 2022\*\***

**HCBS Taxonomy:**

**Category 1:**

03 Supported Employment

**Sub-Category 1:**

03030 career planning

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**



**\*\*ENDING JUNE 30, 2022\*\***

A. Employment Discovery and Customization services are time limited services to identify and develop customized employment options for participants working towards competitive integrated employment.

B. Employment Discovery is a time-limited comprehensive, person-centered, community-based employment planning process. The Employment Discovery process and activities include:

1. Completing assessment and employment-related profiles in a variety of community settings;
2. Assessment of the community surrounding the participant's home;
3. Work skills and interest inventory;
4. Community-based job trials and community-based situations in order to identify skills, interest, and learning style;
5. Identification of the ideal conditions for employment for the participant which may include self-employment; and
6. Development of an Employment Discovery Profile with all pertinent information about the participant's skills, job preferences, possible contributions to an employer, and useful social networks. The profile may also include a picture or written resume.

C. Customization is support to assist a participant to obtain a negotiated competitive integrated job or self-employment. The Customization process and activities include:

1. The use of the participant's social network, community resources and relationships, the American Job's Centers, and provider business contacts to identify possible employers.
2. Flexible strategies designed to assist in obtaining a negotiated competitive integrated job including: (a) job development, (b) job carving, (c) job sharing, (d) self-employment; and other national recognized best practices, based on the needs of both the job seeker and the business needs of the employer.

D. Employment Discovery and Customization does not include volunteering, apprenticeships, or internships unless it is part of the discovery process and time limited.

E. This Waiver program service includes provision of:

1. Direct support services, for provision of services as provided in Sections A-C above; and
2. The following services provided in combination with, and incidental to, the provision of this Waiver program service:
  - a. Transportation to and from and within this Waiver program service;
  - b. Personal care assistance, based on the participant's assessed need

#### SERVICE REQUIREMENTS:

A. The participant must be 18 years of age or older and no longer enrolled in primary or secondary school.

B. Employment Discovery and Customization services and supports are provided for participants wanting to work in competitive integrated jobs paid by a community employer or through self-employment.

C. From January, 1 2018 through June 30, 2021, under the traditional service delivery model, a participant's Person-Centered Plan may include a mix of employment and day related daily waiver services units such as Day Habilitation, Community Development Services, Career Exploration, and Supported Employment Services provided on different days.

D. Beginning July, 1 2020, a participant's Person-Centered Plan may include a mix of employment and day related hourly waiver services such as Day Habilitation, Community Development Services, Career Exploration, and Employment Services provided at different times.

E. If transportation is provided as part of this Waiver program service, then:

1. The participant cannot receive Transportation services separately at the same time as provision of this Waiver program service;
2. The Provider must:
  - a. Provide, or arrange for provision of, transportation to meet the needs of the participant identified in the participant's person-centered plan; and
  - b. Use the most cost-effective mode of transportation, with priority given to the use of public transportation; and

3. Transportation services may not compromise the entirety of this Waiver program service.

F. If personal care assistance services are provided as part of this Waiver program service, then the personal care assistance may not comprise the entirety of the service. For purposes of this Waiver program service, personal care assistance means the provision of supports to assist a participant in performing activities of daily living and instrumental activities of daily living.

G. Until the service transitions to the LTSS Maryland system, Employment Discovery and Customization daily services units are not available:

1. On the same day a participant is receiving Career Exploration, Community Development Services, Day Habilitation, Medical Day Care, or Supported Employment services under the traditional service delivery model; and
2. At the same time as the direct provision of Behavioral Support Services, Nurse Consultation, Nurse Health Case Management, Nursing Support Services, Nurse Case Management and Delegation Service, Personal Supports, Respite Care Services, or Transportation services.

H. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

I. To the extent any listed services are covered under the Medicaid State Plan, the services under the waiver will be limited to additional services not otherwise covered under the Medicaid State Plan, but consistent with waiver objectives of avoiding institutionalization.

J. Documentation must be maintained in the file of each individual receiving this service that the service is not available under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).

K. A legally responsible person, relative, or legal guardian of the participant cannot be paid by the Waiver program, either directly or indirectly, to provide this Waiver program service.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

1. Employment Discovery and Customization activities must be completed within a six (6) month period unless otherwise authorized by the DDA.

2. Employment Discovery and Customization services may not exceed a maximum of eight (8) hours per day including in combination with any of the following other Waiver program services in a single day: Supported Employment, Career Exploration, Community Development Services and Day Habilitation services.

**Service Delivery Method** (*check each that applies*):

**Participant-directed as specified in Appendix E**

**Provider managed**

**Specify whether the service may be provided by** (*check each that applies*):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Employment Discovery and Customization Professional
Agency	Employment Discovery and Customization Provider

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Other Service**

**Service Name: Employment Discovery and Customization \*\*ENDING JUNE 30, 2022\*\***

**Provider Category:**

Individual

**Provider Type:**

Employment Discovery and Customization Professional

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Have a GED or high school diploma;
3. Possess current first aid and CPR certification;
4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
5. Possess a valid driver’s license, if the operation of a vehicle is necessary to provide services;
6. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;
7. Unlicensed direct support professional staff who administer medication or perform delegable nursing tasks as part of this Waiver service must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians, except if the participant and their medication administration or nursing tasks qualifies for exemption from nursing delegation pursuant to COMAR 10.27.11;
8. Complete required orientation and training designated by DDA;
9. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
10. Have three (3) professional references which attest to the provider’s ability to deliver the support/service in compliance with the Department’s values in Annotated Code of Maryland, Health General, Title 7;
11. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
12. Complete and sign any agreements required by MDH or DDA; and
13. Have a signed Medicaid provider agreement.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- 1. DDA for certified professional
- 2. FMS provider, as described in Appendix E, for participant's self-directing services

**Frequency of Verification:**

- 1. DDA – Initial and at least every three years
- 2. FMS provider - prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Employment Discovery and Customization \*\*ENDING JUNE 30, 2022\*\***

**Provider Category:**

Agency

**Provider Type:**

Employment Discovery and Customization Provider

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:

- A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
- B. A minimum of five (5) years demonstrated experience and capacity providing quality similar services;
- C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
- D. Except for currently DDA licensed or certified Employment Discovery and Customization providers, demonstrate the capability to provide or arrange for the provision of all services required by submitting, at a minimum, the following documents with the application:
  - (1) A program service plan that details the agencies service delivery model;
  - (2) A business plan that clearly demonstrates the ability of the agency to provide Employment Discovery and Customization services;
  - (3) A written quality assurance plan to be approved by the DDA;
  - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
  - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
- E. If currently licensed or certified, produce, upon written request from the DDA, the documents required under D;
- F. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
- G. Have Workers' Compensation Insurance;
- H. Have Commercial General Liability Insurance;
- I. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
- J. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;
- K. Complete required orientation and training;
- L. Comply with the DDA standards related to provider qualifications; and
- M. Complete and sign any agreements required by MDH or DDA.

2. All new providers must meet and comply with the federal community settings regulations and requirements;

3. Have a signed Medicaid Provider Agreement;

4. Have documentation that all vehicles used in the provision of services have automobile insurance; and

5. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation.

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

- 1. Be at least 18 years old;
- 2. Have required credentials, license, or certification as noted below;
- 3. Possess current first aid and CPR certification;
- 4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
- 5. Complete necessary pre/in-service training based on the Person-Centered Plan;
- 6. Unlicensed direct support professional staff who administer medication or perform delegable nursing tasks as part of this Waiver service must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians, except if the participant and their medication administration or nursing tasks qualifies for exemption from nursing delegation pursuant to COMAR 10.27.11;

- 7. Possess a valid driver’s license, if the operation of a vehicle is necessary to provide services; and
- 8. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- 1.DDA for Provider’s license to provide service
- 2.Provider for individual staff members’ licenses, certifications, and training

**Frequency of Verification:**

- 1.DDA – initial and at least every three years
- 2.Provider – prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Employment Services \*\*BEGINNING DECEMBER 1, 2019\*\*

**HCBS Taxonomy:**

**Category 1:**

03 Supported Employment

**Sub-Category 1:**

03010 job development

**Category 2:**

03 Supported Employment

**Sub-Category 2:**

03021 ongoing supported employment, individual

**Category 3:**

03 Supported Employment

**Sub-Category 3:**

03030 career planning

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

**\*\* BEGINNING DECEMBER 1, 2019\*\***

A. Employment Services provides the participant with a variety of flexible supports to help the participant to identify career and employment interest, find and keep a job including:

1. Discovery – a process to assist the participant in finding out who they are, what they want to do, and what they have to offer;
2. Job Development – supports finding a job including customized employment and self-employment;
3. Ongoing Job Supports – various supports a participant may need to successfully maintain their job;
4. Follow Along Supports – periodic supports after a participant has transitioned into their job;
5. Self-Employment Development Supports – supports to assist a participant whose discovery activities and profile indicate a specific skill or interest that would benefit from resource ownership or small business operation;
6. Co-Worker Employment Support-supports in a situation when an employer has identified that an onsite job coach would not be optimal, yet the participant could still benefit from additional supports; and
7. Nursing Support Services/Nurse Case Management and Delegation Services based on assessed need. The scope of the Nursing Support Services/Nurse Case Management and Delegation Services is defined under the stand alone service in Appendix C.

B. Discovery is a time limited comprehensive, person-centered, and community-based employment planning support service to assist the participant to identify the participant's abilities, conditions, and interests. Discovery includes:

1. A visit to a participant's home or community location, a review of community employers, job trials, interest inventory to create a profile and picture resume; and
2. The development of a Discovery Profile.

C. Job Development is support for a participant to obtain an individual job in a competitive integrated employment setting in the general workforce, including:

1. Customized employment - a flexible process designed to personalize the employment relationship between a job candidate and an employer in a way that meets the needs of both. It is based on an individualized match between the strengths, conditions, and interests of a job candidate and the identified business needs of an employer; and
2. Self-employment - including exploration of how a participant's interests, skills and abilities might be suited for the development of business ownership.

D. Ongoing Job Supports are supports in learning and completing job tasks either when beginning a new job, after a promotion, or after a significant change in duties or circumstances and individualized supports a participant may need to successfully maintain their job. Ongoing Job Supports include:

1. Job coaching (e.g. job tasks analysis and adaptations, self-management strategies, natural and workplace supports facilitation, and fading assistance), needed to complete job tasks like setting up workstations;
2. The facilitation of natural supports in the workplace;
3. Systematic instruction and other learning strategies based on the participant's learning style and needs;
4. Travel training to independently get to the job; and
5. Personal care assistance, behavioral supports, transportation, and delegated nursing tasks to support the employment activity.

E. Follow Along Supports:

1. Occurs after the participant has transitioned into their job.
2. Ensure the participant has the assistance necessary to maintain their jobs; and
3. Include at least two face to face contacts with the participant in the course of the month.

F. Self-Employment Development Supports include assistance in the development of a business and marketing plan, including potential sources of business financing and other assistance in developing and launching a business. The completion of a business and marketing plan does not guarantee future funding to support a business outlined in the plans.

G. Co-Worker Employment Supports are time-limited supports provided by the employer to assist the participant, upon employment, with extended orientation and training beyond what is typically provided for an employee.

H. Employment Services does not include:

1. Volunteering, apprenticeships, or internships unless it is part of the discovery process and time limited; and
2. Payment for supervision, training, supports and adaptations typically available to other workers without

disabilities filling similar positions.

I. This Waiver program service includes provision of:

- a. Direct support services, for provision of services as provided in Sections A-G above;
- b. The following services provided in combination with, and incidental to, the provision of this Waiver program service:
  - i. Transportation to, from, and within this Waiver program service;
  - ii. Delegated nursing tasks or other nursing support services covered by this Waiver program, based on the participant's assessed need; and
  - iii. Personal care assistance, based on the participant's assessed need.

#### SERVICE REQUIREMENTS:

A. The participant must be 18 years of age or older and no longer enrolled in primary or secondary high school.

B. As per Attachment #1: Transition Plan, beginning December 2019, employment related services will begin to transition from supported employment and employment discovery and customization to applicable employment services (i.e. discovery, job development, ongoing job supports, and follow along).

C. Discovery includes three distinct milestones. Best practices demonstrate that quality person-centered discovery milestones can typically be completed within 90 days. However, the completion of each milestone is flexible and will be considered in conjunction with the participant's unique circumstances. -

D. Each discovery milestone must be completed as per DDA regulations and policy with evidence of completion of the required activities before being paid.

E. Discovery activities shall be reimbursed based on the following milestones:

1. Milestone #1 - includes home visit, survey of the community near the individual's home, record reviews for pertinent job experience, education, and assessments.
2. Milestone #2 – includes observation of the job seeker in a minimum of three (3) community-based situations in order to identify skills, interest, and learning style.
3. Milestone #3 – includes discovery profile, picture and/or written resume, and the creation of an Employment Plan, outlining next recommended steps, including a Job Development plan if applicable.

F. Job Development is reimbursed based on an hourly basis.

G. Ongoing Job Supports is reimbursed based on an hourly basis and includes a "fading plan", when appropriate, that notes the anticipated number of support hours needed.

H. Follow Along Supports are reimbursed as one monthly payment.

I. Self-Employment Development Supports shall be reimbursed based on one milestone for the completion of a business and marketing plan.

J. Employment Services (specifically discovery, job development, and self-employment development supports) must be provided by staff who has the appropriate proof of competency required as outlined in the DDA Meaningful Day Training Policy.

K. Participants that are promoted with new job tasks or changes positions or circumstances, can receive Ongoing Job Supports.

L. Co-Worker Employment Supports are not intended to replace the support provider's work, rather, it is an additional mentoring/support role for which coworkers could receive additional compensation above what they receive in the course of their typical job responsibilities. The payment of this compensation is at the discretion of the employer. Co-worker employment supports may be provided by a co-worker or other job site personnel provided that the services that are furnished are not part of the normal duties of the co-worker, supervisor or other personnel.

M. If enrolled in the self-directed services delivery model, the participant may exercise employer authority for Ongoing Job Supports and Follow Along Supports only. The participant may not exercise employer authority for the following types of Employment Services: Discovery, Job Development, Self-Employment Development Supports, or Co-Worker Employment Supports.

N. If transportation is provided as part of this Waiver program service, then:

1. Except during Follow Along Supports, the participant cannot receive Transportation services separately at the same time as provision of this Waiver program service except during Follow Along Supports;
2. The Provider or participant self-directing their services must:
  - a. Provide, or arrange for provision of, transportation to meet the needs of the participant identified in the participant's person-centered plan; and
  - b. Use the most cost-effective mode of transportation, with priority given to the use of public transportation; and
3. Transportation services may not compromise the entirety of this Waiver program service.

O. If direct support staff perform delegated nursing tasks as part of this Waiver program service, then:

1. The participant must receive Nursing Support Services/Nurse Case Management and Delegation Services under this Waiver program service; and
2. The delegated nursing tasks:
  - a. Must be provided by direct support staff who are currently certified as a Medication Technician by the Maryland Board of Nursing; and
  - b. May not compromise the entirety of this Waiver program service.

P. If personal care assistance services are provided as part of this Waiver program service, then the personal care assistance may not comprise the entirety of the service. For purposes of this Waiver program service, personal care assistance means the provision of supports to assist a participant in performing activities of daily living and instrumental activities of daily living.

Q. A participant's Person-Centered Plan may include a mix of hourly employment and day services units such as Day Habilitation, Community Development Services, Co-Worker Supports, and Career Exploration provided at different times.

R. Medicaid funds may not be used to defray the expenses associated with starting up or operating a business.

S. Employment Services are not available at the same time as the direct provision of Career Exploration, Community Development Services, Day Habilitation, Medical Day Care, Nurse Consultation, Personal Supports, Respite Care Services, or Transportation (except during follow along supports) services.

T. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program. Division of Rehabilitation Services (DORS) service must be accessed first if the service the participant needs is provided and available by DORS and funding is authorized.

\*CONTINUED IN MAIN-B (OPTIONAL) DUE TO SPACE LIMITATIONS

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

1. Discovery services are limited to once every two years unless otherwise authorized by the DDA.
2. Job Development services cannot exceed eight (8) hours per day.
3. Job Development services cannot exceed a total maximum of 90 hours per year unless otherwise authorized by DDA.
4. Job Development and Ongoing Job Support services may not exceed a maximum of 40 hours per week including in combination with any of the following other Waiver program services in Meaningful Day Services (e.g. Community Development Services, Career Exploration, and Day Habilitation services).
5. Ongoing Job Support services are limited of up to 10 hours per day.
6. Co-Worker Employment Supports are limited to the first three months of employment unless otherwise authorized by the DDA.

**Service Delivery Method** (*check each that applies*):

**Participant-directed as specified in Appendix E**

**Provider managed**

**Specify whether the service may be provided by** (*check each that applies*):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	Employment Services Provider
Individual	Employment Service Professional

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Other Service**

**Service Name: Employment Services \*\*BEGINNING DECEMBER 1, 2019\*\***

**Provider Category:**

Agency

**Provider Type:**

Employment Services Provider

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):



Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:
  - A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
  - B. A minimum of five (5) years demonstrated experience and capacity providing quality similar services;
  - C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
  - D. Except for currently DDA licensed or certified Employment Services providers, demonstrate the capability to provide or arrange for the provision of all services required by submitting, at a minimum, the following documents with the application:
    1. A program service plan that details the agencies service delivery model;
    2. A business plan that clearly demonstrates the ability of the agency to provide Employment Services;
    3. A written quality assurance plan to be approved by the DDA;
    4. A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
    5. Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
  - E. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
  - F. Have Workers' Compensation Insurance;
  - G. Have Commercial General Liability Insurance;
  - H. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
  - I. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;
  - J. Complete required orientation and training;
  - K. Comply with the DDA standards related to provider qualifications; and
  - L. Complete and sign any agreements required by MDH or DDA.
2. All new providers must meet and comply with the federal community settings regulations and requirements;
3. Have a signed Medicaid Provider Agreement;
4. Have documentation that all vehicles used in the provision of services have automobile insurance; and
5. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation.

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

1. Be at least 18 years old;
2. Have required credentials, license, or certification;
3. Possess current first aid and CPR certification;
4. Have DDA approved certification in employment to provide discovery services;
5. Unlicensed staff paid to administer medication and/or perform treatments must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians;
6. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
7. Complete necessary pre/in-service training based on the Person-Centered Plan;

- 8. Complete all DDA required training prior to service delivery;
- 9. Possess a valid driver’s license, if the operation of a vehicle is necessary to provide services; and
- 10. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- 1. DDA for certified providers
- 2. Provider for staff licenses, certifications, and training

**Frequency of Verification:**

- 1. DDA – Initial and at least every three years
- 2. Provider – prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Employment Services \*\*BEGINNING DECEMBER 1, 2019\*\***

**Provider Category:**

Individual

**Provider Type:**

Employment Service Professional

**Provider Qualifications**

**License (specify):**

[Empty text box for license specification]

**Certificate (specify):**

[Empty text box for certificate specification]

**Other Standard (specify):**

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Have a GED or high school diploma;
3. Possess current first aid and CPR certification;
4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
5. Have DDA approved certification in employment to provide discovery services;
6. Unlicensed direct support professional staff who administer medication or perform delegable nursing tasks as part of this Waiver service must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians, except if the participant and their medication administration or nursing tasks qualifies for exemption from nursing delegation pursuant to COMAR 10.27.11;
7. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
8. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;
9. Complete required orientation and training designated by DDA;
10. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
11. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
12. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
13. Complete and sign any agreements required by MDH or DDA; and
14. Have a signed Medicaid Provider Agreement.

Individuals providing services for participants self-directing their services must meet the standards 1 through 8 noted above and submit forms and documentation as required by the Fiscal Management Service (FMS) agency. FMS must ensure the individual or entity performing the service meets the qualifications.

#### **Verification of Provider Qualifications**

##### **Entity Responsible for Verification:**

1. DDA for certified Employment Services Professional
2. FMS provider, as described in Appendix E, for participants self-directing services

##### **Frequency of Verification:**

1. DDA – Initial and at least every three years
2. FMS provider - prior to initial services and continuing thereafter

## **Appendix C: Participant Services**

### **C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

#### **Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

#### **Service Title:**

Environmental Assessment

**HCBS Taxonomy:**

**Category 1:**

14 Equipment, Technology, and Modifications

**Sub-Category 1:**

14020 home and/or vehicle accessibility adaptations

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

A. An environmental assessment is an on-site assessment with the participant at their primary residence to determine if environmental modifications or assistive technology may be necessary in the participant's home.

B. Environmental assessment includes:

1. An evaluation of the participant;
2. Environmental factors in the participant's home;
3. The participant's ability to perform activities of daily living;
4. The participant's strength, range of motion, and endurance;
5. The participant's need for assistive technology and or modifications; and
6. The participant's support network including family members' capacity to support independence.

**SERVICE REQUIREMENTS:**

A. The assessment must be conducted by an Occupational Therapist licensed in the State of Maryland.

B. The Occupational Therapist must complete an Environmental Assessment Service Report to document findings and recommendations based on an onsite environmental assessment of a home or residence (where the participant lives or will live) and interviews the participant and their support network (e.g. family, direct support staff, delegating nurse/nurse monitor, etc.).

The report shall:

1. Detail the environmental assessment process, findings, and specify recommendations for the home modification and assistive technology that are recommended for the participant;
2. Be typed; and
3. Be completed within 10 business days of the completed assessment and forwarded to the participant and their Coordinator of Community Service (CCS) in an accessible format.

C. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

D. To the extent that any listed services are covered under the Medicaid State Plan, the services under the waiver would be limited to additional services not otherwise covered under the Medicaid State Plan, but consistent with waiver objectives of avoiding institutionalization.

E. Children have access to any medically necessary preventive, diagnostic, and treatment services under Medicaid's Early and Periodic Screening, Diagnostic and Treatment (EPSDT) services to help meet children's health and developmental needs. This includes age appropriate medical, dental, vision, and hearing screening services and diagnostic and treatment services to correct or ameliorate identified conditions. Supports provided by this waiver service is to improve and maintain the ability of the child to remain in and engage in community activities.

F. A legally responsible person, relative, or legal guardian of the participant cannot be paid by the Waiver program, either directly or indirectly, to provide this Waiver program service.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

Environment assessment is limited to one (1) assessment annually unless otherwise authorized by the DDA.

**Service Delivery Method** (*check each that applies*):

**Participant-directed as specified in Appendix E**

**Provider managed**

**Specify whether the service may be provided by** (*check each that applies*):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Environmental Assessment Professional
Agency	Organized Health Care Delivery System Provider

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Environmental Assessment**

**Provider Category:**

Individual

**Provider Type:**

Environmental Assessment Professional

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Be a licensed Occupational Therapist by the Maryland Board of Occupational Therapy Practice or a Division of Rehabilitation Services (DORS) approved vendor;
3. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
4. Have Commercial General Liability Insurance
5. Complete required orientation and training designated by DDA;
6. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
7. Have three (3) professional references which attest to the provider’s ability to deliver the support/service in compliance with the Department’s values in Annotated Code of Maryland, Health General, Title 7;
8. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
9. Complete and sign any agreements required by MDH or DDA; and
10. Have a signed Medicaid provider agreement.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

1. DDA for certified Environmental Assessment Professional
  2. FMS provider, as described in Appendix E, for participants self-directing services

**Frequency of Verification:**

1. DDA – Initial and at least every three years
2. FMS provider - prior to initial services and continuing thereafter

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service****Service Type: Other Service****Service Name: Environmental Assessment****Provider Category:**

Agency

**Provider Type:**

Organized Health Care Delivery System Provider

**Provider Qualifications****License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Agencies must meet the following standards:

1. Be certified or licensed by the DDA to provide at least one Medicaid waiver service; and
2. Complete the DDA provider application to be an Organized Health Care Delivery Services (OHCDS) provider.

OHCDS providers shall:

1. Verify the licenses, credentials, and experience of all professionals with whom they contract or employ and have a copy of the same available upon request; and
2. Obtain Workers Compensation if required by applicable law.

Environmental Assessment Professional requirements:

1. Employ or contract staff licensed by the Maryland Board of Occupational Therapy Practice as a licensed Occupational Therapist in Maryland; or
2. Contract with a Division of Rehabilitation Services (DORS) approved vendor

**Verification of Provider Qualifications****Entity Responsible for Verification:**

- 1.DDA for OHCDS
- 2.OHCDS provider will verify Occupational Therapist (OT) license and DORS approved vendor

**Frequency of Verification:**

- 1.DDA - initial and at least every three years
- 2.OHCDS - prior to service delivery and continuing thereafter

## Appendix C: Participant Services

### C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Environmental Modifications

**HCBS Taxonomy:**

**Category 1:**

14 Equipment, Technology, and Modifications

**Sub-Category 1:**

14020 home and/or vehicle accessibility adaptations

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

A. Environmental modifications are physical modifications to the participant's home based on an assessment designed to support the participant's efforts to function with greater independence or to create a safer, healthier environment.

B. Environmental Modifications include:

1. The following types of environmental modifications:

- a. Installation of grab bars;
  - b. Construction of access ramps and railings;
  - c. Installation of detectable warnings on walking surfaces;
  - d. Alerting devices for participant who has a hearing or sight impairment;
  - e. Adaptations to the electrical, telephone, and lighting systems;
  - f. Generator to support medical and health devices that require electricity;
  - g. Widening of doorways and halls;
  - h. Door openers;
  - i. Installation of lifts and stair glides(with the exception of elevators) , such as overhead lift systems and vertical lifts;
  - j. Bathroom modifications for accessibility and independence with self-care;
  - k. Kitchens modifications for accessibility and independence;
  - l. Alarms or locks on windows, doors, and fences; protective padding on walls, floors, or pipes; Plexiglas, safety glass, a protected glass coating on windows; outside gates and fences; brackets for appliances; raised/lowered electrical switches and sockets; and safety screen doors which are necessary for the health, welfare, and safety of the participant;
2. Training on use of modification; and
3. Service and maintenance of the modification.

C. Environmental Modifications do not include:

1. Improvements to the residence that:

- a. Are of general utility;
  - b. Are not of direct medical or remedial benefit to the participant or otherwise meets the needs of the participant as defined in Sections A-B above;
  - c. Add to the home's total square footage, unless the construction is necessary, reasonable, and directly related to the participant's primary residence; or
  - d. Are required by local, county, or State law when purchasing or licensing a residence;
2. A generator for use other than to support the participant's medical and health devices that require electricity for safe operations; or
3. An elevator.

#### SERVICE REQUIREMENTS:

A. If an Environmental Assessment is required prior to authorization of Environmental Modification services, then it must be completed by as per the environmental assessment waiver services requirements.

1. If the estimated cost of the requested Environmental Modification is equal to or greater than \$2,000, then the participant must receive an Environmental Assessment, performed in a reasonable amount of time prior to installation of an Environmental Modification.
2. If the estimated cost of the requested Environmental Modification is less than \$2,000, then an Environmental Assessment is not required.

B. Unless otherwise approved by the DDA, if the requested Environmental Modification is estimated to cost over \$2,000 over a 12-month period, then the participant must provide at least three bids unless otherwise approved by DDA.

C. If the requested Environmental Modification restricts the participant's rights, as set forth in Title 7 of the Health-General Article of the Maryland Annotated Code or COMAR Title 10, Subtitle 22, then the need for the restriction must be set forth in the participant's behavior plan in accordance with applicable regulations and policies governing restrictions of participant rights, behavior plans, and positive behavior supports.

D. For a participant to be eligible to receive Environmental Modification services funded by the Waiver program, either:

1. The participant is the owner of the primary residence; or

2. If the participant is not the owner of the primary residence, the property manager or owner of the primary residence provides in writing:

- a. Approval for the requested Environmental Modification; and
- b. Agreement that the participant will be allowed to remain in the primary residence for at least one year.

E. Deliverable Requirements:

1. Prior to installation, the provider must obtain any required permits or approvals from State or local governmental units for the Environmental Modification.
2. The provider must provide this Waiver program service in accordance with a written schedule that:
  - a. The provider provides prior to commencement of the work; and
  - b. Indicates an estimated start date and completion date.
3. The provider must provide progress reports regarding work to the participant, the Coordinator of Community Services, the Fiscal Management Services provider, and, if applicable, the property owner.
4. The provider must perform all work in accordance with applicable laws and regulations, including, but not limited to, the Americans with Disabilities Act and State and local building codes.
5. The provider must obtain any final inspections and ensure work passes required inspections.
6. Upon delivery to the participant (including installation) or maintenance performed, the Environmental Modification must be in good operating condition and repair in accordance with applicable specifications.

F. A legally responsible person, relative, or legal guardian of the participant cannot be paid by the Waiver program, either directly or indirectly, to provide this Waiver program service.

G. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services (“DORS”), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

H. To the extent that any listed services are covered under the Medicaid State Plan , the services under the waiver would be limited to additional services not otherwise covered under the Medicaid State Plan, but consistent with waiver objectives of avoiding institutionalization.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

Cost of services must be customary, reasonable, and may not exceed a total of \$15,000 every three years.

**Service Delivery Method** *(check each that applies):*

- Participant-directed as specified in Appendix E**
- Provider managed**

**Specify whether the service may be provided by** *(check each that applies):*

- Legally Responsible Person**
- Relative**
- Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	Organized Health Care Delivery System Provider
Individual	Environmental Modifications Professional

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service****Service Type: Other Service****Service Name: Environmental Modifications****Provider Category:**

Agency

**Provider Type:**

Organized Health Care Delivery System Provider

**Provider Qualifications****License** (*specify*):**Certificate** (*specify*):**Other Standard** (*specify*):

Agencies must meet the following standards:

1. Be certified or licensed by the DDA to provide at least one Medicaid waiver service; and
2. Complete the DDA provider application to be an Organized Health Care Delivery Services provider.

OHCDS providers shall ensure the following requirements and verify the licenses, credentials, and experience of all professionals with whom they contract or employs and have a copy of the same available upon request including:

1. Be licensed home contractors or Division of Rehabilitation Services (DORS) approved vendors;
2. All staff, contractors and subcontractors meet required qualifications including verify the licenses and credentials of all individuals whom the contractor employs or with whom the provider has a contract with and have a copy of same available for inspection;
3. Obtain, in accordance with Department of Labor and Licensing requirements, a Home Improvement License for projects which may be required to complete where an existing home structure is modified (such as a stair glide) as applicable; and
4. All home contractors and subcontractors of services shall:
  - a. Be properly licensed or certified by the State;
  - b. Be in good standing with the Department of Assessments and Taxation to provide the service;
  - c. Obtain and maintain Commercial General Liability Insurance; and
  - d. Obtain and maintain worker's compensation insurance sufficient to cover all employees, if required by law;
  - e. Be bonded as is legally required.

**Verification of Provider Qualifications****Entity Responsible for Verification:**

- 1.DDA for approval of the OHCDS
- 2.OHCDS provider for verification of the contractors and subcontractors to meet required qualifications

**Frequency of Verification:**

- 1.DDA - Initial and at least every three years
- 2.OHCDS - Contractors and subcontractors prior to service delivery and continuing thereafter

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service****Service Type: Other Service****Service Name: Environmental Modifications****Provider Category:**

Individual

**Provider Type:**

Environmental Modifications Professional

**Provider Qualifications****License** (*specify*):**Certificate** (*specify*):**Other Standard** (*specify*):

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Be a licensed home contractor or Division of Rehabilitation Services (DORS) approved vendor;
3. Be properly licensed or certified by the State;
4. Obtain and maintain Commercial General Liability Insurance;
5. Obtain and maintain worker's compensation insurance sufficient to cover all employees, if any;
6. Be bonded as is legally required;
7. Complete required orientation and training designated by DDA;
8. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
9. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
10. Complete and sign any agreements required by MDH or DDA; and
11. Have a signed Medicaid Provider Agreement.

Environmental Modification Professional shall:

1. Ensure all staff, contractors and subcontractors meet required qualifications including verify the licenses and credentials of all individuals whom the contractor employs or with whom the provider has a contract with and have a copy of same available for inspection;
2. Obtain, in accordance with Department of Labor and Licensing requirements, a Home Improvement License for projects which may be required to complete where an existing home structure is modified (such as a stair glide) as applicable; and
3. Ensure all home contractors and subcontractors of services shall:
  - a. Be properly licensed or certified by the State;
  - b. Be in good standing with the Department of Assessments and Taxation to provide the service;
  - c. Maintain Commercial General Liability Insurance; and
  - d. Be bonded as is legally required.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- 1. DDA for certified Environmental Modifications professional
- 2. FMS providers, as described in Appendix E, for participants self-directing services

**Frequency of Verification:**

- 1. DDA – Initial and at least every three years
- 2. FMS provider - prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Family and Peer Mentoring Supports

**HCBS Taxonomy:**

**Category 1:**

09 Caregiver Support

**Sub-Category 1:**

09020 caregiver counseling and/or training

**Category 2:**

13 Participant Training

**Sub-Category 2:**

13010 participant training

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

A. Family and Peer Mentoring Supports provide mentors who have shared experiences as the participant, family, or both participant and family and who provide support and guidance to the participant and their family members. Family and Peer mentors explain community services, programs, and strategies they have used to achieve the waiver participant's goals. It fosters connections and relationships which builds the resilience of the participant and their family.

B. Family and Peer Mentoring Supports services encourage participants and their family members to share their successful strategies and experiences in navigating a broad range of community resources beyond those offered through the waiver with other waiver participants and their families.

C. Family and Peer Mentoring supports includes:

1. Facilitation of connection between:

a. The participant and the participant's relatives; and

b. A mentor; and

2. Follow-up support to assure the match between the mentor and the participant and the participant's relatives meets peer expectations.

D. Family and Peer Mentoring Supports do not include:

1. Provision of Coordination of Community Services;

2. Determination of participant eligibility for enrollment in the Waiver program, as described in Appendix B;

3. Development of the person-centered plan, as described in Appendix D;

4. Support Broker services, as described in Appendices C and E.

#### SERVICE REQUIREMENTS:

A. Family and Peer Mentoring Supports are provided from an experienced peer mentor, parent or other family member to a peer, another parent or family caregiver who is the primary unpaid support to the participant.

B. Support needs for peer mentoring are identified in the participant's Person-Centered Plan.

C. The mentor can be an individual with developmental disabilities or the member of a family that includes an individual with developmental disabilities.

D. Mentors cannot mentor their own family members. A legally responsible person, relative, or legal guardian of the participant cannot be paid by the Waiver program, either directly or indirectly, to provide this Waiver program service.

E. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

#### **Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

Peer and Family Mentoring Services are limited to 8 hours per day.

#### **Service Delivery Method** (check each that applies):

**Participant-directed as specified in Appendix E**

**Provider managed**

#### **Specify whether the service may be provided by** (check each that applies):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	Family and Peer Mentoring Provider
Individual	Family or Peer Mentor

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Family and Peer Mentoring Supports**

**Provider Category:**

Agency

**Provider Type:**

Family and Peer Mentoring Provider

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:

- A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
  - B. A minimum of five (5) years demonstrated experience and capacity with providing quality similar services such as self-advocacy and parent organizations;
  - C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
  - D. Demonstrate the capability to provide or arrange for the provision of all services required by submitting, at a minimum, the following documents with the application:
    - (1) A program service plan that details the agencies service delivery model;
    - (2) A business plan that clearly demonstrates the ability of the agency to provide mentoring services;
    - (3) A written quality assurance plan to be approved by the DDA;
    - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
    - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
  - E. If currently licensed or certified, produce, upon written request from the DDA, the documents required under D.
  - F. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
  - G. Have Workers' Compensation Insurance;
  - H. Have Commercial General Liability Insurance;
  - I. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
  - J. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;
  - K. Complete required orientation and training;
  - L. Comply with the DDA standards related to provider qualifications; and
  - M. Complete and sign any agreements required by MDH or DDA.
2. Have a signed Medicaid provider agreement;
3. Have documentation that all vehicles used in the provision of services have automobile insurance; and
4. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

- 1. Be at least 18 years old;

2. Have a Bachelor’s Degree or demonstrated life experiences and skills to provide the service;
3. Possess current first aid and CPR certification;
4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
5. Complete necessary pre/in-service training based on the Person-Centered Plan;
6. Complete the training designated by DDA. After July 1, 2019, all new hires must complete the DDA required training prior to independent service delivery.
7. Possess a valid driver’s license, if the operation of a vehicle is necessary to provide services; and
8. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- 1.DDA for approval of Family and Peer Mentoring
- 2.Provider for staff standards

**Frequency of Verification:**

- 1.DDA - Initial and at least every three years
- 2.Provider - Prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Family and Peer Mentoring Supports**

**Provider Category:**

Individual

**Provider Type:**

Family or Peer Mentor

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Have a Bachelor's Degree or demonstrated life experiences and skills to provide the service;
3. Possess current first aid and CPR certification;
4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
5. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
6. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;
7. Complete required orientation and training designated by DDA;
8. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
9. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
10. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
11. Complete and sign any agreements required by MDH or DDA; and
12. Have a signed Medicaid Provider Agreement.

#### Verification of Provider Qualifications

##### Entity Responsible for Verification:

1. DDA for certified Family and Peer Mentors
2. FMS provider, as described in Appendix E, for participants self-directing services

##### Frequency of Verification:

1. DDA – Initial and at least every three years
2. FMS provider - prior to service delivery and continuing thereafter

## Appendix C: Participant Services

### C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

#### Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

#### Service Title:

Family Caregiver Training and Empowerment Services

#### HCBS Taxonomy:

##### Category 1:

09 Caregiver Support

##### Sub-Category 1:

09020 caregiver counseling and/or training

##### Category 2:

##### Sub-Category 2:

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**Category 3:****Sub-Category 3:**

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**Service Definition (Scope):****Category 4:****Sub-Category 4:**

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A. Family Caregiver Training and Empowerment services provide education and support to the family caregiver of a participant that preserves the family unit and increases confidence, stamina and empowerment to support the participant. Education and training activities are based on the family/caregiver's unique needs and are specifically identified in the Person-Centered Plan.

B. This service includes educational materials, training programs, workshops and conferences that help the family caregiver to:

1. Understand the disability of the person supported;
2. Achieve greater competence and confidence in providing supports;
3. Develop and access community and other resources and supports;
4. Develop or enhance key parenting strategies;
5. Develop advocacy skills; and
6. Support the person in developing self-advocacy skills.

C. Family Caregiver Training and Empowerment does not include the cost of travel, meals, or overnight lodging as per federal requirements.

**Service Requirements:**

A. Family Caregiver Training and Empowerment is offered only for a family caregiver who is providing unpaid support, training, companionship, or supervision for a participant who is currently living in the family home.

B. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

C. To the extent that any listed services are covered under the State plan, the services under the waiver would be limited to additional services not otherwise covered under the State plan, but consistent with waiver objectives of avoiding institutionalization.

D. A legally responsible person, relative, or legal guardian of the participant cannot be paid by the Waiver program, either directly or indirectly, to provide this Waiver program service.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

1. Family Caregiver Training and Empowerment services are limited to a maximum of 10 hours of training for unpaid family caregiver per participant per year.

2. Educational materials and training programs, workshops and conferences registration costs for unpaid family caregiver is limited to up to \$500 per participant per year.

**Service Delivery Method (check each that applies):**

**Participant-directed as specified in Appendix E**

**Provider managed**

**Specify whether the service may be provided by (check each that applies):**

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Family Support Professional
Agency	Parent Support Agency

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Family Caregiver Training and Empowerment Services**

**Provider Category:**

Individual

**Provider Type:**

Family Support Professional

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Have a Bachelor’s Degree or demonstrated life experiences and skills to provide the service;
3. Complete required orientation and training designated by DDA;
4. Have three (3) professional references which attest to the provider’s ability to deliver the support/service in compliance with the Department’s values in Annotated Code of Maryland, Health General, Title 7;
5. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
6. Complete and sign any agreements required by MDH or DDA; and
7. Have a signed Medicaid Provider Agreement.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- 1. DDA for certified Family Supports Professional
- 2. FMS provider, as described in Appendix E, for participants self-directing services

**Frequency of Verification:**

- 1. DDA – Initially and at least every three years and annually
- 2. FMS – Initially and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Family Caregiver Training and Empowerment Services**

**Provider Category:**

Agency

**Provider Type:**

Parent Support Agency

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:
  - A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
  - B. A minimum of five (5) years demonstrated experience and capacity with providing quality similar services;
  - C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
  - D. Demonstrate the capability to provide or arrange for the provision of all services required by submitting, at a minimum, the following documents with the application:
    - (1) A program service plan that details the agencies service delivery model;
    - (2) A business plan that clearly demonstrates the ability of the agency to provide services;
    - (3) A written quality assurance plan to be approved by the DDA;
    - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
    - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
  - E. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
  - F. Have Workers' Compensation Insurance;
  - G. Have Commercial General Liability Insurance;
  - H. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
  - I. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;
  - J. Complete required orientation and training;
  - K. Comply with the DDA standards related to provider qualifications; and
  - L. Complete and sign any agreements required by MDH or DDA.
2. Have a signed Medicaid provider agreement;
3. Have documentation that all vehicles used in the provision of services have automobile insurance; and
4. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

1. Be at least 18 years old;
2. Have a Bachelor's Degree, professional licensure; certification by a nationally recognized program; or demonstrated life experiences and skills to provide the service;
3. Complete necessary pre/in-service training based on the Person-Centered Plan;
4. Complete training designated by DDA.

#### **Verification of Provider Qualifications**

##### **Entity Responsible for Verification:**

1. DDA for approval of Parent Support Agencies
2. Parent Support Agency for staff qualifications and requirements

##### **Frequency of Verification:**

- |  |
|--|
| <ol style="list-style-type: none"> <li>1. DDA – Initial and at least every three years</li> <li>2. Parent Support Agency – prior to service delivery and continuing</li> </ol> |
|--|

## Appendix C: Participant Services

### C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Housing Support Services

**HCBS Taxonomy:**

**Category 1:**

17 Other Services

**Sub-Category 1:**

17030 housing consultation

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

- A. Housing Support Services are time-limited supports to help participants to identify and navigate housing opportunities; address or overcome barriers to housing; and secure and retain their own home.
- B. Housing Support Services include:
1. Housing Information and Assistance to obtain and retain independent housing;
  2. Housing Transition Services to assessing housing needs and develop individualized housing support plan; and
  3. Housing Tenancy Sustaining Services which assist the individual to maintain living in their rented or leased home.
- C. Housing Information and Assistance includes:
1. Reviewing housing programs' rules and requirements and their applicability to the participant;
  2. Searching for housing;
  3. Assistance with processes for applying for housing and housing assistance programs;
  4. Assessing the living environment to determine it meets accessibility needs, is safe, and ready for move-in;
  5. Requesting reasonable accommodations in accordance with the Fair Housing Act to support a person with a disability equal opportunity to use and enjoy a dwelling unit, including public and common use areas;
  6. Identifying resources for security deposits, moving costs, furnishings, assistive technology, environmental modifications, utilities, and other one-time costs;
  7. Reviewing the lease and other documents, including property rules, prior to signing;
  8. Developing, reviewing and revising a monthly budget, including a rent and utility payment plan;
  9. Identifying and addressing housing challenges such as credit and rental history, criminal background, and behaviors; and
  10. Assistance with resolving disputes.
- D. Housing Transition Services includes:
1. Conducting a tenant screening and housing assessment including collecting information on potential housing barriers and identification of potential housing retention challenges;
  2. Developing an individualized housing support plan that is incorporated in the participant's Person-Centered Plan and that includes:
    - a. Short and long-term goals;
    - b. Strategies to address identified barriers including prevention and early intervention services when housing is jeopardized; and
    - c. Natural supports, resources, community providers, and services to support goals and strategies.
- E. Housing Tenancy Sustaining Services assist the participant to maintain living in their rented or leased home, and includes:
1. Education and training on the role, rights and responsibilities of the tenant and landlord; how to be a good tenant; and lease compliance;
  2. Coaching to develop and maintain key relationships with landlord/property manager and neighbors;
  3. Assistance with housing recertification process;
  4. Early identification and intervention for behaviors that jeopardize tenancy;
  5. Assistance with resolving disputes with landlords and/or neighbors;
  6. Advocacy and linkage with community resources to prevent eviction; and
- Coordinating with the individual to review, update and modify the housing support plan

**SERVICE REQUIREMENT:**

- A. The participant must be 18 years of age or older.
- B. A housing support plan must be completed in accordance with the following requirements:
1. The housing support plan must be incorporated into the participant's person-centered plan.
  2. The housing support plan must contain the following components:
    - a. A description of the participant's barriers to obtaining and retaining housing;
    - b. The participant's short and long-term housing goals;
    - c. Strategies to address the participant's identified barriers, including prevention and early intervention services when housing is jeopardized; and
    - d. Natural supports, resources, community-based service providers, and services to support the goals and strategies identified in the housing support plan.
- C. The services and supports must be provided consistent with programs available through the US Department of Housing and Urban Development, the Maryland Department of Housing and Community Development, and applicable federal, State, and local laws, regulations, and policies.
- D. A legally responsible person, relative, or legal guardian of the participant cannot be paid by the Waiver program, either directly or indirectly, to provide this Waiver program service.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

Housing Support Services are limited to 8 hours per day and may not exceed a maximum of 175 hours annually.

**Service Delivery Method** (check each that applies):

**Participant-directed as specified in Appendix E**

**Provider managed**

**Specify whether the service may be provided by** (check each that applies):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	Housing Support Service Provider
Individual	Housing Support Professional

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Housing Support Services**

**Provider Category:**

Agency

**Provider Type:**

Housing Support Service Provider

**Provider Qualifications**

**License** (specify):

**Certificate** (specify):

**Other Standard** (specify):

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:
  - A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
  - B. A minimum of five (5) years demonstrated experience and capacity providing quality housing support services to persons with disabilities who successfully transitioned to independent renting or similar services;
  - C. Experience with federal affordable housing or rental assistance programs;
  - D. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
  - E. Demonstrate the capability to provide or arrange for the provision of all services required by submitting, at a minimum, the following documents with the application:
    - (1) A program service plan that details the agencies service delivery model;
    - (2) A business plan that clearly demonstrates the ability of the agency to provide services;
    - (3) A written quality assurance plan to be approved by the DDA;
    - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
    - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
  - F. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
  - G. Have Workers' Compensation Insurance;
  - H. Have Commercial General Liability Insurance;
  - I. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
  - J. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;
  - K. Complete required orientation and training;
  - L. Comply with the DDA standards related to provider qualifications; and
  - M. Complete and sign any agreements required by MDH or DDA.
2. Have a signed Medicaid provider agreement.
3. Have documentation that all vehicles used in the provision of services have automobile insurance; and
4. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

1. Be at least 18 years old;
2. Have a GED or high school diploma;
3. Possess current first aid and CPR certification;
4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
5. Complete necessary pre/in-service training based on the Person-Centered Plan;
6. Complete the training designated by DDA. After July 1, 2019, all new hires must complete the DDA required training prior to independent service delivery.
7. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services; and
8. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;
9. Housing assistance staff minimum training requirements include:

- (a) Conducting a housing assessment;
- (b) Person-centered planning;
- (c) Knowledge of laws governing housing as they pertain to individuals with disabilities;
- (d) Affordable housing resources;
- (e) Leasing processes;
- (f) Strategies for overcoming housing barriers;
- (g) Housing search resources and strategies;
- (h) Eviction processes and strategies for eviction prevention; and
- (i) Tenant and landlord rights and responsibilities.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- 1. DDA for verification of provider approval
- 2. Provider for staff requirements

**Frequency of Verification:**

- 1. DDA - Initially and at least every three years
- 2. Provider prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Housing Support Services**

**Provider Category:**

Individual

**Provider Type:**

Housing Support Professional

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Have a GED or high school diploma;
3. Training for the following:
  - A. Conducting a housing assessment;
  - B. Person-centered planning;
  - C. Knowledge of laws governing housing as they pertain to individuals with disabilities;
  - D. Affordable housing resources;
  - E. Leasing processes;
  - F. Strategies for overcoming housing barriers;
  - G. Housing search resources and strategies;
  - H. Eviction processes and strategies for eviction prevention; and
  - I. Tenant and landlord rights and responsibilities.
4. Possess current first aid and CPR certification;
5. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
6. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
7. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;
8. Complete required orientation and training designated by DDA;
9. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
10. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
11. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
12. Complete and sign any agreements required by MDH or DDA; and
13. Have a signed Medicaid Provider Agreement.

#### **Verification of Provider Qualifications**

##### **Entity Responsible for Verification:**

1. DDA for approval of Housing Support Professional
2. Fiscal Management Service providers for participants self-directing services

##### **Frequency of Verification:**

1. DDA - Initially and at least every three years
2. FMS - Prior to initial service delivery and continuing thereafter

## **Appendix C: Participant Services**

### **C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

#### **Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

#### **Service Title:**

Individual and Family Directed Goods and Services

**HCBS Taxonomy:**

**Category 1:**

17 Other Services

**Sub-Category 1:**

17010 goods and services

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

A. Individual and Family Directed Goods and Services are services, equipment, or supplies that enable the participant to maintain or increase independence and promote opportunities for the participant to live in and be included in the community, relate to a participant's need or goal identified in the participant's Person-Centered Plan, and are not available under the Waiver program or Maryland Medicaid Program.

B. Individual and Family Directed Goods and Services are services, equipment, or supplies for self-directing participants that:

1. Relate to a need or goal identified in the Person-Centered Plan;
2. Maintain or increase independence;
3. Promote opportunities for community living and inclusion; and
4. Are not available under a waiver service or State Plan services.

C. Individual and Family Directed Goods and Services includes dedicated funding up to \$500 that participants may choose to use for costs associated with staff recruitment and advertisement efforts such as developing and printing flyers and using staffing registries.

D. Individual and Family Directed Goods and Services decrease the need for Medicaid services, increase community integration, increase the participant's safety in the home, or support the family in the continued provision of care to the participant.

E. The goods and services only include:

1. Fitness memberships;
2. Fitness items that can be purchased at most retail stores;
3. Toothbrushes or electric toothbrushes;
4. Weight loss program services other than food;
5. Dental services recommended by a licensed dentist and not covered by health insurance;
6. Nutritional consultation and supplements recommended by a professional licensed in the relevant field; and
7. Other goods and services that meet the service requirements under A. through D.

F. Experimental or prohibited goods and treatments are excluded.

G. Individual and Family Directed Goods and Services do not include services, goods, or items:

1. That have no benefit to the participant;
2. Otherwise covered by the waiver or the Medicaid State Plan Services;
3. Additional units or costs beyond the maximum allowable for any waiver service or Medicaid State Plan, with the exception of a second wheelchair;
4. Co-payment for medical services, over-the-counter medications, or homeopathic services;
5. Items used solely for entertainment or recreational purposes, such as televisions, video recorders, game stations, DVD player, and monthly cable fees;
6. Monthly telephone fees;
7. Room & board, including deposits, rent, and mortgage expenses and payments;
8. Food;
9. Utility charges;
10. Fees associated with telecommunications;
11. Tobacco products, alcohol, marijuana, or illegal drugs;
12. Vacation expenses;
13. Insurance; vehicle maintenance or any other transportation-related expenses;
14. Tickets and related cost to attend recreational events;
15. Personal trainers; spa treatments;
16. Goods or services with costs that significantly exceed community norms for the same or similar good or service;
17. Tuition including post-secondary credit and noncredit courses; educational services otherwise available through a program funded under the Individuals with Disabilities Education Act (IDEA), including private tuition, Applied Behavior Analysis (ABA) in schools, school supplies, tutors, and home schooling activities and supplies;
18. Staff bonuses and housing subsidies;
19. Subscriptions;
20. Training provided to paid caregivers;
21. Services in hospitals;
22. Costs of travel, meals, and overnight lodging for staff, families, and natural support network members to attend a training event or conference;

23. Service animals and associated costs; or  
 24. Therapeutic interventions to maintain or improve function including art, music, dance, and therapeutic swimming or horseback riding with recommendation from a licensed professional in the relevant field.

**SERVICE REQUIREMENTS:**

A. Participant or the designated authorized representative self-directing services on behalf of the participant make decisions on goods and services based on an identified need in the Person-Centered Plan.

B. Individual and Family Directed Goods and Services must meet the following requirements:

1. The item or service would decrease the need for other Medicaid services; OR
2. Promote inclusion in the community; OR
3. Increase the participant's safety in the home environment; AND
4. The item or service is not available through another source.

C. Individual and Family Directed Goods and Services are purchased from the participant-directed budget and must be documented in the Person-Centered Plan.

D. Individual and Family Directed Goods and Services must be clearly noted and linked to an assessed participant need established in the Person-Centered Plan.

E. The goods and services must fit within the participant's budget without compromising the participant's health and safety. Individual and Family Directed Goods and Services are purchased from the savings identified and available in the participant's annual budget in accordance with the following requirements:

1. Except for \$500 per year for costs associated with recruitment of staff, the DDA will not authorize additional funding for Individual and Family Directed Goods and Services in the participant's annual budget.
2. The participant must identify savings in the participant's annual budget to be used to purchase Individual and Family Directed Goods and Services.
3. The identified savings may not be used if doing so would deplete the participant's annual budget in a manner that compromises the participant's health or safety.
4. The services, equipment, or supplies to be purchased pursuant to this Waiver program service must be documented in the participant's Person-Centered Plan and authorized by the DDA in accordance with applicable policy.

F. The goods and services must provide or direct an exclusive benefit to the participant.

G. The goods and services provided must be cost-effective alternatives to standard waiver or State Plan services (i.e., the service is available from any source, is least costly to the State, and reasonably meets the identified need.)

H. The goods and services may not circumvent other restrictions on the claiming of Federal Financial Participation for waiver services, including the prohibition of claiming for the costs of room and board;

I. Reimbursement shall be reasonable, customary, and necessary, as determined for the participant's needs, recommended by the team, and approved by DDA or its designee.

J. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

K. Individual and Family Directed Goods and Services are not available to participants at the same time the participant is receiving support services in Career Exploration, Medical Day Care, or Shared Living services.

L. To the extent that any listed services are covered under the State plan, the

services under the waiver would be limited to additional services not otherwise covered under the State plan, but consistent with waiver objectives of avoiding institutionalization.

M. Dedicated funding for staff recruitment and advertisement efforts does not duplicate the Fiscal Management Services.

N. A legally responsible person, relative, or legal guardian of the participant cannot be paid by the Waiver program, either directly or indirectly, to provide this Waiver program service.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

Individual and Family Directed Goods and Services are limited to \$5,500 per year from the total self-directed budget of which \$500 is dedicated to support staff recruitment efforts such as developing and printing flyers and using staffing registries.

**Service Delivery Method** (*check each that applies*):

**Participant-directed as specified in Appendix E**

**Provider managed**

**Specify whether the service may be provided by** (*check each that applies*):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Entity – for participants self-directing services

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Individual and Family Directed Goods and Services**

**Provider Category:**

Individual

**Provider Type:**

Entity – for participants self-directing services

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):

Based on the service, equipment or supplies vendors may include:

1. Commercial business
2. Community organization
3. Licensed professional

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

FMS provider, as described in Appendix E

**Frequency of Verification:**

Prior to purchase

**Appendix C: Participant Services**

**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Nurse Case Management and Delegation Services\*\*Ending March 2021\*\*

**HCBS Taxonomy:**

**Category 1:**

05 Nursing

**Sub-Category 1:**

05020 skilled nursing

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

**\*\* ENDING March 2021 \*\***

A. Nurse Case Management and Delegation Services provides participants a licensed Registered Nurse (the “RN Case Manager & Delegating Nurse” or “RN CM/DN”) who: (1) provides health case management services (as defined below); and (2) delegates nursing tasks for an unlicensed individual to perform acts that may otherwise be performed only by a RN or Licensed Practical Nurse (LPN), as appropriate and in accordance with applicable regulations.

B. At a minimum, the Nurse Health Case Management services includes:

1. Performance of a comprehensive nursing assessment of the participant identifying their health, medical appointment, and nursing needs;
2. Clinical review of the Health Risk Screening Tool (HRST) at Level 3 or above, both on an annual basis and when any significant changes in the health of the participant occurs, to assist the participant to understand their health needs and to develop a plan for obtaining health services in the community;
3. Completion of the Medication Administration Screening Tool, both on an annual basis and when any significant changes in the health of the participant occurs, to determine the level of support needed for medication administration;
4. Review the participant’s health services and supports to promote quality client outcomes and cost effective care according to the Maryland Board of Nursing regulations;
5. Providing recommendations to (i) the participant, (ii) caregivers employed or contracted by the DDA-licensed or DDA-certified community-based provider or participant enrolled in the Self-Directed Services delivery model and under delegation of the RN, and (iii) the team for health care services that are available in the community;
6. Communicating with the participant and their person-centered planning team members in order that the team can coordinate the acquisition of services and supports to meet the participant’s health needs;
7. Develop health care plans and protocols, as needed, that direct the paid direct support staff in the provision of health services to be performed that include (a) administration of medications, (b) performance of medical and nursing treatments, (c) activities of daily living (ADL) performance, (d) identifying and intervening in an emergency, and (e) other health monitoring provided by the DDA licensed provider staff;
8. Completion of training, supervision, evaluation and remediation on all health services provided under the delegation of the RN by the paid staff as identified in the Nursing Care Plans;
9. Monitoring services delivered under delegation of the RN by direct support staff for compliance with the Nursing Care Plan; and,
10. Monitoring health data obtained by direct support staff under the delegation of the RN and as directed in the Nursing Care Plan.

C. Delegation of Nursing Tasks services includes:

1. Assessment of (a) the needs and abilities of the participant; (b) direct care staff performance of delegated nursing tasks; and (c) the environment of service or care delivery;
2. Delegation of the performance of nursing tasks (i.e., acts of a licensed nurse that include medication administration and treatment administration) to unlicensed direct care staff that may be Certified Medication Technicians (“CMT”), Certified Nursing Assistant (“CNA”), or other Unlicensed Assistive Personnel (“UAP”) in accordance with applicable Maryland Board of Nursing regulations;
3. Training, supervision, and remediation of unlicensed direct care staff who provide health services under the delegation of the RN. (e.g., administration of medication, treatments, and Activities of Daily Living (ADL) care, health monitoring) as required by applicable Maryland Board of Nursing regulations; and,
4. Provision of On-Call service, to paid direct support staff that are performing delegated nursing tasks, while delegation is occurring, for up to 24 hours per day, 365 days per year as required by applicable Maryland Board of Nursing regulations.

D. In provision of Nurse Health Case Management and Delegation Services, the RN CM/DN will collaborate with the DDA-licensed or DDA-certified community-based provider or Self-Directed Services participant in the development of policies and procedures required for delegation of any nursing tasks in accordance with COMAR 10.27.11 and the administration’s Medication Technician Training Program (MTTP).

#### SERVICE REQUIREMENTS:

- A. A participant may qualify for this service if they are either: (1) receiving services via the Traditional Services delivery model at a DDA-licensed community provider site, including day or employment type services; (2)

receiving Personal Support services; or (3) enrolled in the Self-Directed Services Program.

B. A participant cannot qualify for or receive this service if the participant is in a placement where nursing services are provided as part of the services, including a hospital, a nursing or rehabilitation facility or when Rare and Expensive Medicine (REM) is providing staff for the provision of nursing and health services.

C. In order to access services, all of the following criteria must be met:

1. Participant's health conditions must be determined by the RN CM/DN to meet applicable delegation criteria (i.e. be chronic, stable, routine, predictable and uncomplicated) and nursing tasks are assessed to be eligible for delegation as per the Maryland Board of Nursing regulations at COMAR 10.27.11.

2. Participant must require delegation as assessed by the RN as being unable to perform their own care. This includes the use of the Medication Administration Screening Tool to determine the need for delegation of medication.

3. The RN CM/DN has determined that all tasks and skills required to be performed or assisted with are delegable and the interval of the RN CM/DN's assessment, training, and supervision allow for the safe delivery of delegated nursing services in accordance with Maryland Board of Nursing regulations, including but not limited to COMAR 10.27.11.03, 10.27.11.04, 10.27.11.05.

D. Under this service: RN CM/DN must assess the participant and their staff, the environment, and care plan at least once every 45 days, or more often as indicated by the participant's health condition, in accordance with the Maryland Board of Nursing regulations, including but not limited to COMAR 10.27.11. All resulting revisions, recommendations, remediation and training completed must be documented by the RN CM/DN.

E. The RN CM/DN may delegate performance of nursing tasks to the participant's appropriately trained and/ or certified paid caregivers which may include spouse, parent, legal guardian, siblings, adult children, and licensed provider agency staff. When the delegation is for medication administration, the paid caregiver must be a Certified Medication Technician in accordance with Maryland Board of Nursing requirements.

F. A relative, legal guardian, or legally responsible person, as defined in Appendix C-2, may not be paid to provide Nurse Case Management and Delegation Services unless approved by the DDA.

G. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

H. Nurse Case Management and Delegations Services are not available to participants receiving Nurse Consultation.

I. Nurse Case Management and Delegation services are not available at the same time as the direct provision of Employment Discovery and Customization, Medical Day Care, or Transportation services.

J. To the extent that any listed services are covered under the Medicaid State Plan, the services under the waiver would be limited to additional services as allowed and not otherwise covered under the Medicaid State Plan, but consistent with waiver objectives of avoiding institutionalization.

K. Children have access to any medically necessary preventive, diagnostic, and treatment services under Medicaid's Early and Periodic Screening, Diagnostic and Treatment (EPSDT) services to help meet children's health and developmental needs. This includes age appropriate medical, dental, vision, and hearing screening services and diagnostic and treatment services to correct or ameliorate identified conditions. Supports provided by this waiver service is to improve and maintain the ability of the child to remain in and engage in community activities.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

The frequency of assessment is minimally every 45 days but may be more frequent based on the MBON 10.27.11 regulation and the prudent nursing judgment of the delegating RN in meeting conditions for delegation. This is a person centered assessment and evaluation by the RN that determines duration and frequency of each assessment.

**Service Delivery Method** (*check each that applies*):

**Participant-directed as specified in Appendix E**

**Provider managed**

**Specify whether the service may be provided by** (*check each that applies*):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Registered Nurse
Agency	Nursing Services Provider

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Other Service**

**Service Name: Nurse Case Management and Delegation Services\*\*Ending March 2021\*\***

**Provider Category:**

Individual

**Provider Type:**

Registered Nurse

**Provider Qualifications**

**License** (*specify*):

Registered Nurse must possess valid Maryland and/or Compact Registered Nurse license

**Certificate** (*specify*):

**Other Standard** (*specify*):

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Possess a valid Maryland and/or Compact Registered Nurse license;
2. Successful completion of the DDA RN Case Manager/Delegating Nurse (CM/DN) Orientation;
3. Be active on the DDA registry of DD RN CM/DNs;
4. Complete the online HRST Rater and Reviewer training;
5. Attend mandatory DDA trainings;
6. Attend a minimum of two (2) DDA provided nurse quarterly meetings per fiscal year;
7. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
8. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
9. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;
10. Have Commercial Liability Insurance;
11. Complete required orientation and training designated by DDA;
12. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
13. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
14. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
15. Have a signed DDA Provider Agreement to Conditions for Participation; and
16. Have a signed Medicaid Provider Agreement.

Individuals providing services for participants self-directing their services must meet the standards 1 through 9 noted above and submit forms and documentation as required by the Fiscal Management Service (FMS) agency. FMS must ensure the individual or entity performing the service meets the qualifications.

#### **Verification of Provider Qualifications**

##### **Entity Responsible for Verification:**

1. DDA for certified Registered Nurses
2. FMS provider, as described in Appendix E, for participants self-directing services

##### **Frequency of Verification:**

1. DDA – Initial and at least every three years
2. FMS – initially and continuing thereafter

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Other Service**

**Service Name: Nurse Case Management and Delegation Services\*\*Ending March 2021\*\***

**Provider Category:**

Agency

**Provider Type:**

Nursing Services Provider

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:
  - A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
  - B. A minimum of five (5) years demonstrated experience and capacity providing quality similar services;
  - C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
  - D. Demonstrate the capability to provide or arrange for the provision of all nursing services required by submitting, at a minimum, the following documents with the application:
    - (1) A program service plan that details the agencies service delivery model;
    - (2) A business plan that clearly demonstrates the ability of the agency to provide nursing services;
    - (3) A written quality assurance plan to be approved by the DDA;
    - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
    - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
  - E. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
  - F. Have Workers' Compensation Insurance;
  - G. Have Commercial General Liability Insurance;
  - H. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
  - I. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;
  - J. Complete required orientation and training;
  - K. Comply with the DDA standards related to provider qualifications; and
  - L. Complete and sign any agreements required by MDH or DDA.
2. Have a signed Medicaid Provider Agreement.
3. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
4. Have documentation that all vehicles used in the provision of services have automobile insurance; and
5. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation.

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

1. Possess valid Maryland and/or Compact Registered Nurse license;
2. Successful completion of the DDA RN Case Manager/Delegating Nurse (CM/DN) training within 90 days of first providing services;
3. Once completed DDA's training, maintain active status on DDA's registry of DD RN CM/DNs;
4. Complete the online HRST Rater and Reviewer training;
5. Attend mandatory DDA trainings;
6. Attend a minimum of two (2) DDA provided nurse quarterly meetings per fiscal year;
7. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
8. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
9. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;

- 10. Complete required orientation and training designated by DDA; and
- 11. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- 1. DDA for approval of providers
- 2. Nursing Service Agency for verification of staff member’s licenses, certifications, and training

**Frequency of Verification:**

- 1. DDA – Initial and at least every three years
- 2. Nursing Services Provider – prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Nurse Consultation\*\*ENDING March 2021\*\*

**HCBS Taxonomy:**

**Category 1:**

05 Nursing

**Sub-Category 1:**

05020 skilled nursing

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

**\*\* ENDING March 2021 \*\***

A. Nurse Consultation services provides participants, who are able to perform and train on self-medication and treatment administration, a licensed Registered Nurse who: (1) reviews information about the participant's health, (2) based on this review, provides recommendations to the participant on how to have these needs met in the community, and (3) in collaboration with the participant, develop care protocols for the participant to use when the participant trains staff.

B. In the event the person is not able to perform and train on self-medication and treatment administration but all health needs including medication and treatment administration are performed gratuitously, the Nurse Consultant: (1) reviews information about the participant's health needs; (2) based on this review, provides recommendations to the participant and gratuitous caregivers on how to have these needs met in the community; and (3) in collaboration with the participant and gratuitous caregivers, may review and develop health care protocols for the participant and gratuitous caregivers that describes the health services to be delivered gratuitously.

C. At a minimum, Nurse Consultation services must include:

1. Performs a Comprehensive Nursing Assessment to identify health issues and assist the participant, and their gratuitous caregivers, to understand the participant's health needs and risks in order to assist in the development of health care protocols that guide the participant and or gratuitous care provider in performing health tasks.
2. Completion of the Medication Administration Screening Tool, both on an annual basis and when the Nurse Consultant is notified of any changes in the cognitive status of the participant to determine the level of support needed for medication administration;
3. Review of the Health Risk Screening Tool (HRST) at Level 3 or above, both on an annual basis and when any significant changes in health of the participant occurs, to assist the participant to understand their health needs and to develop recommendations for obtaining service in the community;
4. Recommendations to the participant, and their gratuitous caregivers, for accessing health services that are available in the community and other community resources.

D. In addition, Nurse Consultation services may also include as appropriate to address the participant's needs:

1. Reviewing and developing communication systems the participant may need to communicate effectively with all health care providers working to ensure the health of the participant (licensed and unlicensed) and the community to ensure community awareness of the lifesaving medical equipment in use by the participant in the event of an emergency or power loss.
2. Developing emergency protocols, as needed, to guide the participant and their staff in responding to an emergency, including accessing emergency services available in the community.

#### SERVICE REQUIREMENTS:

A. To qualify for this service, the participant must:

1. Live in their own home or the family home;
2. Receives gratuitous (unpaid) provision of care to meet health needs or be assessed as able to perform and train on treatments of a routine nature and self-medications; and
3. Employ own staff under the Self-Directed Service Delivery Model.

B. This service cannot be provided in a DDA-licensed residential or day site or if the participant's direct support professional staff are paid by a DDA-licensed or DDA-certified community-based provider.

C. A participant may qualify for this service if they are enrolled in Self-Directed Services Program and must be exempt from delegation of nursing tasks as identified above in subsection A qualifications as per COMAR 10.27.11.01B related to gratuitous health services.

D. A participant cannot qualify for or receive this service if the participant is in a placement where nursing services are provided as part of the services, including a hospital, a nursing or rehabilitation facility or when Rare and Expensive Medicine is providing staff for the provision of nursing and health services.

E. Nurse Consultation services must include documented review of participant's health needs, including comprehensive nursing assessment and protocols, no more frequently than every three (3) months. All resulting revisions to protocols and recommendations completed must be documented by the RN.

F. If the participant was identified in previous assessments to be able to meet criteria for Nurse Consultation but is found during the administration of the Medication Administration Screening Tool to no longer meet criteria (i.e., is unable to self-medicate), and care needs are not able to be met gratuitously, then the Nurse Consultation service is no longer appropriate and the DDA will determine if the participant's health care needs can be met through Nurse Health Case Management and Delegation, another nursing-related waiver service.

G. A relative, legal guardian, or legally responsible person, as defined in Appendix C-2, may not be paid to provide Nurse Consultation services unless approved by the DDA.

H. Nurse Consultation services may be provided before the effective date of the participant's eligibility for waiver

services for participants interested in the Self-Directed Service Delivery model based on preauthorization from the DDA and paid as an administrative service.

I. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services (“DORS”), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

J. Nurse Consultation services are not available to participants receiving supports in other Nursing services, including Nurse Health Case Management and Nurse Case Management and Delegation Services.

K. Nurse Consultation services are not available at the same time as the direct provision of Career Exploration, Day Habilitation, Employment Discovery and Customization, Employment Services, Medical Day Care, Personal Supports, Respite Care Services, Supported Employment, and Transportation services.

L. To the extent that any listed services are covered under the Medicaid State Plan, the services under the waiver would be limited to additional services as allowed and not otherwise covered under the Medicaid State Plan, but consistent with waiver objectives of avoiding institutionalization.

M. Children have access to any medically necessary preventive, diagnostic, and treatment services under Medicaid’s Early and Periodic Screening, Diagnostic and Treatment (EPSDT) services to help meet children’s health and developmental needs. This includes age appropriate medical, dental, vision, and hearing screening services and diagnostic and treatment services to correct or ameliorate identified conditions. Supports provided by this waiver service is to improve and maintain the ability of the child to remain in and engage in community activities.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

Assessment and document revisions and recommendations of the participant’s health needs, protocols, and environment are limited to up to a four (4) hour period within a three (3) month period.

**Service Delivery Method** *(check each that applies):*

**Participant-directed as specified in Appendix E**

**Provider managed**

**Specify whether the service may be provided by** *(check each that applies):*

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Registered Nurse
Agency	Nursing Services Agency

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Nurse Consultation\*\*ENDING March 2021\*\***

**Provider Category:**

Individual

**Provider Type:**

Registered Nurse

**Provider Qualifications**

**License** (*specify*):

Registered Nurse must possess valid Maryland and/or Compact Registered Nurse license

**Certificate** (*specify*):

**Other Standard** (*specify*):

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Possess valid Maryland and/or Compact Registered Nurse license;
2. Successful completion of the DDA RN Case Manager/Delegating Nurse (CM/DN) Orientation;
3. Be active on the DDA registry of DD RN CM/DNs;
4. Complete the online HRST Rater and Reviewer training;
5. Attend mandatory DDA trainings;
6. Attend a minimum of two (2) DDA provided nurse quarterly meetings per fiscal year;
7. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
8. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
9. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;
10. Have Commercial Liability Insurance;
11. Complete required orientation and training designated by DDA;
12. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
13. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
14. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
15. Have a signed DDA Provider Agreement to Conditions for Participation; and
16. Have a signed Medicaid provider agreement.

Individuals providing services for participants self-directing their services must meet the standards 1 through 10 noted above and submit forms and documentation as required by the Fiscal Management Service (FMS) agency. FMS must ensure the individual or entity performing the service meets the qualifications.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

1. DDA for certified Registered Nurses
2. FMS provider, as described in Appendix E, for participants self-directing services

**Frequency of Verification:**

1. DDA – Initial and at least every three years
2. FMS – Initially and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

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**Service Type: Other Service**

**Service Name: Nurse Consultation\*\*ENDING March 2021\*\***

---

**Provider Category:**

Agency

**Provider Type:**

Nursing Services Agency

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:
  - A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
  - B. A minimum of five (5) years demonstrated experience and capacity providing quality similar services;
  - C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
  - D. Demonstrate the capability to provide or arrange for the provision of all nursing services required by submitting, at a minimum, the following documents with the application:
    - (1) A program service plan that details the agencies service delivery model;
    - (2) A business plan that clearly demonstrates the ability of the agency to provide nursing services;
    - (3) A written quality assurance plan to be approved by the DDA;
    - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
    - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
  - E. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
  - F. Have Workers' Compensation Insurance;
  - G. Have Commercial General Liability Insurance;
  - H. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
  - I. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;
  - J. Complete required orientation and training;
  - K. Comply with the DDA standards related to provider qualifications; and
  - L. Have a signed DDA Provider Agreement to Conditions for Participation.
2. Have a signed Medicaid provider agreement.
3. Have documentation that all vehicles used in the provision of services have automobile insurance; and
4. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation.

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

1. Possess valid Maryland and/or Compact Registered Nurse license;
2. Successful completion of the DDA RN Case Manager/Delegating Nurse (CM/DN) Orientation;
3. Be active on the DDA registry of DD RN CM/DNs;
4. Complete the online HRST Rater and Reviewer training;
5. Attend mandatory DDA trainings;
6. Attend a minimum of two (2) DDA provided nurse quarterly meetings per fiscal year;
7. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
8. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
9. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;
10. Complete required orientation and training designated by DDA; and
11. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- 1. DDA for approval of providers
- 2. Nursing Service Agency for verification of staff member’s licenses, certifications, and training

**Frequency of Verification:**

- 1. DDA – Initial and at least every three years
- 2. Nursing Services Provider – prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Nurse Health Case Management\*\*Ending March 2021\*\*

**HCBS Taxonomy:**

**Category 1:**

05 Nursing

**Sub-Category 1:**

05020 skilled nursing

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

**\*\* ENDING March 2021 \*\***

A. Nurse Health Case Management services provides participants a licensed Registered Nurse (RN), when direct support staff are employed by a DDA provider agency to perform health services other than medication and treatment administration, who: (1) reviews the participant's health services and supports as part of a collaborative process; (2) assesses, plans, implements, coordinates, monitors, and evaluates options and services to meet the participant's health needs; and (3) uses available resources to promote quality participant health outcomes and cost effective care.

B. At a minimum, Nurse Health Case Management services includes:

1. Performing of a comprehensive nursing assessment of the participant identifying their health, medical , and nursing needs;
2. Clinical reviewing of the Health Risk Screening Tool (HRST) at Level 3 or above, both on an annual basis and when any significant changes in the health of the participant occurs, to assist the participant and the team to understand their health needs and to make recommendations to the participant and the team for obtaining services in the community;
3. Completing of the DDA Medication Administration Screening Tool, minimally annually and when any significant changes in the cognitive status of the participant occurs, to determine or verify the level of support needed for medication administration;
4. Review the participant's health services and supports delivered by the DDA provider agency direct support staff for safe, appropriate and cost-effective health care as per Maryland Board of Nursing (MBON) definition of case management;
5. Providing recommendations to the team for accessing needed health services that are available in the community and other community resources;
6. Communicating with the participant and their person-centered planning team members in order that the team can coordinate the acquisition of services and supports to meet the participant's health needs;
7. Developing health care plans and protocols, as needed, that direct the DDA licensed provider direct support professional staff in the provision of health services to be performed that include (1) Activities of Daily Living (ADL) performance, (2) emergency intervention and (3) other health monitoring provided by the DDA licensed provider staff
8. Completing training, supervision, evaluation and remediation on all health services provided by the DDA licensed provider staff as identified in (1) Nursing Care Plans that direct the provision of health services to include ADL service and health monitoring and (2) emergency health protocols;
9. Monitoring the health services delivered by the DDA- licensed community staff for compliance with the Nursing Care Plan; and,
10. Monitoring health data collected by the DDA-licensed community provider staff as directed by the Nursing Care Plan.

C. In provision of Nurse Health Case Management Services, the RN will collaborate with the DDA licensed provider agency in the development of policies and procedures required for delegation of any nursing tasks in accordance with COMAR 10.27.11.

#### SERVICE REQUIREMENTS:

A. The participant may qualify for this service if they are: (1) able to perform self-medication and treatments as determined by the Nurse Health Case Manager; or (2) medications and treatments are provided for using the exemption from delegation from the MBON related to the gratuitous provision of care; and (3) direct support professional staff performing health services are employed by a DDA- licensed or DDA-certified community provider.

B. A participant may qualify for this service if they are: (1) receiving services via the Traditional Services delivery model at a DDA-licensed community provider site including day and employment type services; or (2) receiving Personal Support services from a DDA licensed community provider;.

C. A participant cannot qualify for or receive this service if the participant is in a placement where nursing services are provided as part of the services, including a hospital or a nursing facility or rehabilitation facility or when Rare and Expensive Medicine (REM) is providing nursing services that includes staffing.

D. Prior to initiation of the service, the Nurse Health Case Manager is required to determine that the participant is

able to perform self-medication and treatments. If unable to perform self-medication and treatments, the Nurse Health Case Manager is to: (1) verify that the medications and treatments are provided for by unpaid supports; or (2) that no medications/treatments are required; and (3) ensure that the direct support staff is employed by a DDA licensed community provider.

E. Self-Medication and treatment performance is determined by the Nurse Health Case Management Service using the DDA approved Medication Administration Screening Tool.

F. This service is not available to a participant if the participant: (1) cannot perform self-medication and treatments; (2) medications and treatments are provided for by paid direct support staff; or (3) the direct support staff is not employed by a DDA community provider. The Nurse Health Case Manager will determine the appropriateness of other nursing-related services such as Nurse Health Case Management and Delegation Service or Nurse Consultation service.

G. The Nurse Health Case Management Services must include documented review of the participant's health needs, including comprehensive nursing assessment and care plans and protocols, every three (3) months and minimally an annual review or completion of the Medication Administration Screening Tool to verify continued ability to perform tasks of self-medication and treatments. All resulting revisions, recommendations, remediation, and training completed must be documented by the RN.

H. A relative, legal guardian, or legally responsible person, as defined in Appendix C-2, may not be paid to provide Nurse Health Case Management services unless approved by the DDA.

I. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

J. Nurse Health Case Management services included in Employment Services, Supported Employment, Community Development Services, Career Exploration, and Day Habilitation services based on an assessed need. It is not available to participants receiving Nurse Consultation or Nurse Case Management and Delegation Services.

K. Nurse Health Case Management services are not available at the same time as the direct provision of Employment Discovery and Customization, Medical Day Care, or Transportation services;

L. To the extent that any listed services are covered under the Medicaid State Plan, the services under the waiver would be limited to additional services as allowed and not otherwise covered under the Medicaid State Plan, but consistent with waiver objectives of avoiding institutionalization.

M. Children have access to any medically necessary preventive, diagnostic, and treatment services under Medicaid's Early and Periodic Screening, Diagnostic and Treatment (EPSDT) services to help meet children's health and developmental needs. This includes age appropriate medical, dental, vision, and hearing screening services and diagnostic and treatment services to correct or ameliorate identified conditions. Supports provided by this waiver service is to improve and maintain the ability of the child to remain in and engage in community activities.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

Nurse Health Case Management services are limited up to a four (4) hour period within a three (3) month period.

**Service Delivery Method** (check each that applies):

**Participant-directed as specified in Appendix E**

**Provider managed**

**Specify whether the service may be provided by (check each that applies):**

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	Nursing Services Agency
Individual	Registered Nurse

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Nurse Health Case Management\*\*Ending March 2021\*\***

**Provider Category:**

Agency

**Provider Type:**

Nursing Services Agency

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:

- A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
- B. A minimum of five (5) years demonstrated experience and capacity providing quality similar services;
- C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
- D. Demonstrate the capability to provide or arrange for the provision of all nursing services required by submitting, at a minimum, the following documents with the application:
  - (1) A program service plan that details the agencies service delivery model;
  - (2) A business plan that clearly demonstrates the ability of the agency to provide nursing services;
  - (3) A written quality assurance plan to be approved by the DDA;
  - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
  - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
- E. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
- F. Have Workers' Compensation Insurance;
- G. Have Commercial General Liability Insurance;
- H. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
- I. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;
- J. Complete required orientation and training;
- K. Comply with the DDA standards related to provider qualifications; and
- L. Have a signed DDA Provider Agreement to Conditions for Participation.
- M. Have a signed Medicaid provider agreement.
- N. Have documentation that all vehicles used in the provision of services have automobile insurance; and
- O. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation.

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

- 1. Possess valid Maryland and/or Compact Registered Nurse license;
- 2. Successful completion of the DDA RN Case Manager/Delegating Nurse (CM/DN) Orientation;
- 3. Be active on the DDA registry of DD RN CM/DNs;
- 4. Complete the online HRST Rater and Reviewer training;
- 5. Attend mandatory DDA trainings;
- 6. Attend a minimum of two (2) DDA provided nurse quarterly meetings per fiscal year;
- 7. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
- 8. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
- 9. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;
- 10. Complete required orientation and training designated by DDA; and
- 11. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required

training prior to service delivery.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- 1. DDA for approval of providers
- 2. Nursing Service Agency for verification of staff member’s licenses, certifications, and training

**Frequency of Verification:**

- 1. DDA – Initial and at least every three years
- 2. Nursing Services Provider – prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Nurse Health Case Management\*\*Ending March 2021\*\***

**Provider Category:**

Individual

**Provider Type:**

Registered Nurse

**Provider Qualifications**

**License (specify):**

Registered Nurse must possess valid Maryland and/or Compact Registered Nurse license

**Certificate (specify):**

**Other Standard (specify):**

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Possess valid Maryland and/or Compact Registered Nurse license;
2. Successful completion of the DDA RN Case Manager/Delegating Nurse (CM/DN) Orientation;
3. Be active on the DDA registry of DD RN CM/DNs;
4. Complete the online HRST Rater and Reviewer training;
5. Attend mandatory DDA trainings;
6. Attend a minimum of two (2) DDA provided nurse quarterly meetings per fiscal year;
7. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
8. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
9. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;
10. Have Commercial Liability Insurance;
11. Complete required orientation and training designated by DDA;
12. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
13. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
14. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
15. Have a signed DDA Provider Agreement to Conditions for Participation; and
16. Have a signed Medicaid Provider Agreement.

Individuals providing services for participants self-directing their services must meet the standards 1 through 10 noted above and submit forms and documentation as required by the Fiscal Management Service (FMS) agency. FMS must ensure the individual or entity performing the service meets the qualifications.

#### **Verification of Provider Qualifications**

##### **Entity Responsible for Verification:**

1. DDA for certified Registered Nurses
2. FMS provider, as described in Appendix E, for participants self-directing services

##### **Frequency of Verification:**

1. DDA – Initial and at least every three years
2. FMS – initially and continuing thereafter

## Appendix C: Participant Services

### C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Nursing Support Services

**HCBS Taxonomy:**

**Category 1:**

05 Nursing

**Sub-Category 1:**

05020 skilled nursing

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

## SERVICE DEFINITION

- A. Nursing Support Services provides a registered nurse, licensed in the State of Maryland, to perform Nursing Consultation, Health Case Management, and Delegation services, based on the participant's assessed need.
- B. At a minimum, the registered nurse must perform an initial nursing assessment.
1. This initial nursing assessment must include:
    - a. Review of the participant's health needs, including:
      - i. Health care services and supports that the participant currently receives; and
      - ii. The participant's health records, including any physician orders;
    - b. Performance of a comprehensive nursing assessment;
    - c. Clinical review of the participant's Health Risk Screening Tool (HRST), in accordance with Department policy; and
    - d. Completion of the Medication Administration Screening Tool, in accordance with Department policy.
  2. The purpose of this initial nursing assessment is to determine the participant's assessed needs, particularly whether:
    - a. The participant's health needs require performance of nursing tasks, including administration of medication;
    - b. The participant's nursing tasks are delegable in accordance with the Maryland Board of Nursing's regulations; and
    - c. The participant's nursing tasks are exempt from delegation in accordance with the Maryland Board of Nursing's regulations.
- C. Based on the initial nursing assessment, if the participant requires, and meets criteria to receive, Nursing Consultation services, then the registered nurse providing Nurse Consultation services must:
1. Provide recommendations to the participant on how to have the participant's health needs met in the community, including accessing health services available in the community and other community resources;
  2. Develop or review health care protocols, including emergency protocols, for the participant and the participant's uncompensated caregivers for use in training the participant's direct support staff; and
  3. Develop or review communication systems the participant may need to communicate effectively with:
    - a. The participant's health care providers, direct support staff, and uncompensated caregivers who work to ensure the health of the participant; and
    - b. Resources in the community that may be needed to support the participant's health needs, such as notifying the electrical company if the participant has medical equipment that requires prompt restoration of power in the event of a power outage.
- D. Based on the initial nursing assessment, if the participant requires, and meets criteria to receive, Health Case Management services, then the registered nurse providing Health Case Management services must:
1. Provide recommendations to the provider and direct support staff on how to have the participant's health needs met in the community, including accessing health services available in the community and other community resources;
  2. Develop a Nursing Care Plan and protocols regarding the participant's specific health needs; and
  3. Provide training to the provider's direct support staff on how to address the participant's specific health needs, in accordance with the health care plans and protocols developed.
- E. Health Case Management services, as provided in Section D above, does not include delegation of nursing tasks to the direct support staff and, therefore, does not require continuous nursing assessments of the participant or monitoring of the provision of services by the direct support staff.
- F. Based on the initial nursing assessment, if the participant requires, and meets criteria to receive, Delegation, services then the registered nurse providing Delegation services must:
1. Provide recommendations to the participant, the direct support staff, and, if applicable, the participant's providers on how to have the participant's health needs met in the community, including accessing health services available in the community and other community resources;
  2. Develop a Nursing Care Plan and health care plans and protocols regarding the participant's specific health needs in accordance with applicable regulations and standards of nursing care;
  3. Provide training to direct support staff on how to address the participant's specific health needs and to perform the delegated nursing tasks, in accordance with the Nursing Care Plan and health care plans and protocols

developed;

4. Monitor the direct support staff's performance of delegated nursing tasks, including reviewing applicable documentation that must be maintained in accordance with applicable regulations and standards of nursing care;
5. Continually monitor the participant's health by conducting nursing assessments and reviewing health data documented and reported by direct support staff, in accordance with applicable regulations and standards of nursing care; and
6. Ensure available on a 24/7 basis, or provide qualified back-up, to address the participant's health needs as may arise emergently.

G. Nursing Support Services (i.e. Nurse Consultation, Health Case Management, and Nurse Case Management and Delegation services) do not include provision of any direct nursing care services to a participant.

#### SERVICE REQUIREMENTS

A. The DDA will authorize the amount, duration, and types of services under this Waiver program service based on the participant's assessed level of service need and in accordance with other applicable requirements. If the participant's health needs change, the participant may submit a new request for additional hours or different services, with applicable supporting documentation, to the DDA.

B. Based on the initial nursing assessment, the participant may be eligible for Nursing Support Services (i.e. Nurse Consultation, Health Case Management and Nurse Case Management and Delegation services) if the participant meets the criteria below.

1. A participant is eligible to receive Nurse Consultation services if:

- a. The participant's health needs require performance of nursing tasks, including administration of medication
- b. The participant is enrolled in the self-directed services delivery model;
- c. The participant receives a Waiver program service for which the participant has employer authority, as provided in Appendix E;
- d. The participant directly employs, or contracts with, direct support staff under that employer authority and, therefore, is responsible for directing and managing direct support staff in provision of that Waiver program service; and
- e. The participant's health needs are exempt from delegation of nursing tasks in accordance with applicable Maryland regulations.

2. A participant is eligible to receive Health Case Management services if:

- a. The participant's health needs require performance of nursing tasks, including administration of medication;
- b. The participant either:
  - i. Is enrolled in the traditional services delivery model; or
  - ii. Is enrolled in the self-directed services delivery model and receives a Waiver program service for which the participant does not have employer authority, as provided in Appendix E;
- c. A provider, and not the participant, directly employs, or contracts with, direct support staff under the provider's employer authority and, therefore, is responsible for directing and managing direct support staff in provision of that Waiver program service; and
- d. The participant's health needs are exempt from delegation of nursing tasks in accordance with applicable Maryland regulations.

3. A participant is eligible to receive Delegation services if:

- a. The participant's health needs require performance of nursing tasks, including administration of medication;
- b. The participant is enrolled in either service delivery model;
- c. Direct support staff provide the participant with a Waiver program service, whether employed by, or contracted with, a provider or the participant;
- d. During provision of that Waiver program service, the direct support staff needs to perform nursing tasks for the

participant to maintain the participant's health and safety;

- e. The nursing tasks are delegable to the direct support staff in accordance with applicable Maryland regulations; and
- f. The participant's health needs are not exempt from delegation of nursing tasks in accordance with applicable Maryland regulations.

4. A participant is not eligible to receive any of these additional nursing services beyond the initial assessment (i.e., Nurse Consultation, Health Case Management, or Delegation services) if:

- a. The participant's health needs do not require performance of any nursing tasks or administration of any medication;
- b. The nursing tasks are not delegable in accordance with applicable Maryland regulations; or
- c. The participant does not have any direct support staff paid, to provide any Waiver program service either under the traditional services delivery model or self-directed services delivery model, or any uncompensated caregivers.

C. The registered nurse must complete and maintain documentation of delivery of these Waiver program services, including any nursing assessments, nursing care plans, health care plans and protocols, training of participant, direct support staff, and/or uncompensated caregivers, and any other documentation of services, in accordance with applicable Maryland laws and regulations, Department policies, and standards of nursing care.

D. The registered nurse must comply with all applicable laws, regulations, and Department policies governing delivery of these Waiver program services, including but not limited to Maryland Board of Nursing's regulations, and the standards of nursing care. If there is a conflict between this Waiver program service and applicable Maryland Board of Nursing regulations, the applicable Maryland Board of Nursing regulations will control.

E. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

F. A participant cannot qualify, or receive funding from the Waiver program, for this Waiver program service if the participant:

- 1. Requires provision of direct nursing care services provided by a licensed nurse; or
- 2. Currently receives nursing services in an institutional setting paid for by the Maryland Medicaid Program or the Department, such as hospital services, skilled nursing or rehabilitation facility services; or
- 3. Currently receives, or is eligible to receive, nursing services in a home- or community-based setting paid for by the Maryland Medicaid Program or the Department, such as the Medicaid Program's Rare and Expensive Case Management Program's private duty nursing services.

G. To the extent that any listed services are covered under the Medicaid State Plan, the services under the waiver would be limited to additional services as allowed and not otherwise covered under the Medicaid State Plan, but consistent with waiver objectives of avoiding institutionalization.

SERVICE DEFINITION CONTINUED BELOW DUE TO SPACE LIMITATIONS

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

SERVICE DEFINITION CONTINUED FROM ABOVE

H. Children have access to any medically necessary preventive, diagnostic, and treatment services under Medicaid’s Early and Periodic Screening, Diagnostic and Treatment (EPSDT) services to help meet children’s health and developmental needs. This includes age appropriate medical, dental, vision, and hearing screening services and diagnostic and treatment services to correct or ameliorate identified conditions. Supports provided by this waiver service is to improve and maintain the ability of the child to remain in and engage in community activities.

I. A legally responsible person, legal guardian, or relative cannot be paid by the Waiver program, either directly or indirectly, to provide this Waiver program service unless otherwise approved by the DDA due to extraordinary circumstances.

**Service Delivery Method** (*check each that applies*):

- Participant-directed as specified in Appendix E**
- Provider managed**

**Specify whether the service may be provided by** (*check each that applies*):

- Legally Responsible Person**
- Relative**
- Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Registered Nurse
Agency	Nursing Services Provider

### Appendix C: Participant Services

#### C-1/C-3: Provider Specifications for Service

**Service Type: Other Service**  
**Service Name: Nursing Support Services**

**Provider Category:**

Individual

**Provider Type:**

Registered Nurse

**Provider Qualifications**

**License** (*specify*):

Registered Nurse must possess valid Maryland and/or Compact Registered Nurse license

**Certificate** (*specify*):

**Other Standard** (*specify*):

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Possess a valid Maryland and/or Compact Registered Nurse license;
2. Successful completion of the DDA RN Case Manager/Delegating Nurse (CM/DN) Orientation;
3. Be active on the DDA registry of DD RN CM/DNs;
4. Complete the online HRST Rater and Reviewer training;
5. Attend mandatory DDA trainings;
6. Attend a minimum of two (2) DDA provided nurse quarterly meetings per fiscal year;
7. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
8. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
9. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;
10. Have Commercial General Liability Insurance;
11. Complete required orientation and training designated by DDA;
12. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
13. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
14. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
15. Complete and sign any agreements required by MDH or DDA; and
16. Have a signed Medicaid Provider Agreement.

#### **Verification of Provider Qualifications**

##### **Entity Responsible for Verification:**

1. DDA for certified Registered Nurses
2. FMS provider, as described in Appendix E, for participants self-directing services

##### **Frequency of Verification:**

1. DDA – Initial and at least every three years
2. FMS – initially and continuing thereafter

## **Appendix C: Participant Services**

### **C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Nursing Support Services**

**Provider Category:**

Agency

**Provider Type:**

Nursing Services Provider

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:

A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;

B. A minimum of five (5) years demonstrated experience and capacity providing quality similar services;

C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;

D. Demonstrate the capability to provide or arrange for the provision of all nursing services required by submitting, at a minimum, the following documents with the application:

(1) A program service plan that details the agencies service delivery model;

(2) A business plan that clearly demonstrates the ability of the agency to provide nursing services;

(3) A written quality assurance plan to be approved by the DDA;

(4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and

(5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.

E. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;

F. Have Workers' Compensation Insurance;

G. Have Commercial General Liability Insurance;

H. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;

I. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;

J. Complete required orientation and training;

K. Comply with the DDA standards related to provider qualifications; and

L. Complete and sign any agreements required by MDH or DDA.

2. Have a signed Medicaid Provider Agreement.

3. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;

4. Have documentation that all vehicles used in the provision of services have automobile insurance; and

5. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation.

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

1. Possess valid Maryland and/or Compact Registered Nurse license;

2. Successful completion of the DDA RN Case Manager/Delegating Nurse (CM/DN) Orientation;

3. Be active on the DDA registry of DD RN CM/DNs;

4. Complete the online HRST Rater and Reviewer training;
5. Attend mandatory DDA trainings;
6. Attend a minimum of two (2) DDA provided nurse quarterly meetings per fiscal year;
7. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
8. Possess a valid driver’s license, if the operation of a vehicle is necessary to provide services;
9. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;
10. Complete required orientation and training designated by DDA; and
11. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

1. DDA for approval of providers
2. Nursing Service Agency for verification of staff member’s licenses, certifications, and training

**Frequency of Verification:**

1. DDA – Initial and at least every three years
2. Nursing Services Provider – prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Participant Education, Training and Advocacy Supports

**HCBS Taxonomy:**

**Category 1:**

13 Participant Training

**Sub-Category 1:**

13010 participant training

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Category 4:**

**Sub-Category 4:**

**Service Definition (Covered):**



- A. Participant Education, Training and Advocacy Supports provides funding for the costs associated with training programs, workshops and conferences to assist the participant in developing self-advocacy skills, exercise civil rights, and acquire skills needed to exercise control and responsibility over other support services.
- B. Covered expenses include:
  - 1. Enrollment fees associated with training programs, conferences, and workshops,
  - 2. Books and other educational materials, and
  - 3. Transportation that enables the participant to attend and participate in training courses, conferences and other similar events.
- C. The following expenses are not covered:
  - 1. Tuition;
  - 2. Airfare; or
  - 3. Costs of meals or lodging, as per federal requirements.

**SERVICE REQUIREMENTS:**

- A. Participant Education, Training and Advocacy Supports may include education and training for participants directly related to building or acquiring such skills.
- B. Support needs for education and training are identified in the participant's Person-Centered Plan.
- C. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.
- D. Participant Education, Training and Advocacy Supports are not available at the same time as the direct provision of Transportation services.
- E. To the extent that any listed services are covered under the State plan, the services under the waiver would be limited to additional services not otherwise covered under the State plan, but consistent with waiver objectives of avoiding institutionalization.
- F. A legally responsible person, relative, or legal guardian of the participant cannot be paid by the Waiver program, either directly or indirectly, to provide this Waiver program service.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

- 1. Participant education, training and advocacy supports is limited to 10 hours of training per participant per year.
- 2. The amount of training or registration fees for registrations costs at specific training events, workshops, seminars or conferences is limited to \$500 per participant per year.

**Service Delivery Method (check each that applies):**

- Participant-directed as specified in Appendix E**
- Provider managed**

**Specify whether the service may be provided by (check each that applies):**

- Legally Responsible Person**
- Relative**
- Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Participant Support Professional

<b>Provider Category</b>	<b>Provider Type Title</b>
Agency	Participant Education, Training and Advocacy Supports Agency

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Other Service**

**Service Name: Participant Education, Training and Advocacy Supports**

**Provider Category:**

Individual

**Provider Type:**

Participant Support Professional

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Have a Bachelor's Degree, professional license, certification by a nationally recognized program, or demonstrated life experiences and skills to provide the service;
3. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
4. Have documentation that all vehicles used in the provision of services have automobile insurance;
5. Complete required orientation and training designated by DDA;
6. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
7. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
8. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
9. Complete and sign any agreements required by MDH or DDA; and
10. Have a signed Medicaid Provider Agreement.

Individuals providing services for participants self-directing their services must meet the standards 1 and 2 noted above and submit forms and documentation as required by the Fiscal Management Service (FMS) agency. FMS must ensure the individual or entity performing the service meets the qualifications.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

1. DDA for certified Participant Support Professional
2. FMS provider, as described in Appendix E, for participants self-directing services

**Frequency of Verification:**

- 1. DDA – Initial and at least every three years
- 2. FMS provider - prior to service delivery and continuing thereafter

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Other Service**

**Service Name: Participant Education, Training and Advocacy Supports**

**Provider Category:**

Agency

**Provider Type:**

Participant Education, Training and Advocacy Supports Agency

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:
  - A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
  - B. A minimum of five (5) years demonstrated experience and capacity with providing quality similar services;
  - C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
  - D. Demonstrate the capability to provide or arrange for the provision of all services required by submitting, at a minimum, the following documents with the application:
    - (1) A program service plan that details the agencies service delivery model;
    - (2) A business plan that clearly demonstrates the ability of the agency to provide services;
    - (3) A written quality assurance plan to be approved by the DDA;
    - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
    - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
  - E. If currently licensed or certified, produce, upon written request from the DDA, the documents required under D.
  - F. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
  - G. Have Workers' Compensation Insurance;
  - H. Have Commercial General Liability Insurance;
  - I. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
  - J. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;
  - K. Complete required orientation and training;
  - L. Comply with the DDA standards related to provider qualifications; and
  - M. Complete and sign any agreements required by MDH or DDA.
2. Have a signed Medicaid provider agreement;
3. Have documentation that all vehicles used in the provision of services have automobile insurance; and
4. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

1. Be at least 18 years old;
2. Have a Bachelor's Degree, professional licensure; certification by a nationally recognized program; or demonstrated life experiences and skills to provide the service;
3. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
4. Complete necessary pre/in-service training based on the Person-Centered Plan;
5. Complete the training designated by DDA. After July 1, 2019, all new hires must complete the DDA required training prior to independent service delivery.

#### **Verification of Provider Qualifications**

##### **Entity Responsible for Verification:**

- 1. DDA for approval of Participant Education, Training and Advocacy Supports Agency
- 2. Provider for staff standards

**Frequency of Verification:**

- 1. DDA – Initial and at least every three years
- 2. Provider - Prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Supported Employment **\*\*ENDING JUNE 30, 2021\*\***

**HCBS Taxonomy:**

**Category 1:**

03 Supported Employment

**Sub-Category 1:**

03010 job development

**Category 2:**

03 Supported Employment

**Sub-Category 2:**

03021 ongoing supported employment, individual

**Category 3:**

03 Supported Employment

**Sub-Category 3:**

03030 career planning

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

**\*\*ENDING JUNE 30, 2022\*\***

A. Supported Employment services include a variety of supports to help an individual identify career and employment interest, as well as to find and keep a job.

B. Supported Employment activities include:

1. Individualized job development and placement;
2. On-the-job training in work and work-related skills;
3. Facilitation of natural supports in the workplace;
4. Ongoing support and monitoring of the individual's performance on the job;
5. Training in related skills needed to obtain and retain employment such as using community resources and public transportation;
6. Negotiation with prospective employers; and
7. Self-employment supports.

Supported Employment services include:

1. Direct support services that enable the participant to gain and maintain competitive integrated employment, as provided in Sections A-B above;;
2. The following services provided in combination with, and incidental to, the provision of this Waiver program service:
  - a. Transportation to, from, and within the this Waiver program service;
  - b. Delegated nursing tasks, based on the participants assessed needs;
  - c. Personal care assistance, based on the participant's assessed needs; and
3. Nursing Support Services/Nurse Case Management and Delegation Services. The scope of the Nursing Support Services/Nurse Case Management and Delegation Services is defined under the stand alone service in Appendix C.

#### SERVICE REQUIREMENTS:

A. The participant must be 18 years of age or older and no longer enrolled in primary or secondary school.

B. Services and supports are provided for individuals in finding and keeping jobs paid by a community employer including self-employment.

C. The level of staffing and meaningful activities provided to the participant under this Waiver program service must be based on the participant's assessed level of service need.

D. For participants enrolled in the self-directed services delivery model, this Waiver program service includes:

1. The cost of training the participant's direct support staff, including First Aid and Cardiopulmonary Resuscitation certifications;
2. Travel reimbursement, benefits and leave time for the participant's direct support staff, subject to the following requirements:
  - a. The reimbursement, benefits and leave time requested are:
    - i. Within applicable reasonable and customary standards as established by DDA policy; or
    - ii. Required for the participant's compliance, as the employer of record, with applicable federal, State, or local laws; and
  - b. Any reimbursement, travel reimbursement (e.g., mileage reimbursement), benefit and leave time requested by the participant must comply with applicable federal, State, or local laws.

E. Under the traditional service delivery system, Supported Employment is paid based on a daily rate, requiring that a minimum of four hours of this Waiver program service be provided in order to be paid. Participants can engage in Supported Employment activities when they are unable to work four hours.

F. Under the traditional service delivery model, a participant's Person-Centered Plan may include a mix of employment and day related daily waiver services units such as Day Habilitation, Community Development Services, Career Exploration, and Employment Discovery and Customization provided on different days.

G. Under the self-directed service delivery model, a participant's Person-Centered Plan may include a mix of employment and day related waiver services such as Day Habilitation, Community Development Services, Career Exploration, and Employment Discovery and Customization provided at different times.

H. Supported Employment services does not include:

1. Volunteering, apprenticeships, or internships unless it is part of the discovery process and time limited; and
2. Payment for supervision, training, supports and adaptations typically available to other workers without disabilities filling similar positions.

I. Medicaid funds may not be used to defray the expenses associated with starting up or operating a business.

J. If transportation is provided as part of this Waiver program service, then:

1. The participant cannot receive Transportation services separately at the same time as provision of this Waiver program service;
2. The provider or participant self-directing services must:
  - a. Provide, or arrange for provision of, transportation to meet the needs of the participant identified in the participant's person-centered plan; and
  - b. Use the most cost-effective mode of transportation, with priority given to the use of public transportation; and
3. Transportation services may not compromise the entirety of this Waiver program service.

K. If direct support staff perform delegated nursing tasks as part of this Waiver program service, then:

1. The participant must receive Nursing Support Services/Nurse Case Management and Delegation services under this Waiver program; and
2. The delegated nursing tasks:
  - a. Must be provided by direct support staff who are currently certified as a Medication Technician by the Maryland Board of Nursing; and
  - b. May not compromise the entirety of this Waiver program service.

L. If personal care assistance services are provided as part of this Waiver program service, then the personal care assistance may not comprise the entirety of the service. For purposes of this Waiver program service, personal care assistance means the provision of supports to assist a participant in performing activities of daily living and instrumental activities of daily living.

M. A relative of a participant (who is not a spouse) may be paid to provide this service, in accordance with the applicable requirements set forth in Appendix C-2.

N. A relative of the participant may not be paid for more than 40-hours per week of services.

O. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

P. Documentation must be maintained in the file of each individual receiving this service that the service is not available under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).

Q. Until the service transitions to the LTSSMaryland system, Supported Employment Services daily service units are not available:

1. On the same day a participant is receiving Career Exploration, Community Development Services, Day Habilitation, Medical Day Care, or Employment Discovery and Customization services under the Traditional Service delivery model; and
2. At the same time as the direct provision of Behavioral Support Services, Nurse Consultation, Nurse Health Case Management, Nursing Support Services, Nurse Case Management and Delegation Service, Nursing Support

Services, Personal Supports, Respite Care Services, or Transportation services.

#### R. Virtual supports

1. Virtual supports is an electronic method of service delivery.
2. The purpose of virtual supports is to maintain or improve a participant's functional abilities, enhance interactions, support meaningful relationships, and promote their ability to live independently, and meaningfully participate in their community.
3. Direct support can be provided via virtual supports provided however that the virtual supports meet all of the following requirements:
  - a. The virtual supports ensure the participant's rights of privacy, dignity and respect, and freedom from coercion and restraint.
  - b. The virtual supports do not isolate the participant from the community or interacting with people without disabilities.
  - c. The participant has other opportunities for integration in the community via the other Waiver program services the participant receives and are provided in community settings .
  - d. The use of virtual supports to provide direct support has been agreed to by the participant and their team and is outlined in the Person-Centered Plan;
    - i. Participants must have an informed choice between in person and virtual supports;
    - ii. Virtual supports cannot be the only service delivery provision for a participant seeking the given service; and
    - iii. Participants must affirmatively choose virtual service provision over in-person supports.
  - e. Virtual supports is not, and will not be, used for the provider's convenience. The virtual supports must be used to support a participant to reach identified outcomes in the participant's Person-Centered Plan;
  - f. The use of virtual supports must be documented appropriately, just like any in-person direct supports, and identify the service delivery method (e.g., Skype, Zoom, Facetime, telephonic, or direct care), name of staff person providing service, and start and end times.
  - g. The virtual supports must be delivered using a live, real-time audio-visual connection that allows the staff member to both see and hear the participant. Text messaging and e-mailing do not constitute virtual supports and, therefore, will not be considered provision of direct supports under this Waiver program service.
  - h. The virtual supports must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended by the Health Information Technology for Economic and Clinical Health (HITECH) Act, and their applicable regulations to protect the privacy and security of the participant's protected health information.
  - i. This Waiver program service may not be provided entirely via virtual supports. virtual supports may supplement in-person direct supports.
  - j. Virtual supports, including use of phones, cannot be used to assess a participant for a medical emergency. The provider must develop and maintain written policies, train direct support staff on those policies, and advise participants and their person-centered planning team regarding those policies that address:
    - i. Identifying whether the participant's needs, including health and safety, can be addressed safely via virtual supports;
    - ii. Identifying individuals to intervene (such as uncompensated caregivers present in the participant's home), and ensuring they are present during provision of virtual supports in case the participant experiences an emergency during provision of virtual supports; and
    - iii. Processes for requesting such intervention if the participant experiences an emergency during provision of virtual supports, including contacting 911 if necessary.
  - k. The virtual supports meets all federal and State requirements, policies, guidance, and regulations.
4. The provider must develop, maintain, and enforce written policies, approved by the DDA, which address:
  - a. How the provider will ensure the participant's rights of privacy, dignity and respect, and freedom from coercion and restraint;
  - b. How the provider will ensure the virtual supports used meets applicable information security standards; and
  - c. How the provider will ensure its provision of virtual supports complies with applicable laws governing individuals' right to privacy.

SERVICE DEFINITION CONTINUED BELOW DUE TO SPACE LIMITATIONS

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

**SERVICE DEFINITION CONTINUED FROM ABOVE:**

5. Providers furnishing this Waiver program service via virtual supports must include this virtual supports as a service delivery method in their provider Program Service Plan, required by COMAR Title 10, Subtitle 22. Current providers must submit an amendment to their current Program Service Plan to the DDA Regional Office and receive approval prior to implementing virtual supports outside of the Appendix K authority.

6. The Waiver program will not fund any costs associated with the provider obtaining, installing, implementing, or using virtual supports, such as equipment, internet, software applications, and other related expenses. These costs, in the delivery of new business models, are part of the provider's operating cost.

**Service Delivery Method** (*check each that applies*):

**Participant-directed as specified in Appendix E**

**Provider managed**

**Specify whether the service may be provided by** (*check each that applies*):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Supported Employment Professional
Agency	Supported Employment Provider

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Supported Employment \*\*ENDING JUNE 30, 2021\*\***

**Provider Category:**

Individual

**Provider Type:**

Supported Employment Professional

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Have a GED or high school diploma;
3. Possess current first aid and CPR certification;
4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
5. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
6. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services;
7. Complete required orientation and training designated by DDA;
8. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
9. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
10. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
11. Complete and sign any agreements required by MDH or DDA; and
12. Have a signed Medicaid Provider Agreement.

Individuals providing services for participants self-directing their services must meet the standards 1 through 6 noted above and submit forms and documentation as required by the Fiscal Management Service (FMS) agency. FMS must ensure the individual or entity performing the service meets the qualifications.

#### Verification of Provider Qualifications

##### Entity Responsible for Verification:

1. DDA for certified Supported Employment Professional
2. FMS provider, as described in Appendix E, for participants self-directing services

##### Frequency of Verification:

1. DDA – initial and at least every three years
2. FMS provider - prior to service delivery and continuing thereafter

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Other Service**

**Service Name: Supported Employment \*\*ENDING JUNE 30, 2021\*\***

#### Provider Category:

Agency

#### Provider Type:

Supported Employment Provider

#### Provider Qualifications

**License (specify):**

**Certificate (specify):**

**Other Standard** (*specify*):

Agencies must meet the following standards:

1. Complete the DDA provider application and be certified based on compliance with meeting all of the following standards:
  - A. Be properly organized as a Maryland corporation, or, if operating as a foreign corporation, be properly registered to do business in Maryland;
  - B. A minimum of five (5) years demonstrated experience and capacity providing quality similar services;
  - C. Have a governing body that is legally responsible for overseeing the management and operation of all programs conducted by the licensee including ensuring that each aspect of the agency's programs operates in compliance with all local, State, and federal requirements, applicable laws, and regulations;
  - D. Except for currently DDA licensed or certified Supported Employment providers, demonstrate the capability to provide or arrange for the provision of all services required by submitting, at a minimum, the following documents with the application:
    - (1) A program service plan that details the agencies service delivery model;
    - (2) A business plan that clearly demonstrates the ability of the agency to provide Supported Employment services;
    - (3) A written quality assurance plan to be approved by the DDA;
    - (4) A summary of the applicant's demonstrated experience in the field of developmental disabilities; and
    - (5) Prior licensing reports issued within the previous 10 years from any in-State or out-of-State entity associated with the applicant, including deficiency reports and compliance records.
  - E. If currently licensed or certified, produce, upon written request from the DDA, the documents required under D;
  - F. Be in good standing with the IRS and Maryland Department of Assessments and Taxation;
  - G. Have Workers' Compensation Insurance;
  - H. Have Commercial General Liability Insurance;
  - I. Submit results from required criminal background checks, Medicaid Exclusion List, and child protective clearances as provided in Appendix C-2-a and per DDA policy;
  - J. Submit documentation of staff certifications, licenses, and/or trainings as required to perform services;
  - K. Complete required orientation and training;
  - L. Comply with the DDA standards related to provider qualifications; and
  - M. Complete and sign any agreements required by MDH or DDA.
2. Have a signed Medicaid provider agreement.
3. Have documentation that all vehicles used in the provision of services have automobile insurance; and
4. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy.

The DDA Deputy Secretary may waive the requirements noted above if an agency is licensed or certified by another State agency or accredited by a national accreditation agency, such as the Council on Quality and Leadership or the Council for Accreditation for Rehabilitation Facilities (CARF) for similar services for individuals with developmental disabilities, and be in good standing with the IRS and Maryland Department of Assessments and Taxation.

Staff working for or contracted with the agency as well as volunteers utilized in providing any direct support services or spend any time alone with a participant must meet the following minimum standards:

1. Be at least 18 years old;
2. Have required credentials, license, or certification as noted below;
3. Possess current first aid and CPR certification;
4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
5. Complete necessary pre/in-service training based on the Person-Centered Plan;
6. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services; and
7. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services.

#### Verification of Provider Qualifications

**Entity Responsible for Verification:**

- 1. DDA for certified provider
- 2. Provider for individual staff members' licenses, certifications, and training

**Frequency of Verification:**

- 1. DDA – initial and at least every three years
- 2. Provider – prior to service delivery and continuing thereafter

**Appendix C: Participant Services**

**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Transportation

**HCBS Taxonomy:**

**Category 1:**

15 Non-Medical Transportation

**Sub-Category 1:**

15010 non-medical transportation

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

A. Transportation services are designed specifically to improve the participant's and the family caregiver's ability to independently access community activities within their own community in response to needs identified through the participant's Person-Centered Plan.

B. For purposes of this Waiver program service, the participant's community is defined as places the participant lives, works, shops, or regularly spends their days. The participant's community does not include vacations in the State or other travel inside or outside of the State of Maryland.

C. Transportation services can include:

1. Orientation services in using other senses or supports for safe movement from one place to another;
2. Accessing Mobility and volunteer transportation services such as transportation coordination and accessing resources;
3. Travel training such as supporting the participant and their family in learning how to access and use informal, generic, and public transportation for independence and community integration;
4. Transportation services provided by different modalities, including: public and community transportation, taxi services, and non-traditional transportation providers;
5. Mileage reimbursement and agreement for transportation provided by another individual using their own car; and
6. Purchase of prepaid transportation vouchers and cards, such as the Charm Card and Taxi Cards.

#### SERVICE REQUIREMENTS:

A. Services are available to the participant living in their own home or in the participant's family home.

B. For participants self-directing their services, the transportation budget is based on their need while considering their preferences and funds availability from their authorized Person-Centered Plan and budget.

C. The Program will not make payment to spouses or legally responsible individuals for furnishing transportation services.

D. A relative (who is not a spouse) of a participant may be paid to provide this service in accordance with the applicable requirements set forth in Appendix C-2. A legally responsible person, legal guardian, or spouse cannot be paid by the Waive program, either directly or indirectly, to provide this Waiver program service.

E. Payment rates for services must be customary and reasonable as established or authorized by the DDA.

F. Transportation services shall be provided by the most cost-efficient mode available that meets the needs of the participant and shall be wheelchair accessible when needed.

G. Transportation services are not available at the same time as the direct provision of Career Exploration, Community Development Services, Day Habilitation, Employment Discovery and Customization, Employment Services (with exception for follow along supports as authorized by the DDA), Medical Day Care, Personal Supports (beginning July 1, 2020), Respite Care, or Supported Employment.

H. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

I. To the extent that any listed services are covered under the Medicaid State Plan, the services under the waiver would be limited to additional services not otherwise covered under the Medicaid State Plan, but consistent with waiver objectives of avoiding institutionalization.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

For participants enrolled in the Traditional Services Model (and not the Self-Directed Services Model as set forth in Appendix E), transportation is limited to \$7,5000 per year per participant.

**Service Delivery Method** *(check each that applies):*

**Participant-directed as specified in Appendix E**

**Provider managed**

**Specify whether the service may be provided by** *(check each that applies):*

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Transportation Professional or Vendor
Agency	Organized Health Care Delivery System Provider

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Other Service**

**Service Name: Transportation**

**Provider Category:**

Individual

**Provider Type:**

Transportation Professional or Vendor

**Provider Qualifications**

**License** *(specify):*

**Certificate** *(specify):*

**Other Standard** *(specify):*

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Have a GED or high school diploma;
3. Have required credentials, license, or certification as noted below;
4. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
5. Possess a valid driver's license for non-commercial drivers;
6. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of service for non-commercial providers;
7. Complete required orientation and training designated by DDA;
8. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
9. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
10. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
11. Complete and sign any agreements required by MDH or DDA; and
12. Have a signed Medicaid Provider Agreement.

Orientation, Mobility and Travel Training Specialists must attend and have a current certification as a travel trainer from one of the following entities:

1. Easter Seals Project Action (ESPA)
2. American Public Transit Association
3. Community Transportation Association of America
4. National Transit Institute (NTI)
5. American Council for the Blind
6. National Federation of the Blind
7. Association of Travel Instruction
8. Be a DORS approved vendor/contractor
9. Other recognized entities based on approval from the DDA

#### **Verification of Provider Qualifications**

##### **Entity Responsible for Verification:**

1. DDA for certified Transportation Professional and Vendors
2. FMS providers, as described in Appendix E, for participants self-directing services

##### **Frequency of Verification:**

1. DDA - Initial and at least every three years
2. FMS providers – prior to delivery of services and continuing thereafter

## **Appendix C: Participant Services**

### **C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Transportation**

#### **Provider Category:**

Agency

#### **Provider Type:**

Organized Health Care Delivery System Provider

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):

Agencies must meet the following standards:

1. Be certified or licensed by the DDA to provide at least one Medicaid waiver service; and
2. Complete the DDA provider application to be an Organized Health Care Delivery Services (OHCDS) provider.

OHCDS providers shall verify the licenses and credentials of individuals providing services with whom they contract or employs and have a copy of the same available upon request.

OHCDS must ensure the individual or entity performing the service meets the qualifications noted below as applicable to the service being provided:

1. For individuals providing direct transportation, the following minimum standards are required:
  - a. Be at least 18 years old;
  - b. For non-commercial providers, possess a valid driver's license for vehicle necessary to provide services; and
  - c. For non-commercial providers, have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services.
2. Orientation, Mobility and Travel Training Specialists – must attend and have a current certification as a travel trainer from one of the following entities:
  - a. Easter Seals Project Action (ESPA)
  - b. American Public Transit Association
  - c. Community Transportation Association of America
  - d. National Transit Institute (NTI)
  - e. American Council for the Blind
  - f. National Federation of the Blind
  - g. Association of Travel Instruction
  - h. DORS approved vendors/contractor
  - i. Other recognized entities based on approval from the DDA

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

1. DDA for verification of the Organized Health Care Delivery System
2. Organized Health Care Delivery System provider for verification of staff qualifications

**Frequency of Verification:**

1. DDA – Initial and at least every three years
2. OHCDS – prior to service delivery and continuing thereafter

## Appendix C: Participant Services

### C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Vehicle Modifications

**HCBS Taxonomy:**

**Category 1:**

14 Equipment, Technology, and Modifications

**Sub-Category 1:**

14020 home and/or vehicle accessibility adaptations

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Service Definition (Scope):**

**Category 4:**

**Sub-Category 4:**

A. Vehicle modifications are adaptations or alterations to a vehicle that is the participant's primary means of transportation. Vehicle modifications are designed to accommodate the needs of the participant and enable the participant to integrate more fully into the community and to ensure the health, welfare and safety and integration by removing barriers to transportation.

B. Vehicle modifications may include:

1. Assessment services to (a) help determine specific needs of the participant as a driver or passenger, (b) review modification options, and (c) develop a prescription for required modifications of a vehicle;
2. Assistance with modifications to be purchased and installed in a vehicle owned by or a new vehicle purchased by the participant, or legally responsible parent of a minor or other caretaker as approved by DDA;
3. Non-warranty vehicle modification repairs; and
4. Training on use of the modification.

C. Vehicle modifications do not include the purchase of new or used vehicles, general vehicle maintenance or repair, State inspections, insurance, gasoline, fines, tickets, or the purchase of warranties.

**SERVICE REQUIREMENTS:**

A. A vehicle modification assessment and/or a driving assessment will be required when not conducted within the last year by the Division of Rehabilitation Services (DORS).

B. A prescription for vehicle modifications must be completed by a driver rehabilitation specialist or certified driver rehabilitation specialist. The prescription for vehicle modifications applies only to the year/make/model of the vehicle specified on the Vehicle Equipment and Adaptation Prescription Agreement (VEAPA).

C. The vehicle owner is responsible for:

1. The maintenance and upkeep of the vehicle; and
2. Obtaining and maintaining insurance that covers the vehicle modifications. The program will not correct or replace vehicle modifications provided under the program that have been damaged or destroyed in an accident.

D. Vehicle modifications are only authorized to vehicles meeting safety standards once modified.

E. The Program cannot provide assistance with modifications on vehicles not registered under the participant or legally responsible parent of a minor or other primary caretaker. This includes leased vehicles.

F. Upon delivery to the participant (including installation), the Vehicle Modification must be in good operating condition and repair in accordance with applicable specifications.

G. Vehicle modification funds cannot be used to purchase vehicles for participants, their families or legal guardians; however, this service can be used to fund the portion of a new or used vehicle that relates to the cost of accessibility adaptations. In order to fund these types of adaptations, a clear breakdown of purchase price versus adaptations is required.

H. Vehicle modifications may not be provided in day or employment services provider owned vehicles.

I. Prior to accessing DDA funding for this service, services covered under the Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), Maryland State Department of Education (MSDE), Department of Human Services (DHS) or any other federal or State government funding program shall be examined, explored, and, if applicable, exhausted. If these services are deemed by the participant's person-centered planning team to be inappropriate to meet the specific needs of the participant, the exploration efforts and reasons that these services do not meet the participant's needs shall be documented in the participant's person-centered plan. The DDA has authority to determine if further efforts must be made, and documented, prior to authorization of funding for the service under the Waiver program.

J. To the extent that any listed services are covered under the State plan, the services under the waiver would be limited to additional services not otherwise covered under the State plan, but consistent with waiver objectives of avoiding institutionalization.

K. A legally responsible person, relative, or legal guardian of the participant cannot be paid by the Waiver program, either directly or indirectly, to provide this Waiver program service.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

Vehicle modifications payment rates for services must be customary, reasonable according to current market values, and may not exceed a total of \$15,000 within a ten-year period.

**Service Delivery Method** (*check each that applies*):

**Participant-directed as specified in Appendix E**

**Provider managed**

Specify whether the service may be provided by (check each that applies):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	Organized Health Care Delivery System Provider
Individual	Vehicle Modification Vendor

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Other Service**

**Service Name: Vehicle Modifications**

**Provider Category:**

Agency

**Provider Type:**

Organized Health Care Delivery System Provider

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Agencies must meet the following standards:

1. Be certified or licensed by the DDA to provide at least one Medicaid waiver service; and
2. Complete the DDA provider application to be an Organized Health Care Delivery Services (OHCDS) provider.

OHCDS providers shall verify the licenses, credentials, and experience of all professionals with whom they contract or employs and have a copy of the same available upon request.

OHCDS must ensure the individual or entity performing the service meets the qualifications noted below:

1. DORS approved vendor or DDA approved vendor;
2. Vehicle Equipment and Adaptation Prescription Agreement (VEAPA) must be completed by a driver rehabilitation specialist or certified driver rehabilitation specialist; and
3. The adaptive driving assessment specialist who wrote the Adapted Driving Assessment report and the VEAPA shall ensure the vehicle modification fits the consumer and the consumer is able to safely drive the vehicle with the new adaptations/equipment by conducting an on-site assessment and provide a statement as to whether it meets the individual's needs.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

1. DDA for verification of the OHCDS
2. OHCDS providers for entities and individuals they contract or employ

**Frequency of Verification:**

1. DDA – Initial and at least every three years
2. OHCDS providers – prior to service delivery and continuing thereafter

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service****Service Type: Other Service****Service Name: Vehicle Modifications****Provider Category:**

Individual

**Provider Type:**

Vehicle Modification Vendor

**Provider Qualifications****License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Individual must complete the DDA provider application and be certified based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Be a Division of Rehabilitation Services (DORS) Vehicle Modification service vendor.
3. Complete required orientation and training designated by DDA;
4. Complete necessary pre/in-service training based on the Person-Centered Plan and DDA required training prior to service delivery;
5. Have three (3) professional references which attest to the provider's ability to deliver the support/service in compliance with the Department's values in Annotated Code of Maryland, Health General, Title 7;
6. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
7. Complete and sign any agreements required by MDH or DDA; and
8. Have a signed Medicaid Provider Agreement.

The Adapted Driving Assessment specialist who wrote the Adapted Driving Assessment report and the VEAPA shall ensure the vehicle modification fits the consumer and the consumer is able to safely drive the vehicle with the new adaptations/equipment by conducting an on-site assessment and provide a statement to meet the individual's needs.

**Verification of Provider Qualifications****Entity Responsible for Verification:**

1. DDA for certified Vehicle Modification Vendor
2. FMS provider, as described in Appendix E, for participants self-directing services

**Frequency of Verification:**

1. DDA – Initial and at least every three years
2. FMS - Prior to service delivery and continuing thereafter

**Appendix C: Participant Services****C-1: Summary of Services Covered (2 of 2)**

**b. Provision of Case Management Services to Waiver Participants.** Indicate how case management is furnished to waiver participants (*select one*):

**Not applicable** - Case management is not furnished as a distinct activity to waiver participants.

**Applicable** - Case management is furnished as a distinct activity to waiver participants.

*Check each that applies:*

**As a waiver service defined in Appendix C-3.** *Do not complete item C-1-c.*

**As a Medicaid state plan service under §1915(i) of the Act (HCBS as a State Plan Option).** *Complete item C-1-c.*

**As a Medicaid state plan service under §1915(g)(1) of the Act (Targeted Case Management).** *Complete item C-1-c.*

**As an administrative activity.** *Complete item C-1-c.*

**As a primary care case management system service under a concurrent managed care authority.** *Complete item C-1-c.*

**c. Delivery of Case Management Services.** Specify the entity or entities that conduct case management functions on behalf of waiver participants:

Private community service providers and local Health Departments provide Coordination of Community Services (case management) on behalf of waiver participant as per COMAR10.09.48 as an administrative service .

**Appendix C: Participant Services****C-2: General Service Specifications (1 of 3)**

**a. Criminal History and/or Background Investigations.** Specify the state's policies concerning the conduct of criminal history and/or background investigations of individuals who provide waiver services (select one):

**No. Criminal history and/or background investigations are not required.**

**Yes. Criminal history and/or background investigations are required.**

Specify: (a) the types of positions (e.g., personal assistants, attendants) for which such investigations must be conducted; (b) the scope of such investigations (e.g., state, national); and, (c) the process for ensuring that mandatory investigations have been conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid or the operating agency (if applicable):

This section describes the minimum background check and investigation requirements for providers under applicable law. A provider may opt to perform additional checks and investigations as it sees fit.

#### Criminal Background Checks

The DDA is seeking to update its regulations regarding criminal background checks, as provided in this Section a. The draft regulations will be subject to notice and comment and other applicable requirements as provided in Maryland's Administrative Procedure Act, codified in Title 10, Subtitle 1 of the State Government Article, prior to finalization. Therefore, the draft regulations, set forth below, may be amended to comply with those requirements.

In the meantime, the current regulations will remain in effect and continue to apply to services covered under this Waiver. The draft regulations, as amended, will apply to services covered under this Waiver once they are effective.

#### Current Regulations

The DDA's regulation requires specific providers have criminal background checks prior to services delivery. DDA's regulations also require that each DDA-licensed and DDA-certified community-based providers complete either: (1) a State criminal history records check via the Maryland Department of Public Safety's Criminal Justice Information System; or (2) a National criminal background check via a private agency, with whom the provider contracts. If the provider chooses the second option, the criminal background check must pull court or other records "in each state in which [the provider] knows or has reason to know the eligible employee [or contractor] worked or resided during the past 7 years." The same requirements are required for participants self-directing services as indicated within each service qualification.

The DDA-licensed and certified provider must complete this requirement for all of the provider's employees and contractors hired to provide direct care. If this background check identifies a criminal history that "indicate[s] behavior potentially harmful" to individuals receiving services, then the provider is prohibited from employing or contracting with the individual. See Code of Maryland Regulations (COMAR) 10.22.02.11, Maryland Annotated Code Health-General Article § 19-1901 et seq., and COMAR Title 12, Subtitle 15.

Background screening is required for volunteers who:

- (1) Are recruited as part of an agency's formal volunteer program; and
- (2) Spend time alone with participants.

Criminal background checks are not required for people who interact with or assist individuals as a friend or natural support, by providing assistance with shopping, transportation, recreation, home maintenance and beautification etc.

#### Draft Regulations

Subject to amendment as part of the process to promulgate regulations, the DDA will require that persons selected by individuals with a developmental disability to provide waiver services successfully pass a criminal background check, as detailed herein. A "person" includes an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity as set forth in MD. CODE ANN., HEALTH-GEN. § 1-101.

The following individuals must complete a criminal background check:

1. All employees and Board members of a community-based provider providing services under the Traditional Services delivery model;
2. All contractors and volunteers of a community-based provider providing services under the Traditional Services delivery model who will have direct contact with at least one individual with a developmental disability; and
3. All employees and staff of a Participant providing services under the Self-Directed Services delivery model.

Direct contact is defined as physically present with, or within an immediate distance (such as the same room) of, the individual with a developmental disability.

The following persons will be responsible for ensuring the criminal background check takes place upon hire of each

individual who is required to complete a criminal background check:

1. Under the Traditional Services delivery model, the community-based provider; and
2. Under the Self-Directed Services delivery model, the Fiscal Management Services provider.

Each DDA-licensed and DDA-certified community-based provider (including the Fiscal Management Services provider) must provide a copy of the criminal background check of its Executive Director and its Board Members as part of its initial and renewal application to the Department for licensure or certification. Otherwise, the DDA-licensed or DDA-certified community-based provider and Fiscal Management Services provider are responsible for complying with these requirements for each individual hired.

The criminal background check to be conducted must:

1. Be performed by Criminal Justice Information Services in the Maryland Department of Public Safety and Correctional Services; or
2. Be performed by a private agency, meeting certain criteria regarding, their qualifications, the scope of the background check, and whether alerts will be required.

Please note DDA is in discussion regarding criteria for appropriate private agency (ies) requirement(s) for performing criminal background checks, which will be promulgated in the updated regulations. An individual will have successfully passed their criminal background check if he or she has been not been convicted, received probation before judgment, or entered a plea of nolo contendere to a felony, crime of moral turpitude (including fraud), theft, financial crimes against a vulnerable adult, or abuse or neglect of a child or vulnerable adult and such final judgment was not entered 10 years ago or less from the date of the individual's application.

If an alert later notifies the community-based provider or Fiscal Management Services provider that the individual has received subsequently a final judgment that does not meet the requirements to successfully pass a criminal background check, then: (1) they must be removed immediately from direct contact with an individual with a developmental disability; and (2) their employment, contract, or Board membership must be terminated promptly.

If an individual knowingly submits false information for their criminal background check, then they will be disqualified automatically from serving an individual with a developmental disability and will not be permitted to apply again for a period of five years from the date of the initial application containing the false information.

Participants enrolled in DDA's Self-Directed Services delivery model may request that DDA waive these criminal background check requirements. DDA may permit waiver of the criminal background check requirements only if the criminal background check indicates behavior that would not be potentially harmful to an individual with a developmental disability.

#### Child Protective Services Background Clearance

The State also maintains a Centralized Confidential Database that contains information about child abuse and neglect investigations conducted by the Maryland State Local Departments of Social Services. Staff engaging in one-to-one interactions with children under the age of 18 must have a Child Protective Services Background Clearance.

#### State Oversight of Compliance with These Requirements

The DDA, OLTSS, and OHCQ review providers' records for completion of criminal background checks, in accordance with these requirements, during surveys, site visits, and investigations. Annually the DDA will review Fiscal Management Services providers' records for required background checks of staff working for participants enrolled in the Self-Directed Services Delivery Model, described in Appendix E.

**b. Abuse Registry Screening.** Specify whether the state requires the screening of individuals who provide waiver services through a state-maintained abuse registry (select one):

**No. The state does not conduct abuse registry screening.**

**Yes. The state maintains an abuse registry and requires the screening of individuals through this**

**registry.**

Specify: (a) the entity (entities) responsible for maintaining the abuse registry; (b) the types of positions for which abuse registry screenings must be conducted; and, (c) the process for ensuring that mandatory screenings have been conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):

## Appendix C: Participant Services

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### C-2: General Service Specifications (2 of 3)

**c. Services in Facilities Subject to §1616(e) of the Social Security Act. *Select one:***

**No. Home and community-based services under this waiver are not provided in facilities subject to §1616(e) of the Act.**

**Yes. Home and community-based services are provided in facilities subject to §1616(e) of the Act. The standards that apply to each type of facility where waiver services are provided are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).**

## Appendix C: Participant Services

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### C-2: General Service Specifications (3 of 3)

**d. Provision of Personal Care or Similar Services by Legally Responsible Individuals.** A legally responsible individual is any person who has a duty under state law to care for another person and typically includes: (a) the parent (biological or adoptive) of a minor child or the guardian of a minor child who must provide care to the child or (b) a spouse of a waiver participant. Except at the option of the State and under extraordinary circumstances specified by the state, payment may not be made to a legally responsible individual for the provision of personal care or similar services that the legally responsible individual would ordinarily perform or be responsible to perform on behalf of a waiver participant. *Select one:*

**No. The state does not make payment to legally responsible individuals for furnishing personal care or similar services.**

**Yes. The state makes payment to legally responsible individuals for furnishing personal care or similar services when they are qualified to provide the services.**

Specify: (a) the legally responsible individuals who may be paid to furnish such services and the services they may provide; (b) state policies that specify the circumstances when payment may be authorized for the provision of *extraordinary care* by a legally responsible individual and how the state ensures that the provision of services by a legally responsible individual is in the best interest of the participant; and, (c) the controls that are employed to ensure that payments are made only for services rendered. *Also, specify in Appendix C-1/C-3 the personal care or similar services for which payment may be made to legally responsible individuals under the state policies specified here.*

**DEFINITIONS:****Extraordinary Care**

Extraordinary care means care exceeding the range of activities that a legally responsible individual would ordinarily perform in the household on behalf of a person without a disability or chronic illness of the same age and which is necessary to assure the health and welfare of the participant and avoid institutionalization.

**Legally Responsible Person**

A legally responsible person is defined as a person who has a legal obligation under the provisions of Maryland law to care for another person. Under Maryland law, this includes a parent (either natural or adoptive), legal guardian, or person otherwise legally responsible for the care of a minor (e.g., foster parent or relative appointed by court).

**Spouse**

For purposes of this waiver, a spouse is defined as an individual legally married under applicable law to the participant.

**Relative**

For purposes of this waiver, a relative is defined as natural or adoptive parent, or sibling, who is not also a legally responsible person.

**Legal Guardian**

For purposes of this waiver, a legal guardian is defined as an individual or entity who has obtained a valid court order stating that the individual is the legal guardian of the person of the participant pursuant to Maryland Annotated Code's Family Law or Estates & Trusts Articles.

**(a) SERVICES THAT MAY BE PROVIDED BY LEGALLY RESPONSIBLE PERSONS**

The State makes payment to a legally responsible individual, who is appropriately qualified, for providing extraordinary care for the following services: Community Development Services or Personal Supports.

A legally responsible person may not be paid to provide these Waiver program services if it does not constitute extraordinary care as defined above.

**(b) CIRCUMSTANCES WHEN PAYMENT MAY BE MADE**

Participant enrolled in the Self-Directed Services Delivery Model (as provided in Appendix E) or Traditional Service Delivery Model may use their legally responsible person to provide services in the following circumstances, as documented in the participant's Person-Centered Plan (PCP):

1. The proposed provider is the choice of the participant, which is supported by the team;
2. There is a lack of qualified providers to meet the participants needs;
3. When a relative or spouse is not also serving as the participant's Support Broker or designated representative directing services on behalf of the participant;
4. The legally responsible person provides no more than 40-hours per week of the service that the DDA approves the legally responsible person to provide; and
5. The legally responsible person has the unique ability to meet the needs of the participant (e.g. has special skills or training, like nursing license).

As provided in subsection 3 above, when a legally responsible person, legal guardian, or relative is the Support Broker or designated representative who exercises decision making authority for the participant, then other legal guardians and relatives are not allowed to provide direct care services.

**(c) SAFEGUARDS**

To ensure the use of a legally responsible person to provide services is in the best interest of the participant, the

following criteria must be met and documented in the participant's Person-Centered Plan (PCP) by the CCS:

1. Choice of the legally responsible person as the provider truly reflects the participant's wishes and desires;
2. The provision of services by the legally responsible person is in the best interests of the participant and their family;
3. The provision of services by the legally responsible person is appropriate and based on the participant's identified support needs;
4. The services provided by the legally responsible person will increase the participant's independence and community integration;
5. There are documented steps in the PCP that will be taken to expand the participant's circle of support so that they are able to maintain and improve their health, safety, independence, and level of community integration on an ongoing basis should the legally responsible person acting in the capacity of employee be no longer be available;
6. A written agreement that identifies people, beyond family members, who will support the participant in making their own decision, is completed; and
7. The legally responsible person must sign a service agreement to provide assurances to DDA that they will implement the PCP and provide the services in accordance with applicable federal and State laws and regulations governing the program.

(d) STATE'S OVERSIGHT PROCEDURES

The DDA will conduct a randomly selected, statistically valid sample of services provided by legally responsible persons to ensure payment is made only for services rendered and the services rendered are in the best interest of the participant.

**Self-directed**

**Agency-operated**

- e. Other State Policies Concerning Payment for Waiver Services Furnished by Relatives/Legal Guardians.** Specify state policies concerning making payment to relatives/legal guardians for the provision of waiver services over and above the policies addressed in Item C-2-d. *Select one:*

**The state does not make payment to relatives/legal guardians for furnishing waiver services.**

**The state makes payment to relatives/legal guardians under specific circumstances and only when the relative/guardian is qualified to furnish services.**

Specify the specific circumstances under which payment is made, the types of relatives/legal guardians to whom payment may be made, and the services for which payment may be made. Specify the controls that are employed to ensure that payments are made only for services rendered. *Also, specify in Appendix C-1/C-3 each waiver service for which payment may be made to relatives/legal guardians.*

## Definitions

### Relative

For purposes of this waiver, a relative is defined as a natural or adopted parent, step parent, or sibling who is not also a legal guardian or legally responsible person.

### Legal Guardian

For purposes of this waiver, a legal guardian is defined as an individual or entity who has obtained a valid court order stating that the individual is the legal guardian of the person of the participant pursuant to Maryland Annotated Code's Family Law or Estates & Trusts Articles.

### Spouse

For purposes of this waiver, a spouse is defined as an individual legally married under applicable law to the participant.

### Legally Responsible Person

A legally responsible person is defined as a person who has a legal obligation under the provisions of Maryland law to care for another person. Under Maryland law, this includes a parent (either natural or adoptive), legal guardian, or person otherwise legally responsible for the care of a minor (e.g., foster parent or relative appointed by court).

#### Circumstances When Payment May be Made

A participant enrolled in the Self-Directed Services Delivery Model (as provided in Appendix E) or Traditional Services Delivery Model may use a legal guardian (who is not a spouse), who is appropriately qualified, to provide Community Development Services, Nursing Support Services/Nurse Case Management and Delegation Services, or Personal Supports.

A participant enrolled in the Self-Directed Services Delivery Model (as provided in Appendix E) or Traditional Services Delivery Model may use a relative (who is not a spouse) who is appropriately qualified, to provide Community Development Services, Personal Supports, Supported Employment, Transportation, Support Broker, Nursing Support Services/Nurse Case Management and Delegation Services, or Respite Care Services.

The legal guardian or relative (who is not a spouse) may provide these services in the following circumstances, as documented in the participant's Person-Centered Plan (PCP):

1. The proposed individual is the choice of the participant, which is supported by the team;
2. Lack of qualified provider to meet the participant's needs;
3. When another legally responsible person, legal guardian, or relative is not also serving as the participant's Support Broker or designated representative directing services on behalf of the participant;
4. The legal guardian or relative provides no more than 40- hours per week of the service that that the DDA approves the legally responsible person to provide; and
5. The legal guardian or relative has the unique ability of relative to meet the needs of the participant (e.g. has special skills or training like nursing license)

As provided in subsection 3 above, when a legally responsible person, legal guardian, or relative is the Support Broker or designated representative who exercises decision making authority for the participant, then other legal guardians and relatives are not allowed to provide services noted above.

#### Services for Which Payment May be Made

As specified in Appendix C-1/C-3 and this Appendix C-2-e, a legal guardian may be paid to furnish the following services: (1) Community Development Services; (2) Nursing Support Services/Nurse Case Management and Delegation Services; and (3) Personal Supports.

As specified in Appendix C-1/C-3 and this Appendix C-2-e, a relative may be paid to furnish the following services: (1) Community Development Services; (2) Personal Supports; (3) Respite Care; (4) Support Broker; (5) Transportation; (6) Nursing Support Services/Nurse Case Management and Delegation Services; and (7) Supported

Employment.

Safeguards

To ensure the use of a legal guardian or relative (who is not a spouse) to provide services is in the best interest of the participant, the following criteria must be documented in the participant’s Person-Centered Plan (PCP):

1. Choice of the legal guardian or relative as the provider truly reflects the participant's wishes and desires;
2. The provision of services by the legal guardian or relative is in the best interests of the participant and their family;
3. The provision of services by the legal guardian or relative is appropriate and based on the participant’s identified support needs;
4. The services provided by the legal guardian or relative will increase the participant's independence and community integration;
5. There are documented steps in the PCP that will be taken to expand the participant's circle of support so that they are able to maintain and improve their health, safety, independence, and level of community integration on an ongoing basis should the legal guardian or relative acting in the capacity of employee be no longer be available; and
6. A written agreement that identifies people, beyond family members, who will support the participant in making their own decision, is completed.
7. The legal guardian or relative must sign a service agreement to provide assurances to DDA that they will implement the PCP and provide the services in accordance with applicable federal and State laws and regulations governing the program.

State’s Oversight Procedures

Annually, the DDA will conduct a random selected statistically valid sample of services provided by legal guardians and relatives to ensure payment is made only for services rendered and the services rendered are in the best interest of the participant.

**Relatives/legal guardians may be paid for providing waiver services whenever the relative/legal guardian is qualified to provide services as specified in Appendix C-1/C-3.**

Specify the controls that are employed to ensure that payments are made only for services rendered.

**Other policy.**

Specify:

**f. Open Enrollment of Providers.** Specify the processes that are employed to assure that all willing and qualified providers have the opportunity to enroll as waiver service providers as provided in 42 CFR §431.51:

The DDA is working with provider associations, current Community Pathways Waiver service providers, and family support service providers to share information about new opportunities to deliver services to waiver participants.

On October 3, 2017, the DDA posted on its website an invitation for interested applicants to make application to render supports and services under DDA Waivers.

Information posted includes:

1. The DDA Policy - Application and Approval Processes for Qualified Supports/Services Providers in DDA's Waivers. This policy a) Describes specific requirements for completion and submission of initial and renewal applications for prospective providers seeking DDA approval to render supports, services and/or goods under DDA's Waivers, b) Provides definition and eligibility requirements for qualified service professionals regarding each support or service rendered under each support waiver, and c) Delineates actions taken by the DDA following receipt of an applicant's information and provides timelines for review and approval or disapproval of an application. Once an applicant submits their application, the policy requires that upon receipt of an application, the applicable DDA rater review it within 30 days and an approval or disapproval letter is sent.
2. Eligibility Requirements for Qualified Supports and Services Providers - A document that describes each support and/or service and the specific eligibility criteria required to render the support/service which is an attachment for the policy.
3. Instructions for Completing the Provider Application - Interested applicants may download or request a hard copy from the DDA Regional Office the following:
  - a) DDA Application to Render Supports and Services in DDA's Waivers;
  - b) DDA Application to Provide Behavioral Supports and Services; and
  - c) Provider Agreement to Conditions of Participation - A document that lists regulatory protection and health requirements, and other policy requirements that prospective providers must agree and comply with to be certified by the DDA as a qualified service provider in the supports waivers;
4. Provider Checklist Form – A checklist form which applicants must use to ensure that they have included all required information in their applications; and
5. Frequently Anticipated Questions (FAQs) and Answers - A document which provides quick access to general applicant information.

Interested community agencies and other providers can submit the DDA application and required attachments at any time. For services that require a DDA license, applicants that meet requirements are then referred to the Office of Health Care Quality to obtain the license.

## Appendix C: Participant Services

### Quality Improvement: Qualified Providers

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

#### **a. Methods for Discovery: Qualified Providers**

*The state demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.*

##### **i. Sub-Assurances:**

- a. Sub-Assurance:** *The State verifies that providers initially and continually meet required licensure and/or certification standards and adhere to other standards prior to their furnishing waiver services.*

##### **Performance Measures**

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

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

**Performance Measure:**

**QP-PM1 # and % of newly enrolled waiver providers who meet required licensure,regulatory and applicable waiver standards prior to service provision. Numerator= # of newly enrolled waiver providers who meet required licensure, regulatory and applicable waiver standards prior to service provision.Denominator= # of newly enrolled Community Supports Waiver licensed providers reviewed.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**OHCQ Record Review**

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text" value="95% +/-5%"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify:	

	<input style="width: 80%; height: 20px;" type="text"/>	
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**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis(check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input style="width: 100%; height: 20px;" type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input style="width: 100%; height: 20px;" type="text"/>

**Performance Measure:**

**QP-PM2 Number and percent of providers who continue to meet required licensure and initial QP standards. Numerator = number of providers who continue to meet required licensure and initial QP standards. Denominator= Total number of enrolled Community Support Waiver enrolled licensed providers reviewed.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**OHCQ Record Review**

<b>Responsible Party for data collection/generation (check each that applies):</b>	<b>Frequency of data collection/generation (check each that applies):</b>	<b>Sampling Approach (check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative</b>

		<b>Sample</b> Confidence Interval = <input type="text" value="95% +/-5%"/>
<b>Other</b> Specify: <input type="text" value="OHCQ License renewal application tracking sheet"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

Responsible Party for data aggregation and analysis ( <i>check each that applies</i> ):	Frequency of data aggregation and analysis( <i>check each that applies</i> ):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

**b. Sub-Assurance: The State monitors non-licensed/non-certified providers to assure adherence to waiver requirements.**

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

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

**Performance Measure:**

**QP-PM3 # and % of newly enrolled certified waiver providers who meet regulatory and applicable waiver standards prior to service provision. N= # of newly enrolled certified waiver providers who meet regulatory and applicable waiver standards prior to service provision. D= #of newly enrolled certified waiver providers reviewed**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**Provider Application Packet**

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text" value="95% +/-5%"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify:	

	<input style="width: 80%; height: 20px;" type="text"/>	
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**Data Aggregation and Analysis:**

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input style="width: 100%; height: 30px;" type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input style="width: 100%; height: 30px;" type="text"/>

**Performance Measure:**

**QP-PM4 Number and percent of certified waiver providers that continue to meet regulatory and applicable waiver standards. Numerator = number of certified waiver providers that continue to meet regulatory and applicable waiver standards. Denominator= number of enrolled certified waiver providers reviewed**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**Provider Renewal Application Packet**

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>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>

<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text" value="95% +/-5%"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> ( <i>check each that applies</i> ):	<b>Frequency of data aggregation and analysis</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

**c. Sub-Assurance: The State implements its policies and procedures for verifying that provider training is conducted in accordance with state requirements and the approved waiver.**

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

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

**Performance Measure:**

**QP-PM5 Number and percent of enrolled licensed providers who meet training requirements in accordance with the approved waiver. Numerator = number of enrolled licensed providers who meet training requirements in accordance with the approved waiver. Denominator = number of enrolled licensed providers reviewed.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**OHCQ Record Review**

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text" value="95% +/-5%"/>
<b>Other</b> Specify: <input type="text" value="OHCQ Renewal Application Data"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify:	

	<input style="width: 80%; height: 20px;" type="text"/>	
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**Data Aggregation and Analysis:**

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input style="width: 100%; height: 30px;" type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input style="width: 100%; height: 30px;" type="text"/>

**Performance Measure:**

**QP-PM6 Number and percent of certified waiver providers who meet training requirements in accordance with the approved waiver. Numerator = number of certified waiver providers who meet training requirements in accordance with the approved waiver. Denominator = number of enrolled certified waiver providers reviewed.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**Certified Provider Data**

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>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>

<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text" value="95% +/-5%"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> ( <i>check each that applies</i> ):	<b>Frequency of data aggregation and analysis</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

- 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.

**b. Methods for Remediation/Fixing Individual Problems**

- i. Describe the States 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.

Individuals self-directing their services may request assistance from the Advocacy Specialist or DDA Self-Direction lead staff. DDA staff will document encounters.

DDA’s Provider Relations staff provides technical assistance and support on an on-going basis to licensed and certified providers and will address specific remediation issues. Based on the identified issues, a variety of remediation strategies may be used including conference call, letter, in person meeting, and training. These remediation efforts will be documented in the provider’s file.

**ii. Remediation Data Aggregation**

**Remediation-related Data Aggregation and Analysis (including trend identification)**

<b>Responsible Party</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>

**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 Qualified Providers that are currently non-operational.

**No**

**Yes**

Please provide a detailed strategy for assuring Qualified Providers, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

## Appendix C: Participant Services

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### C-3: Waiver Services Specifications

Section C-3 'Service Specifications' is incorporated into Section C-1 'Waiver Services.'

## Appendix C: Participant Services

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### C-4: Additional Limits on Amount of Waiver Services

**a. Additional Limits on Amount of Waiver Services.** Indicate whether the waiver employs any of the following additional limits on the amount of waiver services (*select one*).

**Not applicable-** The state does not impose a limit on the amount of waiver services except as provided in Appendix C-3.

**Applicable** - The state imposes additional limits on the amount of waiver services.

When a limit is employed, specify: (a) the waiver services to which the limit applies; (b) the basis of the limit, including its basis in historical expenditure/utilization patterns and, as applicable, the processes and methodologies that are used to determine the amount of the limit to which a participant's services are subject; (c) how the limit will be adjusted over the course of the waiver period; (d) provisions for adjusting or making exceptions to the limit based on participant health and welfare needs or other factors specified by the state; (e) the safeguards that are in effect when the amount of the limit is insufficient to meet a participant's needs; (f) how participants are notified of the amount of the limit. (*check each that applies*)

**Limit(s) on Set(s) of Services.** There is a limit on the maximum dollar amount of waiver services that is authorized for one or more sets of services offered under the waiver.

*Furnish the information specified above.*

**Prospective Individual Budget Amount.** There is a limit on the maximum dollar amount of waiver services authorized for each specific participant.

*Furnish the information specified above.*

**Budget Limits by Level of Support.** Based on an assessment process and/or other factors, participants are assigned to funding levels that are limits on the maximum dollar amount of waiver services.

*Furnish the information specified above.*

**Other Type of Limit.** The state employs another type of limit.

*Describe the limit and furnish the information specified above.*

## Appendix C: Participant Services

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Explain how residential and non-residential settings in this waiver comply with federal HCB Settings requirements at 42 CFR 441.301(c)(4)-(5) and associated CMS guidance. Include:

1. Description of the settings and how they meet federal HCB Settings requirements, at the time of submission and in the future.
2. Description of the means by which the state Medicaid agency ascertains that all waiver settings meet federal HCB Setting requirements, at the time of this submission and ongoing.

*Note instructions at Module 1, Attachment #2, HCBS Settings Waiver Transition Plan for description of settings that do not meet requirements at the time of submission. Do not duplicate that information here.*

The Community Supports Waiver services include various employment, meaningful day, and support services. New services including Housing Support Services, Nursing and Employment Services have been added to support community integration, engagement and independence. The State incorporated the federal home and community-based setting requirements into the Annotated Code of Maryland Regulations (COMAR) 10.09.36.03-1 Conditions for Participation — Home and Community-Based Settings which notes, “Effective January 1, 2018, to be enrolled as a provider of services authorized under §§1915(c) or 1915(i) of the Social Security Act, the provider shall comply with the provisions of §§D—F of this regulation and 42 CFR 441.301(c)(4).” and includes specific provider requirements. (Reference: <http://www.dsd.state.md.us/comar/comarhtml/10/10.09.36.03-1.htm>)

The Community Supports Waiver definitions have been written to comply with the HCB Settings requirements. Waiver services are provided in the individual’s own home or the community which is available for the public to use and visit and therefore presumed to meet the HCB Settings requirement.

The following services are provided at licensed sites which must comply with the HCB settings requirement prior to enrollment as a waiver service provider:

Day Habilitation services are provided at provider operated sites and in the community.

Career Exploration –facility based services are provided at provider operated sites

Medical Day Care services are provided at provider operated sites and in the community.

Respite Care Services can be provided in the participant’s home, a community setting, a Youth Camp certified by MDH, or a site licensed by the Developmental Disabilities Administration.  
There are no residential services provided.

All new providers must comply with the HCB settings requirement prior to enrollment as a new waiver service provider and ongoing. As part of the application process to become a Medicaid provider under the Community Supports Waiver, the DDA will review and assess for compliance with specific staff, service, and license requirements. Prior to final approval and Medicaid provider enrollment, the DDA will conduct site visits for site based services to confirm compliance with the HCB settings requirements.

As per Annotated Code of Maryland Regulations (COMAR) 10.09.36.03-1 Conditions for Participation — Home and Community-Based Settings, any modification of the rights or conditions under §§D and E of this regulation shall be supported by a specific assessed need and justified in the person-centered services plan in accordance with 42 CFR 441.301(c)(2)(xiii).

Ongoing assessment is part of the annual person-centered service planning and provider performance reviews. Coordinators of Community Services assess participants' service setting for compliance with HCBS settings requirements. DDA staff assess provider performance and ongoing compliance.

## **Appendix D: Participant-Centered Planning and Service Delivery**

**State Participant-Centered Service Plan Title:**

Person-Centered Plan

**a. Responsibility for Service Plan Development.** Per 42 CFR §441.301(b)(2), specify who is responsible for the development of the service plan and the qualifications of these individuals (*select each that applies*):

**Registered nurse, licensed to practice in the state**

**Licensed practical or vocational nurse, acting within the scope of practice under state law**

**Licensed physician (M.D. or D.O)**

**Case Manager** (qualifications specified in Appendix C-1/C-3)

**Case Manager** (qualifications not specified in Appendix C-1/C-3).

*Specify qualifications:*

The DDA certifies and contracts with provider organizations, which provide appropriately qualified staff, known as Coordinators of Community Services (CCS), to provide case management services through the Medicaid State Plan Targeted Case Management (TCM) authority.

#### Minimum Qualifications

Each CCS assigned to an applicant/participant must meet the following minimum qualifications specified in Medicaid's TCM regulations for people with developmental disabilities and DDA's regulations set forth in the Code of Maryland Regulations (COMAR) 10.09.48.05 and 10.22.09.06, respectively, as amended.

As provided in Medicaid's TCM regulations, CCS education and experience requirements may be waived if an individual has been employed by a DDA Coordination of Community Service agency as a CCS for at least 1 year as of January 1, 2014.

#### Ineligibility for Employment

As provided in Medicaid's TCM regulations, an individual is ineligible for employment by a Coordination of Community Services provider, organization, or entity in Maryland if the individual:

1. Is simultaneously employed by any MDH-licensed provider organization and entity;
2. Is on the Maryland Medicaid exclusion list;
3. Is on the federal List of Excluded Individuals/Entities (LEIE);
4. Is on the federal list of excluded parties as maintained by the System of Award Management (SAM.GOV);
5. Has been convicted of a crime of violence in violation of Criminal Law Article, §14-101, Annotated Code of Maryland;
6. Violates or has violated Health-General Article, §7-1102, Annotated Code of Maryland, unlawfully interfering with the rights of an individual with a developmental disability; or
7. Has been found guilty or been given Probation Before Judgment for a crime which would indicate behavior potentially harmful to individuals receiving services, as documented either through a criminal history records check or a criminal background check, pursuant to Health-General Article, §19-1902, et seq., Annotated Code of Maryland; and COMAR 12.15.

#### Necessary Skills for a CCS

Each CCS must possess the skills necessary to:

1. Coordinate and facilitate planning meetings;
2. Create Person-Centered Plans;
3. Negotiate and resolve conflicts;
4. Assist individuals in gaining access to services and supports; and
5. Coordinate services and monitor the quality and provision of services.

#### Required Staff Training

All DDA-certified Coordination of Community Service providers shall ensure and document that each CCS staff member receives any training required by DDA including person-directed and person-centered supports focusing on outcomes.

#### **Social Worker**

*Specify qualifications:*

#### **Other**

*Specify the individuals and their qualifications:*

**b. Service Plan Development Safeguards.** *Select one:*

**Entities and/or individuals that have responsibility for service plan development may not provide other direct waiver services to the participant.**

**Entities and/or individuals that have responsibility for service plan development may provide other direct waiver services to the participant.**

The state has established the following safeguards to ensure that service plan development is conducted in the best interests of the participant. *Specify:*

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## Appendix D: Participant-Centered Planning and Service Delivery

### D-1: Service Plan Development (3 of 8)

**c. Supporting the Participant in Service Plan Development.** Specify: (a) the supports and information that are made available to the participant (and/or family or legal representative, as appropriate) to direct and be actively engaged in the service plan development process and (b) the participant's authority to determine who is included in the process.

(a) The CCS provides the participant, their family members (if appropriately authorized by the participant), and their legal or authorized representative(s) (if applicable) with written and oral information about DDA services and the process of developing a Person-Centered Plan. The CCS assists the participant and their team by facilitating the team meeting and creating a Person-Centered Plan.

(b) The CCS provides each participant, their family members (if appropriately authorized by the participant), and their legal or authorized representative(s) (if applicable) with information about the participant's rights to determine their person-centered planning team. The participant, or their authorized representative acting on the participant's behalf, may invite family members, friends, DDA advocacy specialists, coworkers, professionals, and anyone else they may desire to be part of team meetings or their circle of support. The participant is encouraged to involve important people in their life in the planning process. However, the participant, or their legal or authorized representative(s), also retains the authority to exclude any individual from participating in the development of their Person-Centered Plan with the CCS.

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## Appendix D: Participant-Centered Planning and Service Delivery

### D-1: Service Plan Development (4 of 8)

**d. Service Plan Development Process.** In four pages or less, describe the process that is used to develop the participant-centered service plan, including: (a) who develops the plan, who participates in the process, and the timing of the plan; (b) the types of assessments that are conducted to support the service plan development process, including securing information about participant needs, preferences and goals, and health status; (c) how the participant is informed of the services that are available under the waiver; (d) how the plan development process ensures that the service plan addresses participant goals, needs (including health care needs), and preferences; (e) how waiver and other services are coordinated; (f) how the plan development process provides for the assignment of responsibilities to implement and monitor the plan; and, (g) how and when the plan is updated, including when the participant's needs change. State laws, regulations, and policies cited that affect the service plan development process are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):

**(a) Development of the Person-Centered Plan****Who Develops**

The CCS is responsible for the development of the Person-Centered Plan with the participant, their designated representative, and the individual's chosen team. The individual is provided the option to direct and manage the planning process, which the CCS facilitates.

Individuals can use a variety of person-centered planning methodologies such as the Charting the Lifecourse (i.e., Integrated Support Star, Life Trajectory, and Exploring Life Possibilities), Integrated Long-Term Services and Supports – Needs Template and Before and After Integrated Supports, Essential Lifestyle Planning, Personal Futures Planning, MAPS, PATH, or an equivalent person-centered planning strategy.

**Who Participates**

The participant directs the development of their Person-Centered Plan (PCP).

As further specified in subsection d. above, the individual, their legal or authorized representative(s) (if applicable), and chosen family members are the central members of the team responsible for planning and developing a Person-Centered Plan. The individual, or their legal or authorized representative(s) on the individual's behalf, may invite others important to the individual to be part of the planning process including the participant's staff and providers. However, the individual, or their authorized representative, also retain the authority to exclude any individual from development of their Person-Centered Plan with the CCS.

**Timing of Plan**

The initial plan is developed as part of the Waiver program application process and updated at least annually, or more frequently when there are changes to the participant's circumstances or services.

The CCS contacts the individual, and their legal or authorized representative(s), to obtain the individual's preferences for the best time and location of the planning meeting. Meetings may be held at the individual's home, job, a community site, day program, or wherever they feel most comfortable reviewing and discussing their plan.

**(b) Types of Assessments Conducted to Support Development of the Person-Centered Plan**

In addition to obtaining a variety of information and assessments about the individual's needs, preferences, life course outcomes, and health from other sources as specified below, the CCS uses the Health Risk Screening Tool (HRST) and Support Intensity Scale (SIS)®. The HRST assesses the individual's health and safety needs, particularly with respect to the following areas: community safety, health and medical needs, sexuality and relationships, abuse, neglect, elopement, financial exploitation, behaviors, home environment, fire safety, personal care/daily living, mental health, police involvement, informed consent, and others as appropriate to the age and circumstance to the participant. The SIS measures the individual's support needs in personal, work-related, and social activities in order to identify and describe the types and intensity of the supports an individual requires.

In addition to these assessments, the CCS gathers information regarding the individual needs, outcomes, and preferences from the individual, their family, friends, and any other individuals invited to participate in the planning process. The CCS also reviews other formal health, developmental, communication, and behavioral assessments conducted by physicians, mental health professionals, behavioral specialists, special educators, and other health professionals (e.g., Speech Pathologist, Occupational Therapist, Physical Therapist), as appropriate.

**(c) Provision of Information Regarding Available Waiver Program Services to the Participant**

During initial meetings, quarterly monitoring activities, and the annual Person-Centered Plan development meeting, the CCS shares information with the individual and their designated representative (if applicable) and family about available Waiver program services, as well as generic resources, natural supports, and services available through other programs, Medicaid State Plan services, and qualified providers (e.g., individuals, community-based service agencies, vendors and entities). The CCS also provides information on how to access, via the internet, a comprehensive list of DDA services

(including all Waiver program covered services) and DDA providers. The CCS assists the individual in integrating the delivery of supports needed. If the individual does not have internet access, the CCS provides the individual with a hard-copy resource manual.

(d) How Development Process Ensures Plan Addresses the Participant's Goals, Needs, and Preferences

The DDA requires each CCS to use an individual-directed, person-centered planning approach. This approach identifies the individual's strength assets and (those things that are both Important To and Important For) as well as, needs, preferences, goals, access to paid and non-paid supports, health status, risk factors, and other information for a Person-Centered Plan. As part of this person-centered planning approach, the CCS gathers information from the participant, their authorized representative(s) (if applicable), their circle of support (family and friends), assessments, observations, and interviews.

Based on a person-centered planning approach, a Person-Centered Plan (PCP) is developed that identifies supports and services to meet the individual's needs, outcomes, and preferences in order for the individual to live in their home or community and whether those supports and services will be provided by natural or informal supports, other local, State, and federal programs, or this Waiver program. Skills to be developed or maintained under Waiver program services are determined based on the individualized goals and outcomes as documented in their PCP. The PCP will also address any need for training for the individual, their authorized representative or family, and provider or direct care staff in implementing the Person-Centered Plan.

During the transition period to LTSSMaryland, the PCP detailed service authorization section will identify Waiver program services in LTSSMaryland that meet the individual's outcomes, needs, and preferences. Once those services are selected, the Cost Detail Tool is completed, which lists the comparable legacy services that are available through PCIS2, including amount, duration, and scope for the PCP plan year. For new participants with no service provider selected, the CCS completes the Cost Detail Tool. For individuals with selected providers, the provider completes the Cost Detail Tool and submits it to the CCS. For individuals using the self-directed service delivery model, the CCS completes the Cost Detail Tool in addition to the self-directed budget. After the CCS reviews and confirms with the individual that the Cost Detail Tool meets their needs and preferences, they upload it in the PCP documentation section so that it is included with the PCP for submission to the Regional Office through LTSSMaryland.

(e) How Waiver and Other Services are Coordinated

The CCS assists the individual and the team in coordinating generic resources, natural supports, services available through other programs, Medicaid State Plan services, and Waiver program services. The CCS provides case management services, including assisting the individual to connect with this array of services and supports and ensures their coordination.

The Person-Centered Plan (PCP) is the focal point for coordinating services available under various programs, including this Waiver program. It reflects who the person is and those things that are important to and for them and identifies their needs, outcomes and preferences as discovered through the PCP process. The PCP serves as a working plan that details the individualized plan to address participant's specific needs while working towards achieving and maintaining a good quality of life, in accordance with the individual's goals, related to social life, spirituality, citizenship, advocacy, and preferences. The PCP includes focus areas that individuals can explore related to employment, communication, life-long learning, community involvement, day-to-day, finance, home and housing, health and wellness, and relationships' goals.

(f) How the Development Process Provides for the Assignment of Responsibilities to Implement and Monitor the Plan

In general, the PCP outlines roles and responsibilities for services and supports.

The CCS is responsible for monitoring implementation of the PCP on an ongoing basis through telephone, e-mail, and face-to-face contacts. The CCS monitors that the services and supports meet the individual's health and safety needs. In addition, when a change in health status occurs, the CCS facilitates the evaluation the participant's of service needs to address the change, if appropriate. The CCS also monitors that services are delivered in the manner described in the PCP, and that the individual's outcomes, needs, and preferences, as identified in the PCP, are being addressed and met.

(g) How or When the Plan is Updated

At least annually, or more frequently when there is a change in an individual's needs, health status, or circumstances, the individual, their legal or authorized representative(s) (if applicable), their family (if appropriately authorized by the participant), and their self-selected person-centered planning team must come together to review and revise the PCP. This process must be facilitated by the CCS. These required updates to an individual's PCP ensure that it reflects the current needs, preferences, and outcomes of the participant.

The PCP is updated in accordance with the person-centered planning process identified in this subsection d.

## Appendix D: Participant-Centered Planning and Service Delivery

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### D-1: Service Plan Development (5 of 8)

**e. Risk Assessment and Mitigation.** Specify how potential risks to the participant are assessed during the service plan development process and how strategies to mitigate risk are incorporated into the service plan, subject to participant needs and preferences. In addition, describe how the service plan development process addresses backup plans and the arrangements that are used for backup.

### Risk Assessment

During development of the Person-Centered Plan (PCP), the participant’s planning team, facilitated by the CCS, assesses the participant’s health and safety needs, particularly with respect to the following areas: community safety, health and medical needs, sexuality and relationships, abuse, neglect, elopement, financial exploitation, behaviors, home environment, fire safety, personal care/daily living, mental health, police involvement, informed consent, and others as appropriate to the age and circumstance of the participant. In addition to objective assessments, the family can be a key source of information on risk assessment and mitigation when supporting participants under the age of 21.

To promote optimum health, to mitigate or eliminate identified risks, and to avert unnecessary health complications or deaths, the CCS must complete the electronic Health Risk Screening Tool (HRST) for all participants annually as part of the PCP planning process. The HRST is a web-based screening instrument designed to detect health destabilization early and prevent preventable deaths. It is a reliable, field-tested screening tool that consists of 22 rating items, divided into 5 health categories. The outcome of scoring all 22 rating items is an objective Health Care Level that represents the overall degree of health risk and destabilization of the participant. Since each of the 22 rating items receives its own score, the level of health risk can be determined on each of the items as well. Once a participant is fully screened, the HRST produces Service and Training Considerations that can be used by staff and families. Service and Training Considerations describe what further evaluations, specialists, assessments, or clinical interventions may be needed to support the participant based on the identified health risks.

Individuals with an HRST level score of 3 or higher are considered higher risk thus require increased monitoring and supervision. If an individual’s HRST Health Care Level becomes a score of 3 or higher, a Registered Nurse must complete a Clinical Review of the HRST as per the standard process with this national tool. (Note: The Registered Nurse must complete training and be certified as a HRST Reviewer in order to maintain the validity and reliability of the tool.) The HRST contains a comments section where the CCS (the HRST Rater) can give reasons for why a score was selected. This will allow the certified Nurse “HRST Reviewer”, to evaluate the appropriateness of the score. The Nurse (HRST Reviewer) performs interviews and record reviews to validate each HRST rating and score computation. All clarifying information about a rating area entered by the Nurse (HRST Reviewer) is written in the “Comments” section for the appropriate item. The Nurse (HRST Reviewer) also reviews and revises as necessary, the Evaluation/Service and Training Recommendations.

In addition to medical concerns, the participant, family and other team members can identify other areas of risk using the Charting the LifeCourse framework such as the Integrated Support Star, Life Trajectory, Exploring Life Possibilities, Integrated Long- Term Services and Supports – Needs Template and Before and After Integrated Supports.

### Risk Mitigation Strategies

After these risk assessments are completed and reviewed, potential risk mitigation strategies are discussed as part of the team meeting, are based on the unique needs of the participant, and their family, and must ensure health and safety while affording a participant the dignity of risk. The CCS assists the participant and their team in the development of these risk mitigation strategies including back-up plans, which are incorporated into the PCP and service record.

Once identified, the CCS will incorporate the individualized risk mitigation strategies including back-up plans into the PCP, in accordance with the participant's and their family’s needs, goals, and preferences. Risk mitigation strategies may include: (1) participant, family, and staff training; (2) assistive technology; (3) back-up staffing plans; (4) emergency management strategies for various risks such as complex medical conditions, identified elopement risk, or previous victim of abuse, neglect, and exploitation; and (5) other strategies as identified through an approved Behavior Support Plan.

In addition, all DDA-licensed service providers must have a system for providing emergency back-up services and supports as part of their policies and procedures, which are reviewed by DDA and Office of Health Care Quality (OHCQ). Emergency back-up plans are reviewed during quarterly monitoring to ensure strategies continue to meet the needs of the participant.

## Appendix D: Participant-Centered Planning and Service Delivery

### D-1: Service Plan Development (6 of 8)

**f. Informed Choice of Providers.** Describe how participants are assisted in obtaining information about and selecting from among qualified providers of the waiver services in the service plan.

The CCS provides information to each participant, their authorized representative, their family members, and other identified planning team members regarding available Waiver program services, service delivery models (i.e. Self-Directed Service and Traditional Service Delivery Model), and qualified providers and availability of service providers on an ongoing basis. The CCS assists the participant with coordinating and integrating the delivery of supports based on the participant's needs, outcomes, and preferences.

For participants choosing to Self-Direct Services delivery model, the CCS informs the participant of their options under the employer authority to identify and select their staff and service providers.

For participants choosing the Traditional Services delivery model, the CCS informs the participant of available DDA-licensed and approved providers. The participant, and their authorized representative, may explore, interview, and exercise choice regarding these potential providers. The CCS assists the participant in scheduling visits with providers and provides a list of providers from which they may make informed choices (including the DDA's website).

The CCS and the DDA encourages participants to learn about multiple providers, including meeting and interviewing staff regarding services, prior to selecting their provider agency. Potential providers can discuss how they can support the participant and their family in a way that meets the participant's needs, outcome, and preferences.

For services and programs at a specific location, participants and their families can request a tour, ask questions, and observe classes and programs in order to make an informed choice.

## Appendix D: Participant-Centered Planning and Service Delivery

### D-1: Service Plan Development (7 of 8)

**g. Process for Making Service Plan Subject to the Approval of the Medicaid Agency.** Describe the process by which the service plan is made subject to the approval of the Medicaid agency in accordance with 42 CFR §441.301(b)(1)(i):

The OLTSS ensures compliant performance of this waiver by delegating specific responsibilities to the Operating Agency (DDA) through an Interagency Agreement (IA).

All Person-Centered Plans (PCP) of participants entering the waiver are submitted to the DDA for review prior to service initiation. The DDA reviews the PCPs and supporting documentation to assure compliance with all policy and regulations. Changes to services (amount, duration, scope) in a PCP (through the annual process or due to a change in a participant's needs) must be submitted to DDA for review and approval as per policy and guidance. PCPs are also reviewed during DDA site visits and OHCQ surveys to ensure they are current and comply with all Waiver eligibility, fiscal and programmatic regulations.

A retrospective representative sample of the participant record will be reviewed on a quarterly basis to ensure that plans have been developed in accordance with applicable policies and procedures and plans ensure the health and welfare of Waiver participants. The sample size will be based on a 95% confidence +/- 5%. The review will be conducted by DDA staff.

The Person-Centered Plans are maintained in DDA's Provider Consumer Information System (PCIS2) and transitioning into the Maryland's Long Term Services and Supports (LTSSMaryland) System. Records are maintained for 7 years.

## Appendix D: Participant-Centered Planning and Service Delivery

### D-1: Service Plan Development (8 of 8)

**h. Service Plan Review and Update.** The service plan is subject to at least annual periodic review and update to assess the appropriateness and adequacy of the services as participant needs change. Specify the minimum schedule for the review and update of the service plan:

**Every three months or more frequently when necessary**

**Every six months or more frequently when necessary**

**Every twelve months or more frequently when necessary**

**Other schedule**

*Specify the other schedule:*

**i. Maintenance of Service Plan Forms.** Written copies or electronic facsimiles of service plans are maintained for a minimum period of 3 years as required by 45 CFR §92.42. Service plans are maintained by the following (*check each that applies*):

**Medicaid agency**

**Operating agency**

**Case manager**

**Other**

*Specify:*

## **Appendix D: Participant-Centered Planning and Service Delivery**

### **D-2: Service Plan Implementation and Monitoring**

**a. Service Plan Implementation and Monitoring.** Specify: (a) the entity (entities) responsible for monitoring the implementation of the service plan and participant health and welfare; (b) the monitoring and follow-up method(s) that are used; and, (c) the frequency with which monitoring is performed.

## (a) The Entity (Entities) Responsible For Monitoring Implementation of Service Plan and Participant Health &amp; Welfare

The CCS and the DDA monitor the implementation of the Person-Centered Plan (PCP) to ensure that Waiver program services are delivered in accordance with the Person-Centered Plan (PCP) and consistent with safeguarding the participants' health and welfare.

Access to non-waiver services:

The person-centered planning process includes exploration and discovery of important relationships, community connections, faith-based associations, health needs, areas of interest, and talents that can also help to identify additional potential support for desired Outcomes.

The PCP Outcome page in LTSSMaryland includes a description of how community resources and natural supports (i.e. non waiver services) are being used or developed. The CCS PCP guide provides direction for the CCS on how to identify and describe opportunities for people to utilize their natural, including non-staff supports to engage in the Outcome-related activities and to include use of generic community resources (e.g., using a store-provided shopping aide or having staff focus on developing relationships with coworker's versus providing actual on-the-job assistance). Supports identified are then noted with the Support Considerations chart that include the name of the person, relationship, support/service, and support role.

## (b) Methods for Monitoring and Follow-Up Activities

The PCP formal based in LTSSMaryland also includes information related to how the team will know that progress is occurring and the frequency for assessing satisfaction, the implementation strategies, and reviewing the outcome.

The CCS is required to conduct quarterly monitoring and enter information into an enhanced LTSSMaryland-based Monitoring and Follow Up form. The form includes sections related to demographic information, contacts, date of visit, any changes in status, service provision, individual satisfaction, progress of outcomes, and health and safety. Based on data entry in these sections, follow-up action may be required and will be noted in the "Recommended Action" section which can include items specific to service provision. Health and safety items require immediate action and, in some situations, require an incident report as per the Policy on Reportable Incidents and Investigations which is described in Appendix G.

The CCS's monitoring activities are designed to provide support to participants and their families and encourages frequent communication to address current needs and to ensure health and safety. In addition, monitoring supports increased support to plan for services throughout the participant's lifespan. The monitoring maximizes support to create the quality of life envisioned by the participant and the family.

The CCS monitoring activities verify that the individual is receiving the appropriate type, amount, scope, duration, and frequency of services to address the individual's assessed needs and desired outcome statements as documented in the approved and authorized PCP. It also ensures that the participant has access to services, has a current back-up plan and exercises free choice of providers. When changes in a participant's needs occur, the monitoring affords an opportunity for discussion and planning for increased or decreased support, as needed. Increased monitoring may be warranted based on participant's health and safety needs.

The CCS conducts these monitoring and follow-up activities through telephone conferences, emails, and face-to-face meetings with the participant, their designated representative, their family, and service providers. The CCS is required to conduct a face-to-face visit with the participant enrolled in services at least once per quarter.

The CCS must enter into LTSSMaryland, on a standardized form required by the DDA, information these monitoring activities and follow-up actions. Health and safety concerns must be reported directly to the DDA via communication with the DDA Regional Office and/or incident reporting as per required by the Policy on Reportable Incidents and Investigations.

The DDA monitoring activities include:

1. Regional Offices monitoring implementation of the PCP through the approval of service plans and authorizations of

services revisions are made to address changing needs of the participants;

2. Regional Offices conducting onsite reviews of participant services and providers implementation including elements related to staff knowledge of services, service delivery as noted in the PCP, and health and welfare (e.g. medication administration records and health assessments completed); and
3. Regional Offices monitoring the quality of the CCS monitoring services related to the implementation of the service plan.

To oversee and assess CCS activities, the DDA has developed the automation of the quarterly monitoring and follow up forms in the LTSSMaryland system and added contractual staff in the DDA Regional Offices who are responsible for oversight and monitoring of CCS agencies and activities.

The LTSSMaryland Monitoring Form Report provides both the DDA and CCS agencies information related to review related to the completion status of the Quarterly Monitoring and Follow-up forms for each person served. This functionality enables the DDA to improve its oversight and review of CCS activities. On a weekly basis, the DDA staff will review the report to ensure that the Monitoring and Follow-Up forms are completed for the participants served by CCS agencies within the specified region.

Each CCSs will review evidence of service goal implementation and document whether progress has been made. They will also review documentation to verify the provision of services as authorized. If there is insufficient progress, the CCS will follow-up with the service provider to determine why progress is not being made.

The additional DDA Regional Office staff will also review a sample of the quarterly monitoring forms and a reliability check will be completed during a provider visit to ensure that the documentation accurately reflects plan implementation.

In every incident where there is no evidence of plan implementation, the CCS is required to notify DDA's Regional Office, who will be responsible for reviewing and requesting a plan of corrective action from the identified provider. On a monthly basis or sooner as outlined in the plan, the Regional DDA staff will monitor outstanding corrective plans of action with the CCS and provider to facilitate compliance.

Based on DDA's monitoring activities, action is taken on all immediate jeopardy findings and technical assistance, training, and/or plan of corrections are initiated.

#### (c) Frequency of Monitoring

The CCS is required perform face-to-face monitoring and follow-up activities, at a minimum, quarterly basis or more frequently as needed. This monitoring must take place in the different service delivery settings.

DDA's monitoring frequency include:

1. Regional Offices monitoring implementation of the PCP on a periodic basis through the approval of service plans and authorizations of services revisions are made to address changing needs of the participants;
2. Regional Offices performing onsite reviews of participant services and providers varies and includes: (a) initial or routine visits to provider sites, (b) review of a filed complaint, (c) provider plan of correction follow-up, (d) review of a reported incident, and (e ) service request review; and
3. Regional Offices monitoring the quality of the CCS monitoring of the PCP plan implementation as outlined in the monitoring policy.

#### **b. Monitoring Safeguards. *Select one:***

**Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may not provide other direct waiver services to the participant.**

**Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may provide other direct waiver services to the participant.**

The state has established the following safeguards to ensure that monitoring is conducted in the best interests of the participant. *Specify:*

## Appendix D: Participant-Centered Planning and Service Delivery

### Quality Improvement: Service Plan

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

**a. Methods for Discovery: Service Plan Assurance/Sub-assurances**

*The state demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.*

**i. Sub-Assurances:**

- a. Sub-assurance: Service plans address all participants assessed needs (including health and safety risk factors) and personal goals, either by the provision of waiver services or through other means.**

**Performance Measures**

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

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

**Performance Measure:**

**SP-1: #/% of waiver participants who have their individually chosen assessed needs addressed in the service plan through waiver funded services or other funding sources or natural supports. N = # of participants who have their individually chosen assessed needs addressed in the service plan through waiver funded services or other funding sources or natural supports. D = # of participants reviewed.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**Participant Record Review**

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence

		Interval = <input type="text" value="95% +/-5%"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis(check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

**Performance Measure:**

**SP-2: Number and percent of waiver participants who have their personal outcomes addressed in the service plan through waiver funded services or other funding**

**sources or natural supports. N = number of waiver participants who have their personal outcomes addressed in the service plan through waiver funded services or other funding sources or natural supports. D = number of participants reviewed.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**Participant Record Review**

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text" value="95% +/-5%"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>

<b>Responsible Party for data aggregation and analysis</b> ( <i>check each that applies</i> ):	<b>Frequency of data aggregation and analysis</b> ( <i>check each that applies</i> ):
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify:  <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify:  <input type="text"/>

**b. Sub-assurance: The State monitors service plan development in accordance with its policies and procedures.**

**Performance Measures**

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

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

**Performance Measure:**

**Per 2014 guidance, states no longer have to report on this sub-assurance.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

N/A

<b>Responsible Party for data collection/generation</b> ( <i>check each that applies</i> ):	<b>Frequency of data collection/generation</b> ( <i>check each that applies</i> ):	<b>Sampling Approach</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>

<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text"/>
<b>Other</b> Specify: <input type="text" value="N/A"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text" value="N/A"/>
	<b>Other</b> Specify: <input type="text" value="N/A"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis (check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text" value="N/A"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text" value="N/A"/>

c. *Sub-assurance: Service plans are updated/revised at least annually or when warranted by changes in the waiver participants needs.*

**Performance Measures**

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

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

**Performance Measure:**

**SP-3: Number and percent of service plans reviewed and updated before the waiver participant’s annual review date. Numerator = number of service plans reviewed and updated before the waiver participant’s annual review date. Denominator = Number of waiver participant reviewed.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**Participant Record Review**

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text" value="95% +/-5%"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b>	

	Specify: <div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div>	
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**Data Aggregation and Analysis:**

Responsible Party for data aggregation and analysis ( <i>check each that applies</i> ):	Frequency of data aggregation and analysis( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <div style="border: 1px solid black; width: 100%; height: 20px; margin-top: 5px;"></div>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div style="border: 1px solid black; width: 100%; height: 20px; margin-top: 5px;"></div>

**d. Sub-assurance: Services are delivered in accordance with the service plan, including the type, scope, amount, duration and frequency specified in the service plan.**

**Performance Measures**

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

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

**Performance Measure:**

**SP-4: Number and percent of service plans in which services and supports were delivered in the type, scope, amount, duration and frequency specified in the Person-Centered Plan (PCP). Numerator = number of service plans in which services and supports were delivered in the type, scope, amount, duration and frequency specified in the PCP. Denominator = number of participants reviewed.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**Participant Record Review**

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text" value="95% +/-5%"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b>	<b>Annually</b>

<b>Responsible Party for data aggregation and analysis</b> (check each that applies):	<b>Frequency of data aggregation and analysis</b> (check each that applies):
Specify:  <input type="text"/>	
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify:  <input type="text"/>

**e. Sub-assurance: Participants are afforded choice: Between/among waiver services and providers.**

**Performance Measures**

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

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

**Performance Measure:**

**SP-5: Number and percent of waiver participants whose records documented an opportunity was provided for choice of waiver services and providers. Numerator = number waiver participants whose records documented an opportunity was provided for choice of waiver services and providers. Denominator= Total number of records reviewed.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**Participant Record Review**

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative</b>

		<b>Sample</b> Confidence Interval = <input type="text"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> ( <i>check each that applies</i> ):	<b>Frequency of data aggregation and analysis</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

- 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.

**b. Methods for Remediation/Fixing Individual Problems**

- i. Describe the States 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.

DDA’s Quality Enhancement staff provides oversight of planning activities and ensures compliance with this Appendix D related to waiver participants.

DDA’s Coordination of Community Services staff provides technical assistance and support on an ongoing basis to CCS providers and provide specific remediation recommendations on identified issues. Based on the identified issues, a variety of remediation strategies may be used including conference call, letter, in person meeting, and training. Remediation efforts will be documented in the provider’s file with the DDA.

**ii. Remediation Data Aggregation**

**Remediation-related Data Aggregation and Analysis (including trend identification)**

<b>Responsible Party</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify:  <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify:  <div style="border: 1px solid black; height: 20px; width: 100%;"></div>

**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 Service Plans that are currently non-operational.

**No**

**Yes**

Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

## Appendix E: Participant Direction of Services

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**Applicability** (from Application Section 3, Components of the Waiver Request):

**Yes. This waiver provides participant direction opportunities.** Complete the remainder of the Appendix.

**No. This waiver does not provide participant direction opportunities.** Do not complete the remainder of the Appendix.

*CMS urges states to afford all waiver participants the opportunity to direct their services. Participant direction of services includes the participant exercising decision-making authority over workers who provide services, a participant-managed budget or both. CMS will confer the Independence Plus designation when the waiver evidences a strong commitment to participant direction.*

**Indicate whether Independence Plus designation is requested** (select one):

**Yes. The state requests that this waiver be considered for Independence Plus designation.**

**No. Independence Plus designation is not requested.**

## Appendix E: Participant Direction of Services

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### E-1: Overview (1 of 13)

- a. Description of Participant Direction.** In no more than two pages, provide an overview of the opportunities for participant direction in the waiver, including: (a) the nature of the opportunities afforded to participants; (b) how participants may take advantage of these opportunities; (c) the entities that support individuals who direct their services and the supports that they provide; and, (d) other relevant information about the waiver's approach to participant direction.

The DDA has established a service delivery model in which a participant may direct their own services or appoint a legal guardian or designated representative to direct on their behalf known as the Self-Directed Service Model. The DDA offers the Self-Directed Service Model for participants, or their designated representative, capable of making informed decisions regarding how services are provided such that there is: (1) no lapse or decline in the quality of care; and (2) no increased risk to the health or safety of the participant.

(a) Nature of Opportunities Afforded to Participants under the Self-Directed Service Model

Under the Self-Directed Service Model, a participant, or their designated representative will have Employer and Budget Authorities over specific services as the employer of record. This includes the rights and obligations of an employer under applicable federal, State, and local law and regulations. In addition, the participant, legal guardian, or their designated representative (as applicable) will have the responsibility and authority to manage their approved annual budget.

In the Self-Directed Service Model, the participant or their designated representative, will have opportunities to:

1. Identify goals to support a trajectory for a good life in consideration of the LifeCourse Framework person-centered planning methodologies such as the Charting the Lifecourse (i.e., Integrated Support Star, Life Trajectory, and Exploring Life Possibilities), Integrated Long-Term Services and Supports – Needs Template and Before and After Integrated Supports, Essential Lifestyle Planning, Personal Futures Planning, MAPS, PATH, or an equivalent person-centered planning strategy;
2. Choose, set wages (within reasonable and customary range) and the DDA-approved annual budget, and schedule workers,
3. Train, manage, and discharge workers;
4. Identify needed supports and services to support their Person-Centered Plan (PCP) in accordance with their approved annual budget;
5. Control and manage a budget annually for the purchase of services and supports as specified in their PCP;
6. Use a Support Broker as an optional service to assist with employer responsibilities; and
7. Use a Fiscal Management Services provider (FMS) to assist with budget and payment responsibilities, which is required for participation in the Self-Directed Services Model.

(b) How Participants May Enroll in the Self-Directed Service Model

The DDA, Advocacy Specialists, Coordinator of Community Services (CCS) will provide information about the Self-Directed Service Model to all participants and their families, legal guardian, or designated representatives (as applicable). If the participant is interested in the Self-Directed Service Model as the delivery model for services, then they will work with their CCS, along with a Support Broker, if identified to organize their team, develop a PCP and request enrollment in the Self-Directed Service Model.

The CCS with input from the participant's team will share information with the participant about the rights, risks, and responsibilities of managing their own services and managing and using an individual budget. This process is documented with completion of the Self-Directed Services designated Form to indicate the participant, legal guardian, or their designated representative (as applicable) is capable of making informed decisions such that there is: (1) no lapse or decline in the quality of care; (2) no increased risk to the health or safety of the participant; and (3) understands the responsibilities of employer and budget authorities .

(c) Support by Entities for Participants in the Self-Directed Service Model

The following entities will provide support services to participants in the Self-Directed Service Model: the Coordinator of Community Services (CCS), Advocacy Specialists, Support Brokers (optional), and the Fiscal Management Services (FMS).

The CCS will provide supports that enable the participant to identify and address how to meet their needs and goals, including but not limited to:

1. Provide information to the participant to support informed decisions about what service design and delivery models (Self-Directed Services and Traditional Services) will work best for the participant and their support network in accordance with their needs and goals;

2. Explain roles and responsibilities of the Support Broker (if chosen) and the FMS provider pertaining to the types of available supports within the Self-Directed Service Model;
3. Provide information related to Waiver program services available under the Self-Directed Services model (including Support Brokers, and the FMS provider services) and providers/vendor options for the participant to choose;
4. Facilitate the timely development and revision of the Person-Centered Plan (PCP) and self-directed services budget designed to meet the participant's needs, preferences, goals, and outcomes in the most integrated setting and cost effective manner;
5. Provide information, make referrals, and assist participants with applications for services provided by community organizations, federal, State and local programs and community activities; and
6. Monitoring the provision of services as well as conducting related follow-up activities.

Advocacy Specialists provide informational supports for participants considering or enrolled in the Self-Directing Services:

1. Providing information, technical assistance, and training on self-direction, self-advocacy, and the availability of advocacy services across the State;
2. Facilitating and building relationships with self-advocates, self-advocacy groups and providers.
3. Supporting other self-advocates to learn about and understand DDA's Self-Directed Services Model;
4. Providing general support to participants enrolled in the enrolled in the Self-Directed Services Model; and
5. Developing and conducting additional topic specific training that meets the needs of self-directed services participants in their regions such as abuse, exploitation, and nepotism.

Support Broker services are offered as an optional service to participants who enrolled in the Self-Directed Services Delivery Model. Support Brokers provide assistance by mentoring and coaching the participant on their responsibilities as a common law employer related to staffing as per federal, State, and local laws, regulations, and policies.

Support Brokers must not:

1. Develop modifications;
2. Make any decisions for the participant as the Employer of Record including budgetary decisions;
3. Sign-off on timesheets for service delivery; or
4. Hire or fire workers.

Support Broker services are designed to assist participants (or their designated representative) with the human resources employer-related functions necessary for successful self-direction. This includes:

1. An initial introductory orientation related to the rights and responsibilities of the "employer of record", such as Department of Labor, and applicable federal, State and local employment requirements;
2. Development of staff policies, procedures, schedules, and backup plan strategies; and
3. Recruitment, advertising, and interviewing potential staff.

Fiscal Management Services (FMS)

1. The FMS provider acts as a fiscal intermediary to assist the participant with employer and budget related accounting and payroll functions as per federal, State, and local laws, regulations, and policies necessary for successful self-direction. The FMS provider assists the participant, legal guardian, or designated representative (as applicable); in financial transactions and managing legal employment requirements and employer related functions including:
  - a. Verifying potential employees and vendors meet applicable qualifications to render the services as set forth in this Waiver program application and applicable laws and regulations;
  - b. Facilitating the employment of staff by the participant, legal guardian, or designated representative (as applicable);
  - c. Managing, tracking, and directing the disbursement of funds;
  - d. Processing payroll, withholding federal, State, and local tax and making tax payments to appropriate tax authorities;
  - e. Performing fiscal accounting processes; and
  - f. Making and sharing monthly expenditure reports with the participant, legal guardian, their designated representative (as applicable), and State authorities.

## Appendix E: Participant Direction of Services

### E-1: Overview (2 of 13)

**b. Participant Direction Opportunities.** Specify the participant direction opportunities that are available in the waiver.  
*Select one:*

**Participant: Employer Authority.** As specified in *Appendix E-2, Item a*, the participant (or the participant's representative) has decision-making authority over workers who provide waiver services. The participant may function as the common law employer or the co-employer of workers. Supports and protections are available for participants who exercise this authority.

**Participant: Budget Authority.** As specified in *Appendix E-2, Item b*, the participant (or the participant's representative) has decision-making authority over a budget for waiver services. Supports and protections are available for participants who have authority over a budget.

**Both Authorities.** The waiver provides for both participant direction opportunities as specified in *Appendix E-2*. Supports and protections are available for participants who exercise these authorities.

**c. Availability of Participant Direction by Type of Living Arrangement.** *Check each that applies:*

**Participant direction opportunities are available to participants who live in their own private residence or the home of a family member.**

**Participant direction opportunities are available to individuals who reside in other living arrangements where services (regardless of funding source) are furnished to fewer than four persons unrelated to the proprietor.**

**The participant direction opportunities are available to persons in the following other living arrangements**

Specify these living arrangements:

Participant direction opportunities are available to participants who live with other individuals under a lease.

## Appendix E: Participant Direction of Services

### E-1: Overview (3 of 13)

**d. Election of Participant Direction.** Election of participant direction is subject to the following policy (*select one*):

**Waiver is designed to support only individuals who want to direct their services.**

**The waiver is designed to afford every participant (or the participant's representative) the opportunity to elect to direct waiver services. Alternate service delivery methods are available for participants who decide not to direct their services.**

**The waiver is designed to offer participants (or their representatives) the opportunity to direct some or all of their services, subject to the following criteria specified by the state. Alternate service delivery methods are available for participants who decide not to direct their services or do not meet the criteria.**

*Specify the criteria*

## Appendix E: Participant Direction of Services

### E-1: Overview (4 of 13)

**e. Information Furnished to Participant.** Specify: (a) the information about participant direction opportunities (e.g., the benefits of participant direction, participant responsibilities, and potential liabilities) that is provided to the participant (or the participant's representative) to inform decision-making concerning the election of participant direction; (b) the entity or entities responsible for furnishing this information; and, (c) how and when this information is provided on a timely basis.

The Coordinator of Community Services (CCS) of each participant is responsible for providing information to the participant, legal guardian, and their designated representative (as applicable) about available Waiver program services and delivery models, including the DDA’s Self-Directed Service Models. The CCS provides information on availability of services, benefits, responsibilities, and liabilities associated with participation in the Self-Directed Service Model. The CCS provides this information during the initial meeting, the annual Person-Centered Planning Meeting, and upon request.

The DDA also provides information about its Self-Directed Service Model via webinars, workshops, conferences, DDA’s website, and upon request.

## Appendix E: Participant Direction of Services

### E-1: Overview (5 of 13)

**f. Participant Direction by a Representative.** Specify the state's policy concerning the direction of waiver services by a representative (*select one*):

**The state does not provide for the direction of waiver services by a representative.**

**The state provides for the direction of waiver services by representatives.**

Specify the representatives who may direct waiver services: (*check each that applies*):

**Waiver services may be directed by a legal representative of the participant.**

**Waiver services may be directed by a non-legal representative freely chosen by an adult participant.**

Specify the policies that apply regarding the direction of waiver services by participant-appointed representatives, including safeguards to ensure that the representative functions in the best interest of the participant:

A participant enrolled in the Self-Directed Services Delivery Model (as provided in this Appendix E) may authorize a non-legal representative to direct services on their behalf as documented on a form approved by the DDA and associated with in the participant’s Person-Centered Plan (PCP).

To ensure the use of a non-legal representative to direct services is in the best interest of the participant, the following criteria must be documented in the participant’s PCP:

1. Choice of individual truly reflects the participant's wishes and desires;
2. The provision of service by the non-legal representative is in the best interests of the participant;
3. The provision of support by the non-legal representative is appropriate and based on the participant’s identified support needs; and
4. The Designated Representative has passed a background check through the Criminal Justice Information System as provided in Appendix C-2-a;
5. A completed and signed Designated Representative form that reflects the participant’s appointment of the non-legal representative to act on the participant’s behalf in the Self-Directed Services Model, is completed in accordance with applicable federal and State laws and regulations governing the Waiver program.

## Appendix E: Participant Direction of Services

### E-1: Overview (6 of 13)

**g. Participant-Directed Services.** Specify the participant direction opportunity (or opportunities) available for each waiver service that is specified as participant-directed in Appendix C-1/C-3.

Waiver Service	Employer Authority	Budget Authority
Transportation		

Waiver Service	Employer Authority	Budget Authority
Vehicle Modifications		
Supported Employment <b>**ENDING JUNE 30, 2021**</b>		
Environmental Assessment		
Community Development Services		
Employment Services <b>**BEGINNING DECEMBER 1, 2019**</b>		
Behavioral Support Services		
Personal Supports		
Nurse Case Management and Delegation Services <b>**Ending March 2021**</b>		
Respite Care Services		
Environmental Modifications		
Nurse Consultation <b>**ENDING March 2021**</b>		
Nurse Health Case Management <b>**Ending March 2021**</b>		
Nursing Support Services		
Participant Education, Training and Advocacy Supports		
Employment Discovery and Customization <b>**ENDING JUNE 30, 2022**</b>		
Housing Support Services		
Assistive Technology and Services		
Individual and Family Directed Goods and Services		
Family and Peer Mentoring Supports		
Family Caregiver Training and Empowerment Services		
Day Habilitation		
Support Broker Services		

## Appendix E: Participant Direction of Services

### E-1: Overview (7 of 13)

**h. Financial Management Services.** Except in certain circumstances, financial management services are mandatory and integral to participant direction. A governmental entity and/or another third-party entity must perform necessary financial transactions on behalf of the waiver participant. *Select one:*

**Yes. Financial Management Services are furnished through a third party entity.** (Complete item E-1-i).

Specify whether governmental and/or private entities furnish these services. *Check each that applies:*

**Governmental entities**

**Private entities**

**No. Financial Management Services are not furnished. Standard Medicaid payment mechanisms are used.** *Do not complete Item E-1-i.*

## Appendix E: Participant Direction of Services

**i. Provision of Financial Management Services.** Financial management services (FMS) may be furnished as a waiver service or as an administrative activity. *Select one:*

**FMS are covered as the waiver service specified in Appendix C-1/C-3**

**The waiver service entitled:**

**FMS are provided as an administrative activity.**

**Provide the following information**

**i. Types of Entities:** Specify the types of entities that furnish FMS and the method of procuring these services:

Currently approved FMS providers must be certified by the DDA as an Organized Health Care Delivery Systems (OHCDS) in accordance with applicable State regulations. The Maryland Department of Health is working on identifying a new FMS provider via its procurement processes, as required by State law.

**ii. Payment for FMS.** Specify how FMS entities are compensated for the administrative activities that they perform:

The FMS is compensated for administrative activities as per their contract with MDH.

**iii. Scope of FMS.** Specify the scope of the supports that FMS entities provide (*check each that applies*):

---

Supports furnished when the participant is the employer of direct support workers:

---

**Assist participant in verifying support worker citizenship status**

**Collect and process timesheets of support workers**

**Process payroll, withholding, filing and payment of applicable federal, state and local employment-related taxes and insurance**

**Other**

*Specify:*

Employer and Budget Authorities tasks including but not limited to:

1. Verifying that potential staff or vendors meet applicable qualifications including background checks, certifications, trainings and licensing requirements;
2. Managing and directing the disbursement of funds contained in the self-directed services budget, approved by the DDA;
3. Acting as a neutral bank, receiving and disbursing public funds and tracking and reporting on the status of each participant's budgeted funds (received, disbursed, and any balances);
4. Processing and paying for approved services in the PCP;
5. Preparing and distributing reports (e.g., budget status and expense reports) to participants, their CCS, DDA, and other entities as requested; and
6. Manage nursing access to the Health Risk Screening Tool (HRST) to support participants enrolled in the self-directed service delivery model unless otherwise directed by the DDA

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Supports furnished when the participant exercises budget authority:

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**Maintain a separate account for each participant's participant-directed budget**

**Track and report participant funds, disbursements and the balance of participant funds**

**Process and pay invoices for goods and services approved in the service plan**

**Provide participant with periodic reports of expenditures and the status of the participant-directed budget**

**Other services and supports**

*Specify:*

1. The FMS provider assists the participant, legal guardian, or designated representative (as applicable) to:
2. Manage and direct the disbursement of funds contained in the approved self-directed budget;
3. Facilitate the employment of staff by the participant, legal guardian, or designated representative (as applicable), by performing as the participant’s agent to verify employee and vendor qualifications, processing payroll, withholding Federal, State, and local tax and making tax payments to appropriate tax authorities; and
4. Perform fiscal accounting and disseminate expense reports to the participant or family and State authorities.
5. The FMS provider assists the participant, legal guardian, or designated representative (as applicable) with Budget Authority tasks such as:
  - a. Acting as a neutral bank, receiving and disbursing public funds, tracking and reporting on the status of the participant’s budgeted funds (received, disbursed and any balances);
  - b. Maintaining a separate account for each participant’s self-directed budget;
  - c. Tracking a participant funds, as approved by the DDA, and disbursements in accordance with Waiver program requirements;
  - d. Processing and paying invoices for Waiver program services in accordance with the DDA’s authorization; and
  - e. Preparing and distributing reports (e.g., budget status and expenditure reports) to participants, the DDA, and other entities as requested.
6. Additional Functions/activities such as provide other entities specified by the State with periodic reports of expenditures and the status of the self-directed budget.

Additional functions/activities:

**Execute and hold Medicaid provider agreements as authorized under a written agreement with the Medicaid agency**

**Receive and disburse funds for the payment of participant-directed services under an agreement with the Medicaid agency or operating agency**

**Provide other entities specified by the state with periodic reports of expenditures and the status of the participant-directed budget**

**Other**

*Specify:*

**iv. Oversight of FMS Entities.** Specify the methods that are employed to: (a) monitor and assess the performance of FMS entities, including ensuring the integrity of the financial transactions that they perform; (b) the entity (or entities) responsible for this monitoring; and, (c) how frequently performance is assessed.

The FMS provider is required to obtain annual independent financial audits.

On an annual basis, the DDA will conduct a representative sample review of Self-Directed Services participants’ budgets, billing, and payments.

If there are concerns about billing, the FMS provider may be referred to DDA and OLTSS auditing staff or to the Department’s Office of the Inspector General. A referral may also be made to Maryland’s Medicaid Fraud Control Unit, which may conduct audits when there is a strong likelihood of fraud.

## Appendix E: Participant Direction of Services

### E-1: Overview (9 of 13)

**j. Information and Assistance in Support of Participant Direction.** In addition to financial management services, participant direction is facilitated when information and assistance are available to support participants in managing their services. These supports may be furnished by one or more entities, provided that there is no duplication. Specify the payment authority (or authorities) under which these supports are furnished and, where required, provide the additional information requested (*check each that applies*):

**Case Management Activity.** Information and assistance in support of participant direction are furnished as an element of Medicaid case management services.

*Specify in detail the information and assistance that are furnished through case management for each participant direction opportunity under the waiver:*

A participant, enrolled in either Self-Directed Services or Traditional Services delivery model, must receive targeted case management services from a Coordinator of Community Services (CCS) that will support the participants, and their families, legal guardian, or designated representative (as applicable) with all of their complexity, strengths, and unique abilities to achieve self-determination, independence, productivity, integration, and inclusion in all facets of community life across the lifespan. This includes learning about options under the DDA’s Self-Directed Service Model, planning for the participant’s future, and accessing needed services and supports. The CCS promotes services that are planned and delivered in a manner that are timely executed to meet the participant’s needs as stated in their Person Centered Plan (PCP), that encourages self-sufficiency, health and safety, meaningful community participation, and the participant’s desired quality of life.

**Waiver Service Coverage.**

Information and assistance in support of participant direction are provided through the following waiver service coverage(s) specified in Appendix C-1/C-3 (check each that applies):

Participant-Directed Waiver Service	Information and Assistance Provided through this Waiver Service Coverage
Transportation	
Vehicle Modifications	
Supported Employment **ENDING JUNE 30, 2021**	
Environmental Assessment	
Community Development Services	
Employment Services **BEGINNING DECEMBER 1, 2019**	
Behavioral Support Services	
Personal Supports	
Nurse Case Management and Delegation Services**Ending March 2021**	
Medical Day Care	
Respite Care Services	
Environmental Modifications	
Nurse Consultation**ENDING March 2021**	

Participant-Directed Waiver Service	Information and Assistance Provided through this Waiver Service Coverage
Nurse Health Case Management**Ending March 2021**	
Nursing Support Services	
Participant Education, Training and Advocacy Supports	
Employment Discovery and Customization **ENDING JUNE 30, 2022**	
Housing Support Services	
Assistive Technology and Services	
Individual and Family Directed Goods and Services	
Family and Peer Mentoring Supports	
Family Caregiver Training and Empowerment Services	
Day Habilitation	
Career Exploration	
Support Broker Services	

**Administrative Activity.** Information and assistance in support of participant direction are furnished as an administrative activity.

*Specify (a) the types of entities that furnish these supports; (b) how the supports are procured and compensated; (c) describe in detail the supports that are furnished for each participant direction opportunity under the waiver; (d) the methods and frequency of assessing the performance of the entities that furnish these supports; and, (e) the entity or entities responsible for assessing performance:*

## Appendix E: Participant Direction of Services

### E-1: Overview (10 of 13)

**k. Independent Advocacy** *(select one).*

**No. Arrangements have not been made for independent advocacy.**

**Yes. Independent advocacy is available to participants who direct their services.**

*Describe the nature of this independent advocacy and how participants may access this advocacy:*

**Advocacy Specialists:**

1. Provide information, technical assistance, and training on self-direction, self-advocacy, and the availability of advocacy services across the State;
2. Provide feedback to DDA staff on communications with individuals receiving the DDA's Self-Directed Services delivery model;
3. Build relationships with self-advocates, self-advocacy groups and providers.
4. Provide and support other self-advocates to learn about and understand the DDA's self-directed services;
5. Provide general support to people receiving services from DDA; and
6. Develop and conduct additional training that meets the needs of Self-Advocates in their regions.

Advocates participate in various DDA trainings, committees, and workgroups; provide one-to-one information and technical assistance; provide one-to-one advocacy services; and make frequent contact with Coordinators of Community Service in order to assist participants seeking advocacy services related to the Self-Directed Services delivery model.

**PARTICIPANT ACCESS**

Participants may contact the advocates via telephone or email or at trainings to avail themselves of advocacy services. The advocates are available to provide assistance to address an issue of concern, training, technical assistance, and advocacy services to participants currently directing their own services or interested in self-directing their services. The advocates provide information, technical assistance, and advocacy via the internet, telephone, or in person as requested.

## Appendix E: Participant Direction of Services

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### E-1: Overview (11 of 13)

- l. Voluntary Termination of Participant Direction.** Describe how the state accommodates a participant who voluntarily terminates participant direction in order to receive services through an alternate service delivery method, including how the state assures continuity of services and participant health and welfare during the transition from participant direction:

The participant, legal guardian, or their designated representative (as applicable) may choose to terminate the participant's enrollment in the Self-Directed Services Model at any time without cause in order to receive services under the Traditional Services delivery model, directly from a provider.

In order to terminate participation in the Self-Directed Service Model and transition to the Traditional Services delivery model, the participant, legal guardian, or their designated representative (as applicable), must notify the participant's Coordinator of Community Services (CCS). The CCS will assist the participant in transitioning to the Traditional Services delivery model and selecting licensed/certified provider(s) to provide services. The CCS shall work with the participant, their designated representative, and their family to develop a transition plan to include strategies to ensure service continuity and assure the participant's health and welfare.

## Appendix E: Participant Direction of Services

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### E-1: Overview (12 of 13)

- m. Involuntary Termination of Participant Direction.** Specify the circumstances when the state will involuntarily terminate the use of participant direction and require the participant to receive provider-managed services instead, including how continuity of services and participant health and welfare is assured during the transition.

While enrolled in the Self-Directed Service Model, participants and their designated representatives are required to comply with the requirements set forth in this Waiver program application and all applicable federal, State, and local laws, regulations, and Department policies and procedures.

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

- 1) The participant no longer meets eligibility criteria for the waiver;
- 2) The participant’s PCP and/or self-directed services budget has not been submitted to DDA (for DDA’s review and approval) in a timely manner and this failure is attributable to the participant or their designated representative ;
- 3) The participant does not receive services under the Self-Directed Services Model, in accordance with the participant's Person-Centered Plan and annual budget, for 90 days or more, with the exception of extenuating circumstances;
- 4) The health, safety, or welfare of the participant is compromised by continued participation in the Self-Directed Service Model;
- 5) The rights of the participant are being compromised;
- 6) Failure of the participant, legal guardian, or the participant’s designated representative (as applicable) to comply with any applicable federal, State, or local law, regulation, policy, or procedure; or
- 7) Failure of the participant, legal guardian, or the participant’s designated representative (as applicable) to manage funds within the DDA-approved annual budget, including expending or attempting to expend funds inconsistent with the DDA-approved annual budget.

In the event the DDA restricts or terminates the participant’s enrollment in the Self-Directed Service Model in accordance with this section, the DDA shall notify in writing the participant, legal guardian, or their designated representative (as applicable), their Coordinator of Community Service (CCS), and the FMS provider. This notice shall include: (1) the date and basis of the DDA’s determination; and (2) the participant’s right to a Medicaid Fair Hearing as described in Appendix F.

The CCS shall work with the participant, legal guardian, or their designated representative (as applicable), and their family to develop a transition plan to include strategies to ensure service continuity and assure the participant’s health and welfare.

**Appendix E: Participant Direction of Services**

**E-1: Overview (13 of 13)**

**n. Goals for Participant Direction.** In the following table, provide the state's goals for each year that the waiver is in effect for the unduplicated number of waiver participants who are expected to elect each applicable participant direction opportunity. Annually, the state will report to CMS the number of participants who elect to direct their waiver services.

Table E-1-n

	Employer Authority Only	Budget Authority Only or Budget Authority in Combination with Employer Authority
Waiver Year	Number of Participants	Number of Participants
Year 1	<input type="text"/>	<input type="text" value="100"/>
Year 2	<input type="text"/>	<input type="text" value="200"/>
Year 3	<input type="text"/>	<input type="text" value="300"/>
Year 4	<input type="text"/>	<input type="text" value="325"/>
Year 5	<input type="text"/>	<input type="text" value="350"/>

**Appendix E: Participant Direction of Services**

**E-2: Opportunities for Participant Direction (1 of 6)**

**a. Participant - Employer Authority** Complete when the waiver offers the employer authority opportunity as indicated in Item E-1-b:

**i. Participant Employer Status.** Specify the participant's employer status under the waiver. *Select one or both:*

**Participant/Co-Employer.** The participant (or the participant's representative) functions as the co-employer (managing employer) of workers who provide waiver services. An agency is the common law employer of participant-selected/recruited staff and performs necessary payroll and human resources functions. Supports are available to assist the participant in conducting employer-related functions.

Specify the types of agencies (a.k.a., agencies with choice) that serve as co-employers of participant-selected staff:

**Participant/Common Law Employer.** The participant (or the participant's representative) is the common law employer of workers who provide waiver services. An IRS-approved Fiscal/Employer Agent functions as the participant's agent in performing payroll and other employer responsibilities that are required by federal and state law. Supports are available to assist the participant in conducting employer-related functions.

**ii. Participant Decision Making Authority.** The participant (or the participant's representative) has decision making authority over workers who provide waiver services. *Select one or more decision making authorities that participants exercise:*

**Recruit staff**

**Refer staff to agency for hiring (co-employer)**

**Select staff from worker registry**

**Hire staff common law employer**

**Verify staff qualifications**

**Obtain criminal history and/or background investigation of staff**

Specify how the costs of such investigations are compensated:

**Specify additional staff qualifications based on participant needs and preferences so long as such qualifications are consistent with the qualifications specified in Appendix C-1/C-3.**

Specify the state's method to conduct background checks if it varies from Appendix C-2-a:

**Determine staff duties consistent with the service specifications in Appendix C-1/C-3.**

**Determine staff wages and benefits subject to state limits**

**Schedule staff**

**Orient and instruct staff in duties**

**Supervise staff**

**Evaluate staff performance**

**Verify time worked by staff and approve time sheets**

**Discharge staff (common law employer)**

**Discharge staff from providing services (co-employer)**

**Other**

Specify:

## Appendix E: Participant Direction of Services

### E-2: Opportunities for Participant-Direction (2 of 6)

**b. Participant - Budget Authority** *Complete when the waiver offers the budget authority opportunity as indicated in Item E-1-b:*

**i. Participant Decision Making Authority.** When the participant has budget authority, indicate the decision-making authority that the participant may exercise over the budget. *Select one or more:*

**Reallocate funds among services included in the budget**

**Determine the amount paid for services within the state's established limits**

**Substitute service providers**

**Schedule the provision of services**

**Specify additional service provider qualifications consistent with the qualifications specified in Appendix C-1/C-3**

**Specify how services are provided, consistent with the service specifications contained in Appendix C-1/C-3**

**Identify service providers and refer for provider enrollment**

**Authorize payment for waiver goods and services**

**Review and approve provider invoices for services rendered**

**Other**

Specify:

## Appendix E: Participant Direction of Services

### E-2: Opportunities for Participant-Direction (3 of 6)

**b. Participant - Budget Authority**

**ii. Participant-Directed Budget** Describe in detail the method(s) that are used to establish the amount of the participant-directed budget for waiver goods and services over which the participant has authority, including how the method makes use of reliable cost estimating information and is applied consistently to each participant. Information about these method(s) must be made publicly available.

A participant's self-directed budget will be determined annually through a person-centered planning process and demonstrated assessed need. The participant's self-directed budget will encompass all services in their PCP and will be presented as part of the person centered planning process.

The following approach must be used for determining a participant's self-directed budget until the budget process is transitioned to the LTSSMaryland detail service authorization process noted below:

1. The Coordinator of Community Services (CCS) and Team will assess the needs of the participant through a person-centered planning processes;
2. The CCS and Team will develop a Person-Centered Plan to meet those needs and service request (expressed in service units and cost reimbursement services); and
3. The CCS will complete and submit the DDA Cost Detail Tool with the PCP. The Cost Detail Tool includes all available services and associated rate based on the traditional service delivery model. Annually, if approved by the General Assembly, the DDA applies a Cost of Living Adjustment (COLA) to traditional service rates which is updated in the Cost Detail Tool. The Cost Detail Tool establishes the overall budget and participants maintain full budget authority to pay their employees within reasonable and customary rates for each service. The required use of the Cost Detail Sheet for both participants using the self-directed and traditional service delivery models ensure fair and equitable funding regardless of the service model chosen.
4. The CCS submits the Person-Centered Plan with the Cost Detail Tool to the DDA Regional Office for approval.
5. Once the PCP and Cost Detail Sheet is approved by the DDA, the participant can then create or finalize their self-directed budget sheet and determine pay rates based on reasonable and customary program standards.

Effective January 1, 2021, during the initial, revised, and annual PCP planning processes, the participant's self-directed budget will be determined based on the approved LTSSMaryland PCP detailed service authorization. The LTSSMaryland PCP detailed service authorization form includes all available services and associated rate based on the traditional service delivery model. The required use of the LTSSMaryland PCP detailed service authorization for participants, enrolled in either the self-directed services or traditional services delivery models, ensure fair and equitable funding regardless of the service model chosen.

Information regarding the budget methodology for participant-directed budgets will be made available to the public via the federally approved waiver application, regulations, and a new self-directed services manual. The new manual is anticipated to be released in the Fall 2020 or sooner.

## Appendix E: Participant Direction of Services

### E-2: Opportunities for Participant-Direction (4 of 6)

#### b. Participant - Budget Authority

- iii. **Informing Participant of Budget Amount.** Describe how the state informs each participant of the amount of the participant-directed budget and the procedures by which the participant may request an adjustment in the budget amount.

The Coordinator of Community Services (CCS) will share information about the Waiver program to include the various services and supports and budget cap. Once the PCP is completed, the DDA reviews and authorizes the PCP based on the participant's needs. The DDA sends notice to the participant of the final approved budget.

The self-directed budget is based on the assessed service need, documented in the PCP, and traditional rates. Participants or their designated representative notifies their CCS regarding a new assessed Waiver program service need. A revised PCP and associated forms are completed to reflect the requested service(s) which is then submitted to DDA Regional Office for review. If approved, the revised PCP associated budget is then used to create the self-directed budget which is submitted to the team and FMS

If the DDA denies the request for a Waiver program service or reduces the approved budgeted amount, the participant has the right to request a Medicaid Fair Hearing as described in Appendix F.

## Appendix E: Participant Direction of Services

### E-2: Opportunities for Participant-Direction (5 of 6)

#### b. Participant - Budget Authority

##### iv. Participant Exercise of Budget Flexibility. *Select one:*

**Modifications to the participant directed budget must be preceded by a change in the service plan.**

**The participant has the authority to modify the services included in the participant directed budget without prior approval.**

Specify how changes in the participant-directed budget are documented, including updating the service plan. When prior review of changes is required in certain circumstances, describe the circumstances and specify the entity that reviews the proposed change:

## Appendix E: Participant Direction of Services

### E-2: Opportunities for Participant-Direction (6 of 6)

#### b. Participant - Budget Authority

**v. Expenditure Safeguards.** Describe the safeguards that have been established for the timely prevention of the premature depletion of the participant-directed budget or to address potential service delivery problems that may be associated with budget underutilization and the entity (or entities) responsible for implementing these safeguards:

The participant, legal guardian, and their designated representative (as applicable), with the support of the Coordinator of Community Service, and the FMS provider, will monitor funds spent on services and the projected spending for the participant's person-centered plan year. The FMS provider will provide a monthly report to the participant, legal guardian, and their designated representative (as applicable), with information related to expenditures and current balance.

The DDA will monitor: (1) the FMS provider for proper allocation of funding and services provided; and (2) the participant, legal guardian, and their designated representative (as applicable) for possible over- and under-utilization of services.

The use of a multi-layered review process ensures that potential budget problems are identified on a timely basis. When over- or under-utilization is "flagged," the Coordinator of Community Services, or their FMS provider contacts the participant and their legal guardian, or designated representative (as applicable) to assess the reasons for over- or under-utilization and whether technical assistance, further training, or changes in the plan and budget, such as a reprioritization of services, are required.

## Appendix F: Participant Rights

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### Appendix F-1: Opportunity to Request a Fair Hearing

The state provides an opportunity to request a Fair Hearing under 42 CFR Part 431, Subpart E to individuals: (a) who are not given the choice of home and community-based services as an alternative to the institutional care specified in Item 1-F of the request; (b) are denied the service(s) of their choice or the provider(s) of their choice; or, (c) whose services are denied, suspended, reduced or terminated. The state provides notice of action as required in 42 CFR §431.210.

**Procedures for Offering Opportunity to Request a Fair Hearing.** Describe how the individual (or his/her legal representative) is informed of the opportunity to request a fair hearing under 42 CFR Part 431, Subpart E. Specify the notice(s) that are used to offer individuals the opportunity to request a Fair Hearing. State laws, regulations, policies and notices referenced in the description are available to CMS upon request through the operating or Medicaid agency.

The DDA informs the individual and their family or their legal representative of the opportunity to request a Medicaid Fair Hearing by providing a written explanation of the right to appeal certain adverse decisions made by the DDA or the Maryland Department of Health (MDH). The types of decisions or actions of the DDA and MDH for which there is a right to a Medicaid Fair Hearing are described in 42 CFR § 431.220; Maryland Annotated Code Health-General Article § 7-406; and COMAR 10.01.04. Specifically, an individual will have an opportunity for a Medicaid Fair Hearing if they bring a claim that: (1) their application for eligibility for this Waiver program was denied; (2) they dispute DDA's determination of their priority on the waiting list; (3) DDA or MDH did not provide a determination on their application within 60 days from the date of application; (4) their request for services has been erroneously denied or not acted upon with reasonable promptness; or (5) DDA or MDH acted erroneously. See Maryland Annotated Code Health-General Article § 7-406; and COMAR 10.01.04.02.

Upon making a decision affecting an individual's receipt of services funded by the Waiver program, MDH provides a written letter notifying the individual of its adverse decision including Notice: Medicaid Fair Hearing Rights, as further described below. A copy of the final, signed notice is retained in the individual's file in LTSSMaryland.

To ensure the individual is informed of their rights, this letter is mailed to the individual's address of record, and, if applicable, their family or their legal representative, and specifies: (1) the MDH's decision, (2) the legal and factual basis of the MDH's decision; (3) a description of how to submit additional information for reconsideration; (4) an explanation of the individual's right to appeal the decision by requesting a Medicaid Fair Hearing ("an appeal") as explained in an enclosed notice; and (5) their right to continue to receive services pending the appeal. The Coordinator of Community Services (CCS) and authorized representative are copied on this letter to the individual. This letter is designed to be understandable so that individuals and their families have a full understanding of applicant's or participant's rights.

The e-notice of the applicant's or participant's rights in a Medicaid Fair Hearing that is enclosed with the DDA's decision letter is entitled, Notice: Medicaid Fair Hearing Rights. This form describes: (1) how to request a hearing; (2) the timeframe within which the hearing must be requested; (3) what a Medicaid Fair Hearing is; (4) that the individual may represent themselves or use legal counsel or appoint an Authorized Representative pursuant to COMAR 10.01.04.12; and (5) how to settle some (or all) of the issues in the appeal without having to go to hearing, including the option of a Case Resolution Conference as described in Appendix F-2 below. Also attached to the letter is a pre-addressed Hearing Request Form that the individual can use to request a Medicaid Fair Hearing to contest the decision by the DDA.

If an individual requires assistance in pursuing a Medicaid Fair Hearing, their CCS will assist. Per DDA's policy, a CCS can provide the following assistance to an individual in the appeal process: (1) explain the appeal process to an individual, family, guardian, or authorized representative; (2) assist with the completion of the required forms for appealing a DDA determination; and (3) assist the individual in completing and sending a request for reconsideration. A CCS cannot provide legal advice or assist in preparing for, facilitate, or represent the individual in a Medicaid Fair Hearing.

## Appendix F: Participant-Rights

### Appendix F-2: Additional Dispute Resolution Process

**a. Availability of Additional Dispute Resolution Process.** Indicate whether the state operates another dispute resolution process that offers participants the opportunity to appeal decisions that adversely affect their services while preserving their right to a Fair Hearing. *Select one:*

**No. This Appendix does not apply**

**Yes. The state operates an additional dispute resolution process**

**b. Description of Additional Dispute Resolution Process.** Describe the additional dispute resolution process, including: (a) the state agency that operates the process; (b) the nature of the process (i.e., procedures and timeframes), including the types of disputes addressed through the process; and, (c) how the right to a Medicaid Fair Hearing is preserved when a participant elects to make use of the process: State laws, regulations, and policies referenced in the description are available to CMS upon request through the operating or Medicaid agency.

The DDA also offers a dispute resolution process called a Case Resolution Conference (CRC), where the applicant or participant, their legal representative and/or other individuals supporting the applicant or participant with the applicant's or participant's consent (if applicable), and the DDA engage in discussions surrounding the DDA decision or action in question. A CRC is offered for any type of dispute for which an individual may request a Medicaid Fair Hearing (see Appendix F-1). A CRC provides an opportunity for an applicant/participant, their family, and their legal representatives to speak directly with the DDA staff to resolve a dispute before the applicant or participant's Medicaid Fair Hearing. Only one CRC is available per matter for which a Medicaid Fair Hearing is requested. The individual is informed that a CRC is not required prior to or as a substitute for a Medicaid Fair Hearing.

Not all issues can be resolved in the CRC process. If there is partial agreement, that agreement will be recorded and, if the case goes to the Medicaid Fair Hearing, only the remaining issues will be decided by the Maryland Office of Administrative Hearing (OAH). If there is no agreement, the participant and their family and/or legal representatives (if applicable) may precede to a Medicaid Fair Hearing.

#### Notification of Opportunity for a CRC & Requesting a CRC

All applicants/participants and their families and/or legal representatives (if applicable) are informed of the opportunity to engage in the CRC process when they receive the letter from DDA informing them of an adverse action pertaining to the Waiver program services, for which the applicant or participant may request a Medicaid Fair Hearing, as described in Appendix F-1 above. As noted in Appendix F-1 above, the Hearing Request Form permits the individual to request a CRC in addition to a Medicaid Fair Hearing. If the applicant or participant selects it, the DDA schedules the CRC prior to the Medicaid Fair Hearing.

Attached to the letter from DDA are two documents: (1) Notice: Medicaid Fair Hearing Rights and (2) a Hearing Request Form. In addition to describing the Medicaid Fair Hearing process, the Notice: Medicaid Fair Hearing Rights describes the CRC process and informs the applicant or participant of their opportunity to request a CRC. The Hearing Request Form includes a box to check if the applicant or participant wants to have a CRC as well as a Medicaid Fair Hearing.

#### CRC Discussion

The CRC is a forum in which the parties engage in discussion in order to reach some resolution as to the underlying matter. The following are potential areas of discussion:

- a. The positions of the applicant/participant and the DDA, and the bases for them;
- b. Whether the information submitted is sufficient for the DDA to make a determination on the request; and
- c. Whether the applicant/participant and the DDA are correctly interpreting and applying statutes, regulations, and policies to the facts presented.

#### CRC Structure & Processes

The CRC typically lasts approximately one (1) hour and the overall structure of the CRC is as follows:

- a. The moderator, a staff member of DDA not involved in the initial decision, introduces themselves and explains the process.
- b. The applicant/participant and their family and/or legal representatives (if applicable), have 10 minutes to explain the request, and why they think it should be granted.
- c. The DDA Regional Office representative has 10 minutes to explain why the request was denied.
- d. If the moderator thinks that the facts are not clear, or are misunderstood, they may ask that the parties discuss the facts at that time, so that everyone is working with the same set of facts. If this discussion resolves some or all of the disputes, the moderator reflects back the parties' areas of agreement and documents them.

e. If there are disputes still remaining, the moderator may meet separately with the applicant/participant (and any representative) and with the Regional Office representative (referred to as “separate sessions”). In each of these separate sessions, the moderator may explain and discuss the law, regulations, and policies that apply to the services requested, and may discuss whether they believe that the facts meet the criteria and why. The other person(s) will also discuss why they believe the facts do or do not meet the criteria, and why. The moderator may ask the parties to consider other facts or policies, but the final decision on whether there is any agreement belongs to the parties in dispute, rather than the moderator. Each separate session is limited to 10 minutes.

Nothing that is discussed in the separate sessions is revealed to the other side without the expressed approval of the parties in that session. This allows all parties to be completely open with their comments and questions, without concern that the other party will hear those comments and questions. Also, during the CRC, DDA regional office representatives may call or consult with their supervisors at any time to discuss any issue, and the moderator may call any DDA staff for clarification of policy or other matter.

f. In the remaining time, the parties meet together, with the moderator, to discuss whether their positions have changed and, if so, whether there are any issues that can be resolved. If there is resolution of part or all of the disputes, the moderator reflects back the areas of agreement and documents them. The parties sign the agreement. The moderator does not sign the agreement, since it is solely between the parties.

CRCs are scheduled by DDA’s Operations Office. MDH grants one CRC to occur before an individual’s Medicaid Fair Hearing. CRCs usually occur at one of DDA Regional Offices or other locations within a region. Separately, the Office of Administrative Hearings (OAH) schedules Medicaid Fair Hearings based on requirements in COMAR 10.01.04. Medicaid Fair Hearings occur at the OAH locations or locations convenient for participants, per OAH permission.

## Appendix F: Participant-Rights

### Appendix F-3: State Grievance/Complaint System

a. **Operation of Grievance/Complaint System.** *Select one:*

**No. This Appendix does not apply**

**Yes. The state operates a grievance/complaint system that affords participants the opportunity to register grievances or complaints concerning the provision of services under this waiver**

b. **Operational Responsibility.** Specify the state agency that is responsible for the operation of the grievance/complaint system:

c. **Description of System.** Describe the grievance/complaint system, including: (a) the types of grievances/complaints that participants may register; (b) the process and timelines for addressing grievances/complaints; and, (c) the mechanisms that are used to resolve grievances/complaints. 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).

## Appendix G: Participant Safeguards

### Appendix G-1: Response to Critical Events or Incidents

a. **Critical Event or Incident Reporting and Management Process.** Indicate whether the state operates Critical Event or Incident Reporting and Management Process that enables the state to collect information on sentinel events occurring in the waiver program. *Select one:*

**Yes. The state operates a Critical Event or Incident Reporting and Management Process** (*complete Items b through e*)

**No. This Appendix does not apply** (*do not complete Items b through e*)

If the state does not operate a Critical Event or Incident Reporting and Management Process, describe the process that the state uses to elicit information on the health and welfare of individuals served through the program.

**b. State Critical Event or Incident Reporting Requirements.** Specify the types of critical events or incidents (including alleged abuse, neglect and exploitation) that the state requires to be reported for review and follow-up action by an appropriate authority, the individuals and/or entities that are required to report such events and incidents and the timelines for reporting. State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

## Overview of DDA's Policy on Reportable Incidents and Investigations (PORII)

The DDA has established a Policy on Reportable Incidents and Investigations (PORII), which requires that all providers under Self-Directed Services and Traditional Services Delivery Models to report certain enumerated critical events or incidents to the DDA. The PORII is incorporated into DDA's regulations governing requirements for licensure for providers.

If a critical event or incident is governed by PORII, then the provider, who is providing services at the time of the incident, must report the event or incident in the DDA's software database called the "Provider Consumer Information System" (PCIS2). As further detailed in PORII, either the DDA or the Office of Health Care Quality (OHCQ) review each reported event or incident, depending on the classification. OHCQ is the DDA's designee within the Maryland Department of Health, responsible for conducting survey and investigative activities to monitor regulatory compliance, on DDA's behalf, pertaining to provider licensure. The DDA, OHCQ, and OLTSS all have direct access to review reported events or incidents in PCIS2.

PORII also requires that certain events or incidents be reported to external entities such as the State's Protection and Advocacy organization (Disability Rights Maryland), Adult Protective Services, Child Protective Services (as applicable), law enforcement, and any applicable Health Occupations licensing boards (e.g., Maryland Board of Nursing).

### Classification of Events or Incidents

Type 1 Incidents include: abuse, neglect, death, hospital admissions or emergency room visits, injury, medication error, and choking. Abuse includes: physical abuse; verbal abuse; mental abuse; sexual abuse; and any action or inaction that deprives an individual in DDA funded services of the ability to exercise their legal rights, as articulated in State or federal law including seclusion.

All providers to whom PORII applies must report all Type 1 incidents to DDA immediately upon discovery. The completed Incident Report must be received by the OHCQ, the State Protection and Advocacy agency, CCS, and the DDA regional office within one working day of discovery. In addition, DDA providers must also complete an Agency Investigation Report (AIR) that includes updated information based on the provider's investigation of the incidents, remediation and preventive strategies, and additional services and supports that may be needed. The AIR must be received within 10 working days of discovery.

Type 2 Incidents include: law enforcement, fire department, or emergency medical services involvement; theft of an individual's property or funds; unexpected or risky absence; restraints; and any other incident not otherwise defined in the policy that impacts or may impact the health or safety of an individual person. Restraints includes: any physical, chemical or mechanical intervention used to impede an individual's physical mobility or limit free access to the environment and /or to control acute, episodic behavior including those that are approved as part of the Person-Centered Plan or those used on an emergency basis.

All providers to whom PORII applies must submit an initial report of Type 2 incidents within one working day to the DDA Regional Office, the participant's family/legal guardian/advocate(s), and the participant's Coordinator of Community Service (CCS).

Internally Investigated Incidents are outlined in the PORII and include events such as physical aggression, planned hospital admissions, and minor injuries that require minor routine treatment. A listing of all internally investigated incidents which occurred during the prior quarterly period for all DDA service providers is accessible through the DDA Provider Consumer Information System (PCIS2).

All provider staff to whom PORII applies must report "Internally Investigated Incidents" within one working day of discovery to the provider's director or designee.

### Incidents involving Participants in Home Environment

When a participant who resides with their family experiences a critical incident that jeopardizes the participant's health and safety, the CCS will seek the assistance of law enforcement, Child Protective Services, or Adult Protective Services, each of which having the authority to remove the alleged perpetrator or the victim from the home to ensure safety.

**c. Participant Training and Education.** Describe how training and/or information is provided to participants (and/or families or legal representatives, as appropriate) concerning protections from abuse, neglect, and exploitation, including how participants (and/or families or legal representatives, as appropriate) can notify appropriate authorities or entities when the participant may have experienced abuse, neglect or exploitation.

The Coordinator of Community Service (CCS) provides and reviews with the participant, and their legal representative and family, the participant's Rights and Responsibilities, annually. The participant's Rights and Responsibilities are generally set forth in the Maryland Annotated Code, Health-General Article Title 7, Subtitle 10 and include the participant's right to be free from abuse, neglect, and exploitation. The Rights and Responsibilities form also explains how the participant can notify proper authorities when problems arise or the participant has complaints or concerns, including law enforcement, Adult Protective Services, Child Protective Services, the CCS, the DDA, and OHCQ. After review with the CCS, the participant or their legal representative signs the form acknowledging receipt.

The DDA Director of Family Supports, and Regional Office Advocacy Specialists also provide information, training, and webinars related to protections and how to report.

DDA providers must ensure a copy of the PORII and the provider's internal protocol on incident management is available to participants receiving services, their parents or guardians, and advocates.

The PORII and all necessary forms are also available on the DDA website.

In addition, COMAR 10.01.18 requires that DDA-licensed vocational and day services programs adopt Sexual Abuse Awareness and Prevention Training, including mandatory reporting requirement, for both its staff and participants.

**d. Responsibility for Review of and Response to Critical Events or Incidents.** Specify the entity (or entities) that receives reports of critical events or incidents specified in item G-1-a, the methods that are employed to evaluate such reports, and the processes and time-frames for responding to critical events or incidents, including conducting investigations.

### Entities Receiving Notification of Incident Report

The DDA, OLTSS, OHCQ, and CCS receive notification of all Type I incidents submitted in the PCIS2 system. The DDA and CCS also receive notification of all Type II incidents submitted.

PORII also requires that certain events or incidents be reported to external entities such as the State's Protection and Advocacy organization (Disability Rights Maryland), Adult Protective Services, Child Protective Services (as applicable), law enforcement, and any applicable Health Occupations licensing boards (e.g., Maryland Board of Nursing). All allegations of abuse or neglect must be reported to the State's Protection and Advocacy organization, Child or Adult Protective Services, and local law enforcement.

The provider is required to notify the participant's authorized representative(s) (e.g. family, legal guardian, etc.) that an incident report has been submitted. The authorized representative(s) of the participant may request a copy of the incident report in accordance with the State's Public Information Act.

### Initial Screening

OHCQ's triage staff reviews all reported Type 1 incidents and DDA staff reviews all reported Type 2 incidents. Dependent on the classification, either DDA's or OHCQ's staff performs an initial screening of each reported incident, within one working day of receipt, to determine if that incident poses immediate jeopardy to a participant and, therefore, warrants immediate investigation.

The staff reviews each report and notifies its respective supervisor – OHCQ's DD Investigation's Unit Manager or DDA's Regional Quality Enhancement Director – of the need to evaluate the report for appropriate assignment based upon the severity and scope of the incident.

If, during the initial screening or evaluation, DDA reviews a Type 2 incident and reasonably believes that the incident should be classified as a Type 1 incident, then the DDA will refer the incident to OHCQ for further review and possible investigation.

In addition, the content of the written report is evaluated to ensure the following information is included:

1. The participant is not in immediate danger;
2. When applicable, law enforcement and/or adult/child protective services have been contacted;
3. Staff suspected of abuse or neglect have been suspended from duty;
4. The participant has received needed intervention and health care;
5. Systemic and/or environmental issues have been identified and emergently handled.

If this information is not included in the initial report, the staff will contact the provider to ascertain the status of the participant and ensure the participant's health and safety. If the agency does not provide the information within a reasonable time frame (no later than 48 hours after initial review of the report by triage staff), then the provider's lack of response will influence the decision to begin an on-site investigation or activity more quickly.

### Evaluation of Reports

#### TYPE 1 INCIDENTS - OHCQ

##### Evaluation

The OHCQ utilizes a triage committee to review all Type 1 incidents, including those that may have been assigned on an emergency basis. The committee performs a comprehensive review of the reported incidents. In its evaluation, the committee takes into consideration the number and frequency of reportable incidents or complaints attributed to the provider and the quality of the provider's internal investigations. The committee also reviews submitted Agency Incident Reports (AIR), to ensure appropriate actions were taken by the provider in response to an incident. Incidents which may have been previously determined to not require investigation may be re-categorized based on information received in an AIR.

## Investigation

OHCQ has the authority to investigate any DDA providers on behalf of the DDA. OHCQ does not have the authority to investigate a participant's non-licensed home environment. However, in those circumstances, OHCQ will refer the matter to appropriate authorities such as law enforcement, Child Protective Services, or Adult Protective Services.

If the incident warrants further investigation, the OHCQ conducts investigations through on-site inspections, interviews, or reviews of relevant records and documents. The OHCQ initiates investigations based on the priority classification of the incident (as defined in PORII).

During the investigation of an incident, an OHCQ investigator reviews the AIR and related documentation. The investigator(s) will make their best effort to interview all persons with knowledge of the incident, including, but not limited to: the participant receiving services, their guardian or family member(s), the provider's direct care and administrative staff who were involved in the incident, etc. The investigator also makes direct observations of the participant in their environment. When possible, evidence is corroborated between interviews, record reviews, and observations. Deficiencies are, to the extent practicable, cited at an exit conference held upon completion of the on-site investigation. Investigations are completed, whenever possible, within 45 working days of initiation.

The authorized representative(s) of the participant may request investigation results, as documented in OHCQ's Statement of Deficiencies, in accordance with the State's Public Information Act.

## TYPE 2 INCIDENTS – DDA

### Evaluation

DDA staff review each report for completeness and for evidence of the provider's actions to safeguard the health and safety of the participant or others. In its evaluation, the DDA determines if intake information is sufficient to determine dangerous conditions are not present and ongoing. If, based on review of the report, including the AIR, DDA staff is unable to determine that action has been taken by the provider to protect the participant from harm, then the DDA staff will intervene. Depending on the circumstances, the DDA may intervene by contacting the DDA provider or conducting an on-site visit.

DDA will also evaluate the Incident report AIR, and any subsequent correspondence and determine appropriate DDA follow-up which may include: (1) investigation; (2) referring the matter to OHCQ, law enforcement, or protective services; (3) generalized training; (4) provider specific training; and (5) technical assistance.

An incident report that is incomplete or contains errors will result in an email from the DDA staff to the DDA provider requesting revision to the incident report and resubmission of a complete and correct report.

When a provider reports three or more incidents that involve the same participant within a four-week period, the DDA will determine, based upon the provider's compliance history and nature of the incidents, whether an on-site visit is warranted.

## INCIDENTS OUTSIDE OF A SITE OR SERVICE LICENSED BY MDH

When an incident is alleged to have occurred outside of a site or service licensed by MDH, the CCS and service providers will seek the assistance of appropriate authorities for review and investigation such as local law enforcement, Child Protective Services, or Adult Protective Services. The OHCQ, DDA, or OLTSS may also refer the incident to the appropriate entities or jurisdictions for their review and investigation.

When indicated, incidents are referred to the Maryland Office of the Attorney General's Medicaid Fraud Control Unit for consideration of filing criminal charges. When an incident involves legal issues for the participant, it may be referred to the State's Protection and Advocacy organization.

## DEATHS

OHCQ refers all reported deaths to the OHCQ's Mortality Investigation Unit for review and investigation. The OHCQ Mortality Investigation Unit evaluates death reports, determines priority for investigations, and conducts investigations using its own policies and procedures. The OHCQ Mortality Investigation Unit submits its findings to the Department of

Health's Mortality and Quality Review Committee (MQRC). The MQRC is independent of the OHCQ and DDA and reviews the investigations of all deaths of participants that occur in DDA-licensed settings and services.

- e. Responsibility for Oversight of Critical Incidents and Events.** Identify the state agency (or agencies) responsible for overseeing the reporting of and response to critical incidents or events that affect waiver participants, how this oversight is conducted, and how frequently.

The DDA and OLTSS are responsible for oversight of the incident reporting system.

On a quarterly basis, the DDA reviews and analyzes various information including: (1) the types of incidents; (2) participant characteristics; (3) type of providers; and (4) timeliness of reporting and investigations. This information is collected via the DDA incident reporting data system and tracking reports. The DDA also uses national experts, surveys, mortality reports, and research institutes to assist with its analysis, trending, and development of system improvement strategies.

The DDA's Director of Nursing and Regional Office Nurses ("DDA's Nursing Staff") review statewide and region specific incidents related to health and safety, including all deaths. The DDA's Nursing Staff then recommends training or educational alerts to address any concerns or trends identified.

In some instances, the DDA's Regional Office Nurse may do an on-site survey to review the provider's notes related to the provision of nursing services. The DDA's Regional Office Nurse's review of incidents allows for trend identification and provider specific action that may lead to remediation. The DDA's Regional Office Nurses provide ongoing technical and follow-up assistance to community nurses, providers, CCSs, participants, and their families.

The OLTSS has the authority to investigate or review any event or issue of a serious nature that does or has the potential to negatively impact on the health, welfare, and safety of waiver participants. The OLTSS also uses its oversight of DDA's execution of delegated functions to ensure that the established procedures are being implemented as intended.

## Appendix G: Participant Safeguards

### Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (1 of 3)

- a. Use of Restraints.** *(Select one): (For waiver actions submitted before March 2014, responses in Appendix G-2-a will display information for both restraints and seclusion. For most waiver actions submitted after March 2014, responses regarding seclusion appear in Appendix G-2-c.)*

**The state does not permit or prohibits the use of restraints**

Specify the state agency (or agencies) responsible for detecting the unauthorized use of restraints and how this oversight is conducted and its frequency:

**The use of restraints is permitted during the course of the delivery of waiver services.** Complete Items G-2-a-i and G-2-a-ii.

- i. Safeguards Concerning the Use of Restraints.** Specify the safeguards that the state has established concerning the use of each type of restraint (i.e., personal restraints, drugs used as restraints, mechanical restraints). State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

#### USE OF ALTERNATIVE METHODS TO AVOID THE USE OF RESTRAINTS

DDA is committed to the use of positive behavioral interventions and supports for all participants. This includes an emphasis upon the use of non-restrictive behavioral procedures and the reduction of physical restraints.

Positive behavior interventions are based on a tiered system that always begins with positive interactions before moving to formalized restrictive techniques.

1. Tier 1 includes providing positive interactions, choice making, and predictable and proactive settings or environments.
2. Tier 2 focuses on: (i) social, communication, emotional, and physiological intervention or therapies; (ii) mobile crisis teams; and (iii) behavioral respite based on trauma informed care.
3. Tier 3 is the use of restrictive techniques based on a functional assessment and approved strategies developed and approved in the Behavior Plan.

#### METHOD OF DETECTING UNAUTHORIZED USE OF RESTRAINTS

The following strategies are used to detect unauthorized use of restraints:

1. The Coordinator of Community Service (CCS) provides each participant and their legal representative and family members with information about how to report incidents to DDA. This information is also available on the DDA's website as a reference.
2. The CCS conducts quality monitoring and follow up activities on a quarterly basis, during which unauthorized restraints can be detected.
3. DDA's regulations require all DDA providers to take appropriate and reasonable steps to assure participants' health and safety – including overseeing their staff. Providers conduct staff performance evaluations and monitoring activities to ensure each staff member is knowledgeable of applicable policies, person specific strategies, and reporting requirements.
4. As specified further in Appendix G-1, the PORII requires providers to report certain incidents, including unauthorized use of restraints to the DDA.
5. Anyone can call the DDA, OLTSS, or OHCQ to file a complaint, including the unauthorized use of restraints or seclusion on a participant. In addition, complaints can be filed anonymously via the OHCQ website.

#### RESTRAINT PROTOCOLS

DDA providers are required to comply with applicable regulations governing the development of Behavior Plans, provision of Behavioral Support Services (BSS), and use of restraints as per the Code of Maryland Regulations (COMAR) 10.22.10 which is further described in this section. The DDA's BSS are designed to assist participants, who exhibit challenging behaviors, in acquiring skills, gaining social acceptance, and becoming full participants in their community.

The emergency use of restraints is permitted in limited circumstances – when the participant presents a danger to the health or safety of themselves or herself or serious bodily harm to others. The use of seclusion is prohibited. DDA providers are required to document and report the use of emergency restraints in accordance with PORII.

DDA's regulations specify that DDA providers must ensure that a Behavior Plan (BP) is developed for each participant for whom it is required and must:

1. Represent the least restrictive, effective alternative or the lowest effective dose of a medication;
2. Be implemented only after other methods have been systematically tried, and objectively determined to be ineffective;
3. Be developed, in conjunction with the team, by qualified professionals who have training and experience in applied behavior analysis;
4. Be based on and include:
  - a. a functional analysis or assessment of each challenging behavior as identified in the Person-Centered Plan;
  - b. specify the behavioral objectives for the participant; and
  - c. a description of the hypothesized function of current behaviors, including their frequency and severity and criteria for determining achievement of the objectives established;
5. Take into account the medical condition of the participant, describing the medical treatment techniques

and when the techniques are to be used;

6. Specify the emergency procedures to be implemented for the participant with a history of exhibiting behaviors that present a danger to self or serious bodily harm to others, including a description of the adaptive skills to be learned by the participant that serve as functional alternatives to the challenging behavior or behaviors to be decreased;
7. Identify the person or persons responsible for monitoring the BP;
8. Specify the data to be collected to assess progress towards meeting the BP's objectives; and
9. Ensure that each use of mechanical and physical restraint, the reason for its use, and the length of time used is described and documented, as a part of data collection.

Before implementation, the licensee shall ensure that each BP, which includes the use of restrictive techniques:

1. Includes written informed consent of the: (a) participant; (b) participant's legal guardian; or (c) surrogate decision maker as defined in Title 5, Subtitle 6 of the Health-General Article of the Maryland Annotated Code;
2. Is approved by the PCP team; and
3. Is approved by the standing committee as specified in regulations.

Before a DDA provider discontinues a Behavior Plan, the team and an individual, appropriately licensed under Health Occupations Article with training and experience in applied behavior analysis, shall recommend that the participant no longer needs a Behavior Plan.

#### PRACTICES TO ENSURE THE HEALTH AND SAFETY OF PARTICIPANTS

As required by DDA's regulations, the use of any restrictive technique must be described in an approved Behavior Plan (BP). The licensed provider shall:

1. Ensure staff are trained on the specific restrictive techniques and strategies;
2. Collect and present objective data to the authorizing licensed health care practitioner to indicate whether the restrictive technique being used is effective in reducing the participant's challenging behavior;
3. Report unauthorized restraints;
4. Convene the team within 5 calendar days after an emergency use of a restrictive technique to review the situation and action taken;
5. Determine subsequent action, including whether the development or modification of a Behavior Plan is necessary; and
6. Document that applicable regulatory requirements have been met.

DDA providers shall ensure that its staff do not use:

1. Any method or technique prohibited by law, including aversive techniques;
2. Any method or technique that deprives a participant of any basic right specified in Title 7 of the Health-General Article of the Maryland Annotated Code or other applicable law, (e.g., access to a telephone; right to share room with a spouse; visitors; access to clothing and personal effects; vote; receive, hold, or dispose of personal property; and receive services), except as permitted in regulations;
3. Seclusion;
4. A room from which egress is prevented; or
5. A program which results in a nutritionally inadequate diet.

In addition, DDA Quality Enhancement staff review use of restraints to identify remediation efforts or any preventive measures to reduce or eliminate restraint use.

#### REQUIRED DOCUMENTATION OF USE OF RESTRAINTS

DDA providers must document all use of restraints and restrictive techniques in the participant's record, including the specific technique, reasons for use, and length of time used. Antecedent, behavior, consequence data are reviewed as part of monitoring of the BP.

In addition, PORII requires that a provider report any unauthorized use of restraints.

#### EDUCATION AND TRAINING REQUIREMENTS

In addition to training specific to a participant's BP, DDA's regulations require that all individuals providing behavioral supports and implementing a BP must receive training on the principles of behavioral change and

on appropriate methods of preventing or managing challenging behaviors. In addition, family members will receive the necessary support and training to implement these positive behavior interventions as well.

- ii. State Oversight Responsibility.** Specify the state agency (or agencies) responsible for overseeing the use of restraints and ensuring that state safeguards concerning their use are followed and how such oversight is conducted and its frequency:

The DDA, OLTSS, and OHCQ are responsible for overseeing the use of restraints and ensuring that State safeguards concerning their use are followed.

**METHOD OF DETECTING UNAUTHORIZED USE, OVER USE OR INAPPROPRIATE OR INEFFECTIVE USE OF RESTRAINTS AND ALL APPLICABLE STATE REQUIREMENTS ARE FOLLOWED**

1. The DDA and OHCQ monitor DDA providers and ensure that services, including Behavioral Support Services, are delivered in accordance with the Person-Centered Plan (PCP) and, if applicable, the Behavior Plan (BP).
  - a. The OHCQ conducts regulatory site visits of DDA providers to ensure that providers are providing services in accordance with applicable regulations, the PCP, and BP.
  - b. DDA staff conduct on-site interviews with participants and the DDA provider's staff during visits and ascertain that services, including Behavioral Support Services, are delivered in accordance with plans and that the participant is satisfied with services being received.
2. The OHCQ, DDA, and OLTSS conduct unannounced visits and observations of DDA providers, including interviewing participants, to gauge quality of services, identify needs and concerns, and follow up on any areas of concern. Interviews of participants may be conducted in a private area, especially when the nature of the conversation involves the present staff.
3. The OLTSS conducts independent reviews and investigations, including reviewing a sample of participants' records to ensure that services were provided in accordance with applicable requirements and assurances and were based on assessed needs, the PCP, SFP, and BP.

**DATA USE STRATEGIES**

1. DDA and OHCQ meet on a quarterly basis to review data analysis and trends and discuss participant specific and systemic issues identified during their respective investigations and reviews of survey reports.
2. Data collected as part OHCQ's and DDA's monitoring activities of Behavioral Support Services is analyzed and provided to the Statewide Behavioral Supports Committee (SBSC). The SBSC's mission is to promote and monitor the safe, effective, and appropriate use of behavior change techniques and provide recommendations to the DDA. DDA uses recommendations from the SBSC to make systemic improvements in the provision of Behavioral Support Services for participants receiving waiver services.
3. DDA will also share data and trends with the DDA Quality Advisory Council for input on system improvement strategies.

**METHOD FOR OVERSEEING THE OPERATION OF THE INCIDENT MANAGEMENT SYSTEM AND FREQUENCY**

The DDA uses quarterly and annual quality reports, based on performance measure data and system outcomes, to oversee and continuously assess the effectiveness of the incident management system.

## Appendix G: Participant Safeguards

### Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (2 of 3)

- b. Use of Restrictive Interventions.** (*Select one*):

**The state does not permit or prohibits the use of restrictive interventions**

Specify the state agency (or agencies) responsible for detecting the unauthorized use of restrictive interventions and

how this oversight is conducted and its frequency:

**The use of restrictive interventions is permitted during the course of the delivery of waiver services** Complete Items G-2-b-i and G-2-b-ii.

- i. Safeguards Concerning the Use of Restrictive Interventions.** Specify the safeguards that the state has in effect concerning the use of interventions that restrict participant movement, participant access to other individuals, locations or activities, restrict participant rights or employ aversive methods (not including restraints or seclusion) to modify behavior. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency.

**RESTRICTIVE INTERVENTIONS**

The State defines restraints (restrictive interventions) as “Any physical, chemical or mechanical intervention used to impede an individual’s physical mobility or limit free access to the environment and /or to control acute, episodic behavior including those that are approved as part of an individual’s plan or those used on an emergency basis.”

Generally, as further detailed in Appendix G-2-a-i, DDA is committed to providing positive behavioral interventions and supports for all participants. This includes an emphasis upon the use of non-restrictive behavioral procedures and the reduction of physical restraints.

DDA provides the same safeguards for use of restrictive interventions as it does restrictive techniques, which is set forth in Appendix G-2-a-i.

- ii. State Oversight Responsibility.** Specify the state agency (or agencies) responsible for monitoring and overseeing the use of restrictive interventions and how this oversight is conducted and its frequency:

The DDA, OLTSS, and OHCQ are responsible for overseeing the use of restraints and ensuring that State safeguards concerning their use are followed.

DDA, OLTSS, and OHCQ perform the same oversight activities regarding use of restrictive interventions as it does restrictive techniques, which is set forth in Appendix G-2-a-ii.

## Appendix G: Participant Safeguards

### Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (3 of 3)

- c. Use of Seclusion.** *(Select one): (This section will be blank for waivers submitted before Appendix G-2-c was added to WMS in March 2014, and responses for seclusion will display in Appendix G-2-a combined with information on restraints.)*

**The state does not permit or prohibits the use of seclusion**

Specify the state agency (or agencies) responsible for detecting the unauthorized use of seclusion and how this oversight is conducted and its frequency:

**STATE’S METHOD OF DETECTING UNAUTHORIZED USE OF SECLUSION**

1. The DDA and OHCQ monitor DDA providers and ensure that services, including Behavioral Support Services, are delivered in accordance with the Person-Centered Plan (PCP) and, if applicable, the Behavior Plan (BP).
  - a. The OHCQ conducts regulatory site visits of licensed providers to ensure that providers are providing services in accordance with applicable regulations, the PCP, and BP.
  - b. DDA staff conduct on-site interviews with participants and the DDA provider’s staff during visits and ascertain that services, including Behavioral Support Services, are delivered in accordance with plans and that the participant is satisfied with services being received.
2. The OHCQ, DDA, and OLTSS conduct unannounced visits and observations of DDA providers, including interviewing participants, to gauge quality of services, identify needs and concerns, and follow up on any areas of concern. Interviews of participants may be conducted in a private area, especially when the nature of the conversation involves the present staff.
3. The OLTSS conducts independent reviews and investigations, including reviewing a sample of participants’ records to ensure that services were provided in accordance with applicable requirements and assurances and were based on assessed needs, the PCP, SFP, and BP.

**The use of seclusion is permitted during the course of the delivery of waiver services.** Complete Items G-2-c-i and G-2-c-ii.

**i. Safeguards Concerning the Use of Seclusion.** Specify the safeguards that the state has established concerning the use of each type of seclusion. State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**ii. State Oversight Responsibility.** Specify the state agency (or agencies) responsible for overseeing the use of seclusion and ensuring that state safeguards concerning their use are followed and how such oversight is conducted and its frequency:

**Appendix G: Participant Safeguards**

**Appendix G-3: Medication Management and Administration (1 of 2)**

*This Appendix must be completed when waiver services are furnished to participants who are served in licensed or unlicensed living arrangements where a provider has round-the-clock responsibility for the health and welfare of residents. The Appendix does not need to be completed when waiver participants are served exclusively in their own personal residences or in the home of a family member.*

**a. Applicability.** Select one:

**No. This Appendix is not applicable** (do not complete the remaining items)

**Yes. This Appendix applies** (complete the remaining items)

**b. Medication Management and Follow-Up**

**i. Responsibility.** Specify the entity (or entities) that have ongoing responsibility for monitoring participant medication regimens, the methods for conducting monitoring, and the frequency of monitoring.

- ii. Methods of State Oversight and Follow-Up.** Describe: (a) the method(s) that the state uses to ensure that participant medications are managed appropriately, including: (a) the identification of potentially harmful practices (e.g., the concurrent use of contraindicated medications); (b) the method(s) for following up on potentially harmful practices; and, (c) the state agency (or agencies) that is responsible for follow-up and oversight.

## Appendix G: Participant Safeguards

### Appendix G-3: Medication Management and Administration (2 of 2)

#### c. Medication Administration by Waiver Providers

**Answers provided in G-3-a indicate you do not need to complete this section**

- i. Provider Administration of Medications.** *Select one:*

**Not applicable.** *(do not complete the remaining items)*

**Waiver providers are responsible for the administration of medications to waiver participants who cannot self-administer and/or have responsibility to oversee participant self-administration of medications.** *(complete the remaining items)*

- ii. State Policy.** Summarize the state policies that apply to the administration of medications by waiver providers or waiver provider responsibilities when participants self-administer medications, including (if applicable) policies concerning medication administration by non-medical waiver provider personnel. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

- iii. Medication Error Reporting.** *Select one of the following:*

**Providers that are responsible for medication administration are required to both record and report medication errors to a state agency (or agencies).**

*Complete the following three items:*

- (a) Specify state agency (or agencies) to which errors are reported:

- (b) Specify the types of medication errors that providers are required to *record*:

- (c) Specify the types of medication errors that providers must *report* to the state:

**Providers responsible for medication administration are required to record medication errors but make information about medication errors available only when requested by the state.**

Specify the types of medication errors that providers are required to record:

**iv. State Oversight Responsibility.** Specify the state agency (or agencies) responsible for monitoring the performance of waiver providers in the administration of medications to waiver participants and how monitoring is performed and its frequency.

## Appendix G: Participant Safeguards

### Quality Improvement: Health and Welfare

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

#### a. Methods for Discovery: Health and Welfare

*The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare. (For waiver actions submitted before June 1, 2014, this assurance read "The State, on an ongoing basis, identifies, addresses, and seeks to prevent the occurrence of abuse, neglect and exploitation.")*

##### i. Sub-Assurances:

**a. Sub-assurance:** *The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death. (Performance measures in this sub-assurance include all Appendix G performance measures for waiver actions submitted before June 1, 2014.)*

##### Performance Measures

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

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

##### Performance Measure:

**HW PM1-#/% of confirmed incidents of abuse, neglect, exploitation, and unexplained death for which correction actions executed or planned by appropriate entity in required timeframe. N = number of confirmed incidents of abuse, neglect, exploitation, and unexplained death for which corrective actions executed or planned by appropriate entity in required time frame. D = number of incidents reviewed.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**Record Review**

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval =  <input type="text" value="95% +/-5%"/>
<b>Other</b> Specify:  <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group:  <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify:  <input type="text"/>
	<b>Other</b> Specify:  <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify:	<b>Annually</b>

<b>Responsible Party for data aggregation and analysis</b> (check each that applies):	<b>Frequency of data aggregation and analysis</b> (check each that applies):
<input type="text"/>	
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

**Performance Measure:**

**HW PM2 - Number and percent of participants who received information about how to identify and report abuse, neglect, and exploitation. Numerator = number of participants who received information about reporting abuse, neglect, and exploitation. Denominator = number of participants reviewed.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**Participant Record Review**

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text" value="95% +/-5%"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify:

		<input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis(check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

**b. Sub-assurance:** *The state demonstrates that an incident management system is in place that effectively resolves those incidents and prevents further similar incidents to the extent possible.*

**Performance Measures**

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

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

**Performance Measure:**

**HW - PM3 Number and percent of incidents with investigation initiated within the**

**required timeframe. Numerator = number of incidents with investigation initiated within the required timeframe. Denominator = number of records reviewed.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**OHCQ Record Review**

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text" value="95% +/-5%"/>
<b>Other</b> Specify: <input type="text" value="OHCQ"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

**Performance Measure:**

**HW - PM 4 Number and percent of incidents with investigation completed within the required timeframe. Numerator = number of incidents with investigation completed within the required timeframe. Denominator = number of records reviewed.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**OHCQ Record Review**

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text" value="95% +/-5%"/>
<b>Other</b> Specify: <input type="text" value="OHCQ"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>

	<b>Continuously and Ongoing</b>	<b>Other</b> Specify:  <input type="text"/>
	<b>Other</b> Specify:  <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> ( <i>check each that applies</i> ):	<b>Frequency of data aggregation and analysis</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify:  <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify:  <input type="text"/>

**Performance Measure:**

**HW - PM 5 Number and percent of critical incidents systemic interventions implemented. Numerator = number of critical incidents systemic interventions implemented. Denominator = number of critical incidents systemic interventions.**

**Data Source** (Select one):

**Record reviews, on-site**

If 'Other' is selected, specify:

<b>Responsible Party for data collection/generation</b> ( <i>check each that applies</i> ):	<b>Frequency of data collection/generation</b> ( <i>check each that applies</i> ):	<b>Sampling Approach</b> ( <i>check each that applies</i> ):
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<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis (check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>

<b>Responsible Party for data aggregation and analysis</b> (check each that applies):	<b>Frequency of data aggregation and analysis</b> (check each that applies):
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>

**c. Sub-assurance: The state policies and procedures for the use or prohibition of restrictive interventions (including restraints and seclusion) are followed.**

**Performance Measures**

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

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

**Performance Measure:**

**HW - PM 6 Number and percent of incidents of restraint where proper procedures were followed. Numerator = number of incidents of restraint where proper procedures were followed. Denominator = number of incidents of restraint reviewed.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**Restraint Record Review**

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div style="border: 1px solid black; padding: 2px; display: inline-block;">95% +/-5%</div>
<b>Other</b> Specify:	<b>Annually</b>	<b>Stratified</b> Describe Group:

<input type="text"/>		<input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

Responsible Party for data aggregation and analysis ( <i>check each that applies</i> ):	Frequency of data aggregation and analysis( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

**d. Sub-assurance:** *The state establishes overall health care standards and monitors those standards based on the responsibility of the service provider as stated in the approved waiver.*

**Performance Measures**

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

*For each performance measure, provide information on the aggregated data that will enable the State to*

analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

**Performance Measure:**

**Per guidance received at 2017 HCBS Conference, this is not applicable to Community Supports Waiver as there are no residential services.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

N/A

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text"/>
<b>Other</b> Specify: <input type="text" value="N/A"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text" value="N/A"/>
	<b>Other</b> Specify: <input type="text" value="N/A"/>	

**Data Aggregation and Analysis:**

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify:  <input data-bbox="405 577 798 658" type="text" value="N/A"/>	Annually
	Continuously and Ongoing
	Other Specify:  <input data-bbox="868 864 1260 945" type="text" value="N/A"/>

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.

**b. Methods for Remediation/Fixing Individual Problems**

i. Describe the States 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.

**Incident Reporting and Investigations (Appendix G-1):**

DDA’s Quality Enhancement staff provides oversight and ensure DDA providers’ compliance with applicable reporting requirements set forth in PORII. DDA’s staff will provide technical assistance and support on an on-going basis to DDA providers and the Office of Health Care Quality (OHCQ) to address specific remediation issues with the provider. Dependent on the identified issues, the DDA may use a variety of remediation strategies including conference call, letter, in person meeting, and training. DDA will document its remediation efforts in the provider’s file and share with the OHCQ Executive Director.

**Use of Unauthorized Restraints or Restrictive Interventions (Appendix G-2):**

DDA’s Director of Clinical Services will review unauthorized restraints or restrictive interventions on a quarterly basis. The Director of Clinical Services will coordinate with DDA Provider Relations staff for any necessary provider specific remediation.

DDA’s Provider Relations staff provide technical assistance and support on an on-going basis to DDA providers and will address specific remediation issues with the provider. Dependent on the identified issues, the DDA may use a variety of remediation strategies including conference call, letter, in person meeting, and training. DDA will document its remediation efforts in the provider’s file and share with the OHCQ Executive Director.

**Remediation with CCS Providers:**

DDA’s Coordination of Community Services staff provide technical assistance and support on an on-going basis to CCS providers and will address specific remediation issues with the provider. Dependent on the identified issues, the DDA may use a variety of remediation strategies including conference call, letter, in person meeting, and training. DDA will document its remediation efforts in the provider’s file.

**ii. Remediation Data Aggregation**

**Remediation-related Data Aggregation and Analysis (including trend identification)**

<b>Responsible Party</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify:  <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify:  <input type="text"/>

**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 Health and Welfare that are currently non-operational.

No

**Yes**

Please provide a detailed strategy for assuring Health and Welfare, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

## Appendix H: Quality Improvement Strategy (1 of 3)

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Under §1915(c) of the Social Security Act and 42 CFR §441.302, the approval of an HCBS waiver requires that CMS determine that the state has made satisfactory assurances concerning the protection of participant health and welfare, financial accountability and other elements of waiver operations. Renewal of an existing waiver is contingent upon review by CMS and a finding by CMS that the assurances have been met. By completing the HCBS waiver application, the state specifies how it has designed the waiver's critical processes, structures and operational features in order to meet these assurances.

- Quality Improvement is a critical operational feature that an organization employs to continually determine whether it operates in accordance with the approved design of its program, meets statutory and regulatory assurances and requirements, achieves desired outcomes, and identifies opportunities for improvement.

CMS recognizes that a state's waiver Quality Improvement Strategy may vary depending on the nature of the waiver target population, the services offered, and the waiver's relationship to other public programs, and will extend beyond regulatory requirements. However, for the purpose of this application, the state is expected to have, at the minimum, systems in place to measure and improve its own performance in meeting six specific waiver assurances and requirements.

It may be more efficient and effective for a Quality Improvement Strategy to span multiple waivers and other long-term care services. CMS recognizes the value of this approach and will ask the state to identify other waiver programs and long-term care services that are addressed in the Quality Improvement Strategy.

### Quality Improvement Strategy: Minimum Components

The Quality Improvement Strategy that will be in effect during the period of the approved waiver is described throughout the waiver in the appendices corresponding to the statutory assurances and sub-assurances. Other documents cited must be available to CMS upon request through the Medicaid agency or the operating agency (if appropriate).

In the QIS discovery and remediation sections throughout the application (located in Appendices A, B, C, D, G, and I) , a state spells out:

- The evidence based discovery activities that will be conducted for each of the six major waiver assurances; and
- The *remediation* activities followed to correct individual problems identified in the implementation of each of the assurances.

In Appendix H of the application, a state describes (1) the *system improvement* activities followed in response to aggregated, analyzed discovery and remediation information collected on each of the assurances; (2) the correspondent *roles/responsibilities* of those conducting assessing and prioritizing improving system corrections and improvements; and (3) the processes the state will follow to continuously *assess the effectiveness of the OIS* and revise it as necessary and appropriate.

If the state's Quality Improvement Strategy is not fully developed at the time the waiver application is submitted, the state may provide a work plan to fully develop its Quality Improvement Strategy, including the specific tasks the state plans to undertake during the period the waiver is in effect, the major milestones associated with these tasks, and the entity (or entities) responsible for the completion of these tasks.

When the Quality Improvement Strategy spans more than one waiver and/or other types of long-term care services under the Medicaid state plan, specify the control numbers for the other waiver programs and/or identify the other long-term services that are addressed in the Quality Improvement Strategy. In instances when the QIS spans more than one waiver, the state must be able to stratify information that is related to each approved waiver program. Unless the state has requested and received approval from CMS for the consolidation of multiple waivers for the purpose of reporting, then the state must stratify information that is related to each approved waiver program, i.e., employ a representative sample for each waiver.

**Appendix H: Quality Improvement Strategy (2 of 3)**

**H-1: Systems Improvement**

**a. System Improvements**

- i. Describe the process(es) for trending, prioritizing, and implementing system improvements (i.e., design changes) prompted as a result of an analysis of discovery and remediation information.

DDA is the lead entity responsible for tracking, trending, prioritizing, determining, and implementing the need for system improvements. To determine system improvements, the DDA will review: (1) operational data; (2) results from direct observation of service delivery; and (3) findings from participant and provider interviews and surveys. The DDA will review all data and information gathered with frequent periodicity to identify emerging trends and, when an emerging trend is identified, will develop and implement a targeted system improvement. In addition, the DDA and OLTSS will continually be vigilant for the need for broad based system improvements. The process will be driven by standard operating procedures.

The analysis of discovery data and remediation information is conducted on an on-going basis via performance measure reports. These processes are supported by the integral role of other Waiver program partners such as the Office of Health Care Quality, Health Risk Screening, Inc., etc. in providing data, analyzing data, trending and formulating recommendations for system improvements.

The Waiver program’s performance information will be shared with the OLTSS and the DDA Quality Advisory Council. The DDA Quality Advisory Council is composed of various stakeholders including Waiver program participants, family members, providers, advocacy organizations, and State representatives. The group will recommend quality design changes and system improvement(s). Final recommendations shall be reviewed by the OLTSS and DDA for considered implementation.

**ii. System Improvement Activities**

<b>Responsible Party</b> <i>(check each that applies):</i>	<b>Frequency of Monitoring and Analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Quality Improvement Committee</b>	<b>Annually</b>
<b>Other</b> Specify:  <input type="text"/>	<b>Other</b> Specify:  <input type="text"/>

**b. System Design Changes**

- i. Describe the process for monitoring and analyzing the effectiveness of system design changes. Include a description of the various roles and responsibilities involved in the processes for monitoring & assessing system design changes. If applicable, include the state's targeted standards for systems improvement.

The DDA and the OLTSS are the lead entities responsible for monitoring and analyzing the effectiveness of system design changes.

To analyze the effectiveness of system design changes, the DDA uses performance measure data and input from national experts, communities of practice, and survey tools. The DDA regularly consults with participants, their families, the National Association of State Directors of Developmental Disabilities Services (NASDDDS), and other experts to ensure that system design changes benefit participants and their families. The DDA also uses the National Core Indicators (NCI)<sup>TM</sup>, which is a voluntary effort by public developmental disabilities agencies to measure and track their own performance. These National Core Indicators are standard measures used across states to assess the outcomes of services provided to individuals and families. These National Core Indicators address key areas of concern related to developmentally disabled individuals including employment, rights, service planning, community inclusion, choice, and health and safety.

For specific system improvements, DDA will monitor the antecedent data to ascertain whether the interventions have had the desired, positive impacts (based on ongoing review of the informing data). If systemic improvement efforts do not appear effective, DDA will institute additional or alternative approaches to effect positive and lasting changes.

The OLTSS monitors performance of this requirement by participating in the DDA Quality Advisory Council and reviewing the DDA's quality reports on the effectiveness of system design changes.

- ii. Describe the process to periodically evaluate, as appropriate, the Quality Improvement Strategy.

The DDA will evaluate quality improvement strategies and results on an annual basis unless otherwise noted in the strategy description. The DDA will share information regarding its evaluation of the QIS in the annual quality report that is submitted to the OLTSS.

## Appendix H: Quality Improvement Strategy (3 of 3)

### H-2: Use of a Patient Experience of Care/Quality of Life Survey

- a. Specify whether the state has deployed a patient experience of care or quality of life survey for its HCBS population in the last 12 months (*Select one*):

No

Yes (*Complete item H.2b*)

- b. Specify the type of survey tool the state uses:

HCBS CAHPS Survey :

NCI Survey :

NCI AD Survey :

Other (*Please provide a description of the survey tool used*):

## Appendix I: Financial Accountability

### 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 applicable Maryland regulations, DDA 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 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;*
  - 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 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), and Service Funding Plan (SFP) or Detailed Service Authorization (DSA) in LTSSMaryland. This review will apply 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 service 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. The scope of the review should be expanded as necessary to determine if systemic issues are present. Interviews will be conducted for the participant receiving services, and/or the participant's family or legal guardian and Coordinator of Community Services, as appropriate. The DDA may instruct the Contractor 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 Contractor to conduct an in-person review and interviews to determine if the service hours and supports match the level and quantity identified in the participant's Person-Centered plan. The interview will include the participant receiving services, their 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.

## **Appendix I: Financial Accountability**

### **Quality Improvement: Financial Accountability**

As a distinct component of the States quality improvement strategy, provide information in the following fields to detail the States 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.)

##### **Performance Measures**

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

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

**Performance Measure:**

**FA - PMI 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):**

**Other**

If 'Other' is selected, specify:

**MMIS claims data; participant records**

<b>Responsible Party for data collection/generation (check each that applies):</b>	<b>Frequency of data collection/generation (check each that applies):</b>	<b>Sampling Approach (check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text" value="95% +/-5%"/>
<b>Other Specify:</b> <input type="text" value="Utilization Review Contractor"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other Specify:</b> <input type="text"/>
	<b>Other Specify:</b> <input type="text"/>	

**Data Aggregation and Analysis:**

<i>Responsible Party for data aggregation and analysis (check each that applies):</i>	<i>Frequency of data aggregation and analysis(check each that applies):</i>
<i>State Medicaid Agency</i>	<i>Weekly</i>
<i>Operating Agency</i>	<i>Monthly</i>
<i>Sub-State Entity</i>	<i>Quarterly</i>
<i>Other</i> <i>Specify:</i>  <input type="text" value="Utilization Review Contractor"/>	<i>Annually</i>
	<i>Continuously and Ongoing</i>
	<i>Other</i> <i>Specify:</i>  <input type="text"/>

**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):**

**Other**

If 'Other' is selected, specify:

MMIS claims data; PCIS2 or LTSSMaryland data

<i>Responsible Party for data collection/generation (check each that applies):</i>	<i>Frequency of data collection/generation (check each that applies):</i>	<i>Sampling Approach(check each that applies):</i>
<i>State Medicaid Agency</i>	<i>Weekly</i>	<i>100% Review</i>
<i>Operating Agency</i>	<i>Monthly</i>	<i>Less than 100% Review</i>
<i>Sub-State Entity</i>	<i>Quarterly</i>	<i>Representative Sample</i> <i>Confidence Interval =</i>  <input type="text" value="95% +/-5%"/>
<i>Other</i> <i>Specify:</i>	<i>Annually</i>	<i>Stratified</i> <i>Describe Group:</i>

<i>Utilization Review Contractor</i>		
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify:  
	<b>Other</b> Specify:  	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis (check each that applies):</b>
<i>State Medicaid Agency</i>	<i>Weekly</i>
<i>Operating Agency</i>	<i>Monthly</i>
<i>Sub-State Entity</i>	<i>Quarterly</i>
<b>Other</b> Specify:  <i>Utilization Review Contractor</i>	<i>Annually</i>
	<i>Continuously and Ongoing</i>
	<b>Other</b> Specify:  

**b. Sub-assurance: The state provides evidence that rates remain consistent with the approved rate methodology throughout the five year waiver cycle.**

**Performance Measures**

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

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

**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):**

**Other**

If 'Other' is selected, specify:

**MMIS claims data; PCIS2 or LTSSMaryland data**

<b>Responsible Party for data collection/generation (check each that applies):</b>	<b>Frequency of data collection/generation (check each that applies):</b>	<b>Sampling Approach (check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text" value="95% +/-5%"/>
<b>Other Specify:</b> <input type="text" value="Utilization Review Contractor"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other Specify:</b> <input type="text"/>
	<b>Other Specify:</b> <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis (check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis(check each that applies):</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <div style="border: 1px solid black; padding: 2px; width: fit-content;">Utilization Review Contractor</div>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>

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 Waiver 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 States 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 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 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 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 Waiver 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 PCIS2 staff and/or 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 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)**

<b>Responsible Party</b> (check each that applies):	<b>Frequency of data aggregation and analysis</b> (check each that applies):
<i>State Medicaid Agency</i>	<i>Weekly</i>
<i>Operating Agency</i>	<i>Monthly</i>
<i>Sub-State Entity</i>	<i>Quarterly</i>
<i>Other</i> <i>Specify:</i>  <input type="text"/>	<i>Annually</i>
	<i>Continuously and Ongoing</i>
	<i>Other</i> <i>Specify:</i>  <input type="text"/>

**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.*

**No**

**Yes**

*Please provide a detailed strategy for assuring Financial Accountability, the specific timeline for implementing identified strategies, and the parties responsible for its operation.*

## ***Appendix I: Financial Accountability***

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### ***I-2: Rates, Billing and Claims (1 of 3)***

**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 Supports Waiver Fee Payment System (FPS) services will vary in Waiver Years (WYs) 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 rates from the rate study completed November 2017 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 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.*

*Until the billing for services transitions to LTSSMaryland 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), Day Habilitation, Employment Discovery & Customization, Personal Supports, Supported Employment, and Career Exploration. 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%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 (and other services) that utilizes cost categories and studies their relationship to direct service support costs (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 cost (Day Habilitation only) and General and Administrative costs included in all services except Market Rates services. In Maryland, Training and Transportation 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. The Rate Study report was released on November 3, 2017 and is published along with the rates on DDA's website at [https://dda.health.maryland.gov/Pages/Rate\\_Study\\_Report.aspx](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 as needed 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 will be 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, and Family Peer and Mentoring Supports.*

*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), and Support Services outlined within the new PCP Detailed Service Authorization in LTSSMaryland 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 Support Waiver includes: fee schedule services and market 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 rate for Brief Support Implementation Services is based on the BLS hourly wage job code 19-3031. BSS Assessment, Plan, and Consultation service rates include Employment Related Expenses (ERE), Program Support, and G&A. The productivity assumption is 12 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 LTSSMaryland, 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.*

*Environmental Assessment - The rate for Environmental Assessments is based on hourly wage data from the Bureau of Labor Statistics data for Occupational Therapists with a productivity assumption of 6 hours and including cost components ERE, and G&A.*

*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 WY2, is based on the hourly BLS wage job code 19-4099 and includes cost components ERE, Program Support, Training, and G&A.*

*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 includes ERE, Program Support, Training, and 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 beginning in WY2. When Nursing services billing transitions into LTSSMaryland, 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 WY2 and called Respite, is based on the BLS wage data job code 39-9021 and includes ERE, Program Support, Training and G&A. The daily rate is based on the hourly rate with an assumption of 16 hours of service.*

*Beginning in WY2, 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.*

#### *Fee schedule Service Rates (applicable in LTSSMaryland)*

*Employment Services ( Follow-Along Supports, On-going Job Supports and Co-Worker Employment Supports for WYs 1-2) –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.*

*Employment Services (Discovery, Job Development and Self-Employment Services) - The rates are based on hourly BLS wage job code 21-1012. Job Development includes ERE, Program Support, Training, Transportation, G&A and a service adjustment to offset general job development activities.*

*Self-employment includes ERE, Program Support, Training, and G & A. The self-employment plan assumes 8 hours of service.*

*Discovery includes ERE, Program Support, Training, Transportation, and G & A. It is a 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, is based on hourly BLS wage job code 39-9021, and includes cost components ERE, Program Support, Training, Transportation and G&A with a service adjustment for no shows and will be billed in 15-minute increments.*

*Personal Supports Enhanced Supports- The hourly rate is based on BLS wage data job code 21-1093 and includes the cost components ERE, Program Support, Training, Transportation and G&A with a service adjustment for no shows and will be billed in 15 minute increments.*

*Day Habilitation Services- The rates Day Habilitation 1:1 and 2:1 are based on the BLS wage data job code 21-1093 and include cost components ERE, Facility , Program Support, Transportation, Training, and G&A. The rates for Day Habilitation Small and Large groups are based on the BLS wage data job code 21-1093 and include components ERE, Facility, Program Support, Transportation , Training, and G&A as well as a service adjustment.*

*\*\*\*Continued in Main B - "Additional Needed Information (Optional)" due to space limitations.*

- 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 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), Personal Supports, Day Habilitation Services, Community Development Services (formerly Community Learning Services), Employment Discovery & Customization, 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.*

*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 LTSSMaryland, 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, Nursing Services, Participant Education, Training and Advocacy Supports, Respite Care Services, Transportation, and Vehicle Modifications 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.*

*When DDA transitions from PCIS2 and the paper billing process to the Maryland Long Term Supports and Services system, LTSSMaryland and using EVV for Personal Supports, 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 LTSSMaryland system and will be the basis of provider billings. The LTSSMaryland system will interface with MMIS to adjudicate claims and pay providers for rendered services. Edits and limits will be placed in LTSSMaryland 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 Services (FMS) provider can submit claims on behalf of self-directed participants. When processing claims on behalf of these participants, the FMS provider compares employee timesheets or invoices against the participant's Person-Centered plan and annual self-directed services budget approved by DDA. For claims that match, the FMS provider then submits them to MMIS. Claims that are rejected by MMIS will be reviewed by the FMS and the DDA federal billing unit. Based on this review, if the services were actually rendered in accordance with DDA's authorization the claim will be paid either with State funds only (if not a waiver-covered service), or, the claim will be corrected and resubmitted (if a waiver-covered service). If the services were not actually rendered, then the claim will be denied.*

## **Appendix I: Financial Accountability**

### **I-2: Rates, Billing and Claims (2 of 3)**

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

*No. state or local government agencies do not certify expenditures for waiver services.*

*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.*

**Select at least one:**

***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). (Indicate source of revenue for CPEs in Item I-4-a.)*

***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). (Indicate source of revenue for CPEs in Item I-4-b.)*

## ***Appendix I: Financial Accountability***

### ***I-2: Rates, Billing and Claims (3 of 3)***

**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 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 PCIS2 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 LTSSMaryland, the system will interface with MMIS to determine participant eligibility before claims are sent. If a participant is determined not to be 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 to LTSSMaryland, participant's PCPs will be included in the system and providers will only be able to bill for services and units that have been approved and included in the PCPs Detailed Service Authorization.*

*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: Financial Accountability**

### **I-3: Payment (1 of 7)**

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

**Payments for all waiver services are made through an approved Medicaid Management Information System (MMIS).**

**Payments for some, but not all, waiver services are made through an approved MMIS.**

*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) and 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:*

**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:*

**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:*

**Appendix I: Financial Accountability****I-3: Payment (2 of 7)**

**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):*

***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.***

***The Medicaid agency pays providers of some or all waiver services through the use of a limited fiscal agent.***

*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:*

*For participants enrolled in the Self-Directed Services Delivery Model (as described in Appendix E), Waiver program services will be paid by the Fiscal Management Services (FMS) provider. The FMS will then submit the claim through MMIS. Providers are informed of the billing process during orientation and training.*

*The DDA will monitor and conduct oversight of the FMS 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.*

*The utilization review contractor will conduct a remote audit of the FMS 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.*

*In addition to the utilization review by the independent contractor, the Department's current request for proposal for the FMS provider 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.*

*The FMS provider 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.*

***Providers are paid by a managed care entity or entities for services that are included in the state's contract with the entity.***

*Specify how providers are paid for the services (if any) not included in the state's contract with managed care entities.*

## ***Appendix I: Financial Accountability***

### ***I-3: Payment (3 of 7)***

***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:

***No. The state does not make supplemental or enhanced payments for waiver services.***

***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.*

**Appendix I: Financial Accountability****I-3: Payment (4 of 7)**

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

**No. State or local government providers do not receive payment for waiver services. Do not complete Item I-3-e.**

**Yes. State or local government providers receive payment for waiver services. Complete Item I-3-e.**

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:

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.

**Appendix I: Financial Accountability****I-3: Payment (5 of 7)**

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

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:

**The amount paid to state or local government providers is the same as the amount paid to private providers of the same service.**

**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.**

**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:

**Appendix I: Financial Accountability****I-3: Payment (6 of 7)**

**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:

**Providers receive and retain 100 percent of the amount claimed to CMS for waiver services.**

**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.

## Appendix I: Financial Accountability

### I-3: Payment (7 of 7)

#### g. Additional Payment Arrangements

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

**No. The state does not provide that providers may voluntarily reassign their right to direct payments to a governmental agency.**

**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 10.09.26.03 require DDA providers to have a provider agreement in effect with DDA and the Medical Assistance Program.*

*DDA providers elect to become licensed or approved providers and acknowledge the voluntary reassignment of payments. DDA has one payment methodology for fee payment services (Residential, Day, Supported Employment, and Personal Supports). Providers agree to accept payments through this methodology.*

*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 LTSSMaryland, as they will be paid directly for their services.*

##### ii. Organized Health Care Delivery System. Select one:

**No. The state does not employ Organized Health Care Delivery System (OHCDS) arrangements under the provisions of 42 CFR §447.10.**

**Yes. The waiver provides for the use of Organized Health Care Delivery System arrangements under the provisions of 42 CFR §447.10.**

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:

- 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.
- 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.
- 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 qualified providers, 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
- 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 records on the purchase of services from qualified entities or individuals, including invoices.
- 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 individuals' serviced by each subcontractor. The report will be due within 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.
- 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.

**iii. Contracts with MCOs, PIHPs or PAHPs.**

***The state does not contract with MCOs, PIHPs or PAHPs for the provision of waiver services.***

***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.***

*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.*

***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.***

***This waiver is a part of a concurrent 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 waiver specifies the types of health plans that are used and how payments to these plans are made.***

***If the state uses more than one of the above contract authorities for the delivery of waiver services, please select this option.***

*In the textbox below, indicate the contract authorities. In addition, if the state contracts with MCOs, PIHPs, or PAHPs under the provisions of §1915(a)(1) of the Act to furnish waiver 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. 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.*

## ***Appendix I: Financial Accountability***

### ***I-4: Non-Federal Matching Funds (1 of 3)***

***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:***

***Appropriation of State Tax Revenues to the State Medicaid agency***

***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:*

***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:*

## ***Appendix I: Financial Accountability***

### ***I-4: Non-Federal Matching Funds (2 of 3)***

***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:***

***Not Applicable.*** *There are no local government level sources of funds utilized as the non-federal share.*

**Applicable**

Check each that applies:

**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:

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.

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.

**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:

**Appendix I: Financial Accountability**

**I-4: Non-Federal Matching Funds (3 of 3)**

**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*

Check each that applies:

**Health care-related taxes or fees**

**Provider-related donations**

**Federal funds**

For each source of funds indicated above, describe the source of the funds in detail:

**Appendix I: Financial Accountability**

**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:*

*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: Financial Accountability

### 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:*

**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.*

**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.*

*The following is an explanation of: (a) the method used to apportion the additional costs of rent and food attributable to the unrelated live-in personal caregiver that are incurred by the individual served on the waiver and (b) the method used to reimburse these costs:*

## Appendix I: Financial Accountability

### I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (1 of 5)

**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:*

**No.** *The state does not impose a co-payment or similar charge upon participants for waiver services.*

**Yes.** *The state imposes a co-payment or similar charge upon participants for one or more waiver services.*

**i. Co-Pay Arrangement.**

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

**Charges Associated with the Provision of Waiver Services** *(if any are checked, complete Items I-7-a-ii through I-7-a-iv):*

*Nominal deductible*

*Coinsurance*

*Co-Payment*

**Other charge**

Specify:

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**Appendix I: Financial Accountability****I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (2 of 5)****a. Co-Payment Requirements.****ii. Participants Subject to Co-pay Charges for Waiver Services.**


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**Answers provided in Appendix I-7-a indicate that you do not need to complete this section.**

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**Appendix I: Financial Accountability****I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (3 of 5)****a. Co-Payment Requirements.****iii. Amount of Co-Pay Charges for Waiver Services.**


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**Answers provided in Appendix I-7-a indicate that you do not need to complete this section.**

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**Appendix I: Financial Accountability****I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (4 of 5)****a. Co-Payment Requirements.****iv. Cumulative Maximum Charges.**


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**Answers provided in Appendix I-7-a indicate that you do not need to complete this section.**

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**Appendix I: Financial Accountability****I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (5 of 5)****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.**

**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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**Appendix J: Cost Neutrality Demonstration**

**J-1: Composite Overview and Demonstration of Cost-Neutrality Formula**

**Composite Overview.** Complete the fields in Cols. 3, 5 and 6 in the following table for each waiver year. The fields in Cols. 4, 7 and 8 are auto-calculated based on entries in Cols 3, 5, and 6. The fields in Col. 2 are auto-calculated using the Factor D data from the J-2-d Estimate of Factor D tables. Col. 2 fields will be populated ONLY when the Estimate of Factor D tables in J-2-d have been completed.

Level(s) of Care: ICF/IID

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
Year	Factor D	Factor D'	Total: D+D'	Factor G	Factor G'	Total: G+G'	Difference (Col 7 less Column4)
1	20075.90	11231.93	31307.83	265160.75	5772.04	270932.79	239624.96
2	17130.88	11602.58	28733.46	273911.05	5974.06	279885.11	251151.65
3	25673.25	11985.47	37658.72	282950.12	6183.15	289133.27	251474.55
4	23933.34	12380.99	36314.33	292287.47	6399.56	298687.03	262372.70
5	22950.10	12789.56	35739.66	301932.96	6623.55	308556.51	272816.85

**Appendix J: Cost Neutrality Demonstration**

**J-2: Derivation of Estimates (1 of 9)**

**a. Number Of Unduplicated Participants Served.** Enter the total number of unduplicated participants from Item B-3-a who will be served each year that the waiver is in operation. When the waiver serves individuals under more than one level of care, specify the number of unduplicated participants for each level of care:

Table: J-2-a: Unduplicated Participants

Waiver Year	Total Unduplicated Number of Participants (from Item B-3-a)	Distribution of Unduplicated Participants by Level of Care (if applicable)	
		Level of Care:	
		ICF/IID	
Year 1	1000		1000
Year 2	1490		1490
Year 3	1950		1950
Year 4	2440		2440
Year 5	2880		2880

**Appendix J: Cost Neutrality Demonstration**

**J-2: Derivation of Estimates (2 of 9)**

**b. Average Length of Stay.** Describe the basis of the estimate of the average length of stay on the waiver by participants in item J-2-a.

The average length of stay for all waiver years is 355 days. This is based on the average length of stay reported on the CMS 372(S) for the Community Pathways Waiver for fiscal year 2016.

**Appendix J: Cost Neutrality Demonstration**

**J-2: Derivation of Estimates (3 of 9)**

**c. Derivation of Estimates for Each Factor.** Provide a narrative description for the derivation of the estimates of the following factors.

*i. **Factor D Derivation.** The estimates of Factor D for each waiver year are located in Item J-2-d. The basis and methodology for these estimates is as follows:*

*The number of slots for CSW were adjusted to increase the reserve capacity for Transitioning Youth. DDA analyzed the historical data which showed an increase in waiver enrollment and projected what would be needed to accommodate TY's in the future. This resulted in an increase in reserve capacity for TY's to 500 and an overall increase in slots of 250 for Yr3 and Yr4. Using the same approach, DDA adjusted the number of slots in Year 5 by 340.*

*The Factor D', G, and G' estimates were updated to realign the time period of the Waiver Years from a calendar year (1/18-12/18) to a fiscal year (7/19-6/20). To implement this change, the Waiver was renewed early to begin in FY20 so WY1 was FY20, WY2 was FY21, etc. The Community Pathways Waiver was renewed in FY19 so WY1 is FY19, WY2 is FY20 and WY3 is FY21. The updates to the Factor D', G, and G' estimates beginning in WY1 or FY20 were aligned with the figures for WY2 in the Community Pathways Waiver as they are both for FY20.*

*In WY1, the estimated users of Assistive Technology and Services, Environmental Assessment, Environmental Modifications, and Vehicle Modifications were based on the actual percentage of users vs. total unduplicated recipients of those services in the Community Pathways Waiver from CMS 372(S) FY15 and applied to the estimated unduplicated number of participants in Appendix B-3 and are estimated to increase by 50% in Waiver Years 2-5 based on historical increases in the Community Pathways Waiver CMS 372(S) FY13-16.*

*In WY1, the estimated users of Behavioral Support Services, Employment Discovery & Customization, Personal Supports, Support Broker service, are based on the actual percentage of users vs. total unduplicated recipients of those services in the Community Pathways Waiver from CMS 372(S) FY15. For WYs 2-5, estimated users of these services have been updated based on FY20 utilization data in PCIS2. Behavioral Support Services and Employment Discovery & Customization users have been estimated at approximately 2% of total number of waiver users as estimated in Appendix B-3. Personal Support users have been updated based on FY20 utilization data in PCIS2 and users have been estimated at approximately 20% of total number of waiver users as estimated in Appendix B-3. For WYs 2-5, Support Broker users have been estimated at approximately 3% of total number of waiver users as estimated in Appendix B-3.*

*In WY1, Community Development Services users have been estimated at approximately 5% of total number of waiver users as estimated in Appendix B-3 and Day Habilitation and Supported Employment users of have been estimated at approximately 20% of total number of waiver users as estimated in Appendix B-3. In WY2, estimated users of these services have been updated based on actual FY20 users in service in PCIS2. In WYs 3-5 estimated users of Community Development Services are estimated to increase by 2% each year based on average user growth in the service from Community Pathways Waiver from CMS 372(S) FY13-16. Until the employment services and billing transition into LTSSMaryland, Employment Discovery and Customization and Supported Employment services will end and be replaced with Employment Services including Discovery Milestones 1-3, Job Development, Follow-Along Supports, Co-Worker Employment Services, and Customized Self-Employment Services. In WY3, the estimated users for Discovery Milestones are based on analysis of the current employment program with 600 Transitioning Youth and the estimated users for Job Development and Follow-Along Supports are based on the application of the percentage of estimated users of the service in the Community Pathways Program to the actual FY20 enrollment data in PCIS2. The estimated users for these services are estimated to increase by the 2% in WYs 4-5 based on average user growth in employment services from Community Pathways Waiver from CMS 372(S) FY13-16. In WY3-5, estimated users of Co-Worker Employment services and Customized Self-Employment services were based on analysis of the current employment program.*

*In WYs 3-5, total Day Habilitation services estimated users are based on actual users in FY20 in WY2 and increased by 5.15% average growth rate of Unduplicated Recipients from the Community Pathways waiver CMS 372 (S) FY13-16. In WYs 3-5, the estimated users for Day Habilitation 1:1 is 5% of estimated Day Habilitation users and estimated users of Day Habilitation 2:1 is 1% of estimated Day Habilitation users. Estimated users of Day Habilitation Small Group is estimated in WY3 at 50% of Day Habilitation estimated users, in WY4 at 75% of Day Habilitation estimated users, and in WY5 at 80% of Day Habilitation estimated users. Conversely, Day Habilitation Large Group is estimated in WY3 at 50% of Day Habilitation estimated users, in WY4 at 25% of Day Habilitation estimated users, and in WY5 at 20% of Day Habilitation estimated users.*

*In WY1, users of Career Exploration were estimated to be 1% of users of Supported Employment from PCIS2 utilization data and increased by 2% in WYs 2-5.*

*In WY1, Housing Support Services, Family Caregiver Training and Empowerment Services, Participant Education, Training and Advocacy Supports, Respite services, and Transportation users have been estimated at approximately 10% and Family and Peer Mentoring Supports users at 25% of the total number of waiver users as estimated in Appendix B-3. In WYs 2-5, estimated users of these services have been updated based on FY20 utilization data in PCIS2. Housing Support Services, Family Caregiver Training and Empowerment Services, Family and Peer Mentoring Supports and Participant Education, Training and Advocacy Supports users have been estimated at approximately 1% of total number of waiver users as estimated in Appendix B-3. Respite services and Transportation service estimated users have been estimated at approximately 10% of total number of waiver users as estimated in Appendix B-3.*

*As there is no historic data from the FY15 CMS 372, the estimated users of Individual and Family Directed Goods and Services are based on utilization of service in FY16, which is about .5% of total number of waiver users as estimated in Appendix B-3 for Waiver Year 1. The users of Individual and Family Directed Goods and Services are estimated to increase by 50% in Waiver Years 2-5.*

*Medical Day Care and Career Exploration users have been estimated at approximately 1% of the total number of waiver users as estimated in Appendix B-3 for Waiver Years 1-5.*

*Nursing Services users have been estimated for each service at approximately 2% of the total number of waiver users as estimated in Appendix B-3 for Waiver Years 1-5.*

*The Average Units per User for Waiver Years 1-5 are based on historic utilization of services in the Community Pathways Waiver from CMS 372(S) average data FY13-16 or FY17 average utilization of services in PCIS2 for all services except: Behavioral Support Services, Career Exploration, Family Caregiver Training and Empowerment Services, Family and Peer Mentoring Supports, Housing Support Services, Participant Education, Training and Advocacy Supports, Personal Supports Enhanced Supports, Nursing Services, Employment Services and hourly Respite. Individual and Family Directed Goods and Services units per user are based on FY16 utilization as there is no historic data from the CMS 372. Behavioral Support Services, Housing Support Services, Nursing Services and hourly Respite average units per person are based on program analysis and allowable unit limits set in the Waiver. Without historic service utilization for Career Exploration, units per user will be based on Supported Employment service utilization. The Average Units per User for WYs 2-5 for Behavioral Consultation and Brief Supports Implementation are based on historic utilization from the FY18 Community Pathways 372 report. Without historic service utilization data for this population, Personal Supports units per user for WYs 1-2 were based on 75% of average units per user for Community Pathways Waiver. For WYs3-5, Personal Supports units per user were updated to align with the Community Pathways Waiver average FY17 service utilization in PCIS2. In WYs 2-5, Behavioral Consultation services, Family Peer Mentoring Supports, Housing Support Services, and Respite Hourly estimated units per user have been adjusted to reflect the unit change from an Hour to a 15-minute unit.*

*Family Caregiver Training and Empowerment Services, Family and Peer Mentoring Supports, and Family and Peer Mentoring Supports are new services therefore the estimates are based on best practices and similar services in Arizona's Raising Special Kids program.*

*In WYs 3-5, Employment Services- Job Development, Follow-Along Supports, On-Going Job Supports and Co-Worker Employment Supports average units per user are based on the median of the allowable unit limits as there is no historical data. Personal Supports Enhanced Supports average units per user are estimated to be approximately eighteen hours per week based on Personal Supports utilization in the Community Pathways Waiver.*

*In Waiver Years 3-5, the estimated units per user for Community Development Services, Day Habilitation, and Career Exploration Services have been adjusted to reflect the unit change from a Day to a 15-minute unit and the removal of the limitation of receiving only one Day service per day. For Career Exploration, units per user estimates are based on an average of two hours a day. Day Habilitation units per user estimates are based on an average of six hours a day, and Community Development Services units per user estimates are based on an average of two hours a day.*

*The Average Cost per Unit per waiver year is based on DDA's average costs and limits for services from the Community Pathways Waiver CMS 372(S) FY13-16 and/or FY17 average costs for services in PCIS2 for all services except: Behavioral Support Service, Day Habilitation (WY 3-5), Community Development Services (WY 3-5), Career Exploration (WY 3-5), Employment Services, (WY3-5) Environmental Assessment, Individual and Family Directed Goods and Services, daily and hourly Respite Care, Personal Supports Services (WY 2-5), Family Caregiver Training and Empowerment Services, Family and Peer Mentoring Supports, Housing Support Services, Participant Education, Training and Advocacy Supports, and Nursing Services. The unit costs for fee schedule service rates were updated in WY2 based on actual COLA increases since previous rate estimates*

*For these services, the average costs per unit are based on proposed rates from a completed rate study by Johnston, Villegas-Grubbs and Associates, LLC using the Brick Method™, which is a structure used to develop standard fees for disability (and other services) that utilizes cost categories and studies their relationship to direct service support costs (the wages of people performing the service). There are four standard cost components that are assumed to be common to all social and medical services. They are employment related expenses, program support, facility cost (day habilitation only) and general and administrative. In Maryland, training and transportation components were also studied and used to develop the rates. The foundation of the Brick is the direct support professional wage. See Appendix I for detailed rate methodologies for each service and a detailed rate file is available upon request. DDA contracted a vendor, Optumas, to verify and validate data from the JVGA rate study and adjust rates as needed 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 in WY3 and WY2 for Personal Support services when the billing for this service transitions into LTSSMaryland.*

*CONTINUED BELOW DUE TO SPACE LIMITATIONS*

- ii. Factor D' Derivation.** *The estimates of Factor D' for each waiver year are included in Item J-1. The basis of these estimates is as follows:*

*CONTINUED FROM ABOVE DUE TO SPACE LIMITATIONS*

*Additionally, a geographical differentiated rate was proposed and will be 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, and Family Peer and Mentoring Supports. The average cost per unit for fee schedule services is an average of the standard rate and the geographical differential rate and are estimated to increase by a 2% COLA in WYs 4-5 based on historical authorized increases.*

**FACTOR D' DERIVATION BEGINS HERE:**

*Factor D' was calculated for Waiver Years 1-5 using FY16 actual MMIS Medicaid expenditures for Community Pathways Waiver participants enrolled in the Waiver at any point in FY2016. This data removes the cost of prescribed drugs under the provisions of part D. The 3.3 percent inflation rate applied to Factor G' is based on 2013-2016 BLS CPI-U All Urban Consumers for Medical Care for Washington – Baltimore. These expenditures were compounded annually by the four-year (2013-2016) average increase in Baltimore-Washington medical care inflation rate of 3.3%.*

- iii. Factor G Derivation.** *The estimates of Factor G for each waiver year are included in Item J-1. The basis of these estimates is as follows:*

The estimated annual average institutional costs that would be incurred for individuals served in the Waiver, were the waiver not granted, are based on data from the Community Pathways Waiver CMS 372(S) FY16 report. The 3.3 percent inflation rate applied to Factor G is based on 2013-2016 BLS CPI-U All Urban Consumers for Medical Care for Washington – Baltimore. These expenditures were compounded annually from FY16 through Waiver Years 1-5 by the four-year (2013-2016) average increase in Baltimore-Washington medical care inflation rate of 3.3%.

iv. **Factor G' Derivation.** The estimates of Factor G' for each waiver year are included in Item J-1. The basis of these estimates is as follows:

The estimated annual average per capita Medicaid costs for all other services other than those included in factor G for individuals served in the Waiver, were the waiver not granted, are based on data from the Community Pathways Waiver CMS 372(S) FY16 report. The 3.3 percent inflation rate applied to Factor D' is based on 2013-2016 BLS CPI-U All Urban Consumers for Medical Care for Washington – Baltimore. These expenditures were compounded annually from FY16 through Waiver Years 1-5 by the four-year (2013-2016) average increase in Baltimore-Washington medical care inflation rate of 3.3%.

**Appendix J: Cost Neutrality Demonstration**

**J-2: Derivation of Estimates (4 of 9)**

**Component management for waiver services.** If the service(s) below includes two or more discrete services that are reimbursed separately, or is a bundled service, each component of the service must be listed. Select “manage components” to add these components.

Waiver Services	
Career Exploration	
Day Habilitation	
Medical Day Care	
Personal Supports	
Respite Care Services	
Support Broker Services	
Assistive Technology and Services	
Behavioral Support Services	
Community Development Services	
Employment Discovery and Customization <b>**ENDING JUNE 30, 2022**</b>	
Employment Services <b>**BEGINNING DECEMBER 1, 2019**</b>	
Environmental Assessment	
Environmental Modifications	
Family and Peer Mentoring Supports	
Family Caregiver Training and Empowerment Services	
Housing Support Services	
Individual and Family Directed Goods and Services	
Nurse Case Management and Delegation Services <b>**Ending March 2021**</b>	
Nurse Consultation <b>**ENDING March 2021**</b>	
Nurse Health Case Management <b>**Ending March 2021**</b>	
Nursing Support Services	
Participant Education, Training and Advocacy Supports	
Supported Employment <b>**ENDING JUNE 30, 2021**</b>	
Transportation	
Vehicle Modifications	

**Appendix J: Cost Neutrality Demonstration**

**J-2: Derivation of Estimates (5 of 9)**

**d. Estimate of Factor D.**

**i. Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

**Waiver Year: Year 1**

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Career Exploration Total:</b>						115936.56
Large Group	Day	3	184.00	70.01	38645.52	
Small Group	Day	3	184.00	70.01	38645.52	
Facility Based	Day	3	184.00	70.01	38645.52	
<b>Day Habilitation Total:</b>						3280323.40
Day Habilitation 1:1	Day	0	0.00	0.01	0.00	
Day Habilitation 2:1	Day	0	0.00	0.01	0.00	
Day Habilitation Small Group 2-5	Day	0	0.00	0.01	0.00	
Day Habilitation Large Group 6-10	Day	0	0.00	0.01	0.00	
Day Habilitation	Day	170	206.00	93.67	3280323.40	
<b>Medical Day Care Total:</b>						123076.80
Medical Day Care	Day	9	176.00	77.70	123076.80	
<b>Personal Supports Total:</b>						11976644.16
Personal Supports PCIS	15 minutes	527	3744.00	6.07	11976644.16	
Personal Supports Enhanced Supports	15 minutes	0	0.00	0.01	0.00	
Personal Supports LTSSMaryland	15 minutes	0	0.00	0.01	0.00	
<b>Respite Care Services Total:</b>						121517.76
Daily	Day	28	10.00	322.14	90199.20	
Hourly					2254.56	
<b>GRAND TOTAL:</b>						20075897.22
Total Estimated Unduplicated Participants:						1000
Factor D (Divide total by number of participants):						20075.90
Average Length of Stay on the Waiver:						355

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
	Day	28	4.00	20.13		
Camp	Item	28	1.00	1038.00	29064.00	
Respite	Day	0	0.00	0.01	0.00	
<b>Support Broker Services Total:</b>						62208.00
Support Broker Services	Hour	18	96.00	36.00	62208.00	
<b>Assistive Technology and Services Total:</b>						2827.62
Assistive Technology and Services	Item	3	1.00	942.54	2827.62	
<b>Behavioral Support Services Total:</b>						253421.76
Assessment	Assessment	24	1.00	786.94	18886.56	
Plan	Plan	24	1.00	559.60	13430.40	
Consultation	Hour	84	4.00	98.37	33052.32	
Brief Support Implementation	15 minutes	56	192.00	17.49	188052.48	
<b>Community Development Services Total:</b>						653326.52
Community Development Services	Day	43	154.00	98.66	653326.52	
<b>Employment Discovery and Customization **ENDING JUNE 30, 2022** Total:</b>						2311.30
Employment Discovery and Customization **ENDING JUNE 30, 2022**	Day	1	29.00	79.70	2311.30	
<b>Employment Services **BEGINNING DECEMBER 1, 2019** Total:</b>						0.00
Discovery Milestone 1	Milestone	0	0.00	0.01	0.00	
Discovery Milestone 2	Milestone	0	0.00	0.01	0.00	
Discovery Milestone 3	Milestone	0	0.00	0.01	0.00	
Job Development	Hour	0	0.00	0.01	0.00	
Follow Along Supports	Month	0	0.00	0.01	0.00	
Co-Worker Employment					0.00	
<b>GRAND TOTAL:</b>						20075897.22
Total Estimated Unduplicated Participants:						1000
Factor D (Divide total by number of participants):						20075.90
Average Length of Stay on the Waiver:						355

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Supports	Month	0	0.00	0.01		
Customized Self-Employment Services	Milestone	0	0.00	0.01	0.00	
On-going Job Supports	Hour	0	0.00	0.01	0.00	
<b>Environmental Assessment Total:</b>						419.70
Environmental Assessment	Assessment	1	1.00	419.70	419.70	
<b>Environmental Modifications Total:</b>						6592.38
Environmental Modifications	Item	1	1.00	6592.38	6592.38	
<b>Family and Peer Mentoring Supports Total:</b>						61280.10
Family and Peer Mentoring Supports (Hour)	Hour	213	5.00	57.54	61280.10	
Family and Peer Mentoring Supports (15 Minutes)	15 minutes	0	0.00	0.01	0.00	
<b>Family Caregiver Training and Empowerment Services Total:</b>						45730.00
Family Caregiver Training and Empowerment Services	Item	85	1.00	538.00	45730.00	
<b>Housing Support Services Total:</b>						329908.80
Housing Support Services (Hour)	Hour	85	78.00	49.76	329908.80	
Housing Support Services (15 Minutes)	15 minutes	0	0.00	0.01	0.00	
<b>Individual and Family Directed Goods and Services Total:</b>						4520.00
Goods and Services	Items & Services	4	4.00	220.00	3520.00	
Staff Recruitment and Advertising	Items & Services	4	1.00	250.00	1000.00	
<b>Nurse Case Management and Delegation Services**Ending March 2021** Total:</b>						448497.40
Nurse Case Management and Delegation Services**Ending March 2021**	15 minutes	17	1460.00	18.07	448497.40	
<b>Nurse Consultation**ENDING March 2021** Total:</b>						9830.08
Nurse					9830.08	
<b>GRAND TOTAL:</b>						20075897.22
Total Estimated Unduplicated Participants:						1000
Factor D (Divide total by number of participants):						20075.90
Average Length of Stay on the Waiver:						355

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Consultation**ENDING March 2021**	15 minutes	17	32.00	18.07		
<b>Nurse Health Case Management**Ending March 2021** Total:</b>						9830.08
Nurse Health Case Management**Ending March 2021**	15 minutes	17	32.00	18.07	9830.08	
<b>Nursing Support Services Total:</b>						0.00
Nursing Support Services	15 minutes	0	0.00	0.01	0.00	
<b>Participant Education, Training and Advocacy Supports Total:</b>						45730.00
Participant Education, Training and Advocacy Supports	Item	85	1.00	538.00	45730.00	
<b>Supported Employment **ENDING JUNE 30, 2021** Total:</b>						2189912.80
Supported Employment **ENDING JUNE 30, 2021**	Day	170	184.00	70.01	2189912.80	
<b>Transportation Total:</b>						318682.00
Transportation	Item	85	260.00	14.42	318682.00	
<b>Vehicle Modifications Total:</b>						13370.00
Vehicle Modifications	Item	1	1.00	13370.00	13370.00	
<b>GRAND TOTAL:</b>						20075897.22
Total Estimated Unduplicated Participants:						1000
Factor D (Divide total by number of participants):						20075.90
Average Length of Stay on the Waiver:						355

**Appendix J: Cost Neutrality Demonstration**

**J-2: Derivation of Estimates (6 of 9)**

**d. Estimate of Factor D.**

**i. Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

**Waiver Year: Year 2**

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Career Exploration Total:</b>						115936.56
<b>GRAND TOTAL:</b>						25525017.87
Total Estimated Unduplicated Participants:						1490
Factor D (Divide total by number of participants):						17130.88
Average Length of Stay on the Waiver:						355

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Large Group	Day	3	184.00	70.01	38645.52	
Small Group	Day	3	184.00	70.01	38645.52	
Facility Based	Day	3	184.00	70.01	38645.52	
<b>Day Habilitation Total:</b>						5499365.70
Day Habilitation 1:1	Day	0	0.00	0.01	0.00	
Day Habilitation 2:1	0	0	0.00	0.01	0.00	
Day Habilitation Small Group 2-5	0	0	0.00	0.01	0.00	
Day Habilitation Large Group 6-10	0	0	0.00	0.01	0.00	
Day Habilitation	Day	285	206.00	93.67	5499365.70	
<b>Medical Day Care Total:</b>						111584.00
Medical Day Care	Day	8	176.00	79.25	111584.00	
<b>Personal Supports Total:</b>						12124165.62
Personal Supports PCIS	15 minutes	298	2451.00	6.53	4769498.94	
Personal Supports Enhanced Supports	15 minutes	9	2451.00	11.90	262502.10	
Personal Supports LTSS Maryland	15 minutes	298	2451.00	9.71	7092164.58	
<b>Respite Care Services Total:</b>						601650.00
Daily	Day	75	10.00	401.80	301350.00	
Hourly	Hour	75	80.00	22.42	134520.00	
Camp	Item	30	1.00	1038.00	31140.00	
Respite	15 minutes	75	320.00	5.61	134640.00	
<b>Support Broker Services Total:</b>						198504.00
Support Broker Services	Item	45	96.00	45.95	198504.00	
<b>Assistive Technology and Services Total:</b>						4201.44
Assistive Technology and Services	Item	4	1.00	1050.36	4201.44	
<b>GRAND TOTAL:</b>						25525017.87
Total Estimated Unduplicated Participants:						1490
Factor D (Divide total by number of participants):						17130.88
Average Length of Stay on the Waiver:						355

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Behavioral Support Services Total:</b>						159501.60
Assessment	Assessment	30	1.00	876.71	26301.30	
Plan	Plan	30	1.00	876.71	26301.30	
Consultation	15 minutes	30	86.00	27.39	70666.20	
Brief Support Implementation	15 minutes	30	62.00	19.48	36232.80	
<b>Community Development Services Total:</b>						2582918.80
Community Development Services	Day	170	154.00	98.66	2582918.80	
<b>Employment Discovery and Customization **ENDING JUNE 30, 2022** Total:</b>						69339.00
Employment Discovery and Customization **ENDING JUNE 30, 2022**	Day	30	29.00	79.70	69339.00	
<b>Employment Services **BEGINNING DECEMBER 1, 2019** Total:</b>						0.00
Discovery Milestone 1	Milestone	0	0.00	0.01	0.00	
Discovery Milestone 2	Milestone	0	0.00	0.01	0.00	
Discovery Milestone 3	Milestone	0	0.00	0.01	0.00	
Job Development	Hour	0	0.00	0.01	0.00	
Follow Along Supports	Month	0	0.00	0.01	0.00	
Co-Worker Employment Supports	Month	0	0.00	0.01	0.00	
Customized Self-Employment Services	Milestone	0	0.00	0.01	0.00	
On-going Job Supports	15 minutes	0	0.00	0.01	0.00	
<b>Environmental Assessment Total:</b>						935.14
Environmental Assessment	Assessment	2	1.00	467.57	935.14	
<b>Environmental Modifications Total:</b>						13184.76
Environmental Modifications	Item	2	1.00	6592.38	13184.76	
<b>GRAND TOTAL:</b>						25525017.87
Total Estimated Unduplicated Participants:						1490
Factor D (Divide total by number of participants):						17130.88
Average Length of Stay on the Waiver:						355

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Family and Peer Mentoring Supports Total:</b>						4327.50
Family and Peer Mentoring Supports (Hour)	Hour	15	2.00	64.10	1923.00	
Family and Peer Mentoring Supports (15 Minutes)	15 minutes	15	10.00	16.03	2404.50	
<b>Family Caregiver Training and Empowerment Services Total:</b>						8070.00
Family Caregiver Training and Empowerment Services	Item	15	1.00	538.00	8070.00	
<b>Housing Support Services Total:</b>						64858.95
Housing Support Services (Hour)	Hour	15	39.00	55.43	32426.55	
Housing Support Services (15 Minutes)	15 minutes	15	156.00	13.86	32432.40	
<b>Individual and Family Directed Goods and Services Total:</b>						10170.00
Goods and Services	Items & Services	9	4.00	220.00	7920.00	
Staff Recruitment and Advertising	Items & Services	9	1.00	250.00	2250.00	
<b>Nurse Case Management and Delegation Services**Ending March 2021** Total:</b>						584383.80
Nurse Case Management and Delegation Services**Ending March 2021**	15 minutes	30	973.00	20.02	584383.80	
<b>Nurse Consultation**ENDING March 2021** Total:</b>						19219.20
Nurse Consultation**ENDING March 2021**	15 minutes	30	32.00	20.02	19219.20	
<b>Nurse Health Case Management**Ending March 2021** Total:</b>						19219.20
Nurse Health Case Management**Ending March 2021**	15 minutes	30	32.00	20.02	19219.20	
<b>Nursing Support Services Total:</b>						292492.20
Nursing Support Services	15 minutes	30	487.00	20.02	292492.20	
<b>Participant Education, Training and Advocacy Supports Total:</b>						8070.00
Participant Education,					8070.00	
<b>GRAND TOTAL:</b>						25525017.87
Total Estimated Unduplicated Participants:						1490
Factor D (Divide total by number of participants):						17130.88
Average Length of Stay on the Waiver:						355

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Training and Advocacy Supports	Item	15	1.00	538.00		
<b>Supported Employment **ENDING JUNE 30, 2021** Total:</b>						2447549.60
Supported Employment **ENDING JUNE 30, 2021**	Day	190	184.00	70.01	2447549.60	
<b>Transportation Total:</b>						558630.80
Transportation	Item	149	260.00	14.42	558630.80	
<b>Vehicle Modifications Total:</b>						26740.00
Vehicle Modifications	Item	2	1.00	13370.00	26740.00	
<b>GRAND TOTAL:</b>						25525017.87
Total Estimated Unduplicated Participants:						1490
Factor D (Divide total by number of participants):						17130.88
Average Length of Stay on the Waiver:						355

**Appendix J: Cost Neutrality Demonstration**

**J-2: Derivation of Estimates (7 of 9)**

**d. Estimate of Factor D.**

**i. Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

**Waiver Year: Year 3**

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Career Exploration Total:</b>						101685.76
Large Group	15 minutes	4	1472.00	4.95	29145.60	
Small Group	15 minutes	4	1472.00	5.61	33031.68	
Facility Based	15 minutes	4	1472.00	6.71	39508.48	
<b>Day Habilitation Total:</b>						11552051.52
Day Habilitation 1:1	15 minutes	15	4944.00	13.86	1027857.60	
Day Habilitation 2:1	15 minutes	3	4944.00	21.56	319777.92	
Day Habilitation Small Group 2-5	15 minutes		4944.00	7.37	5465592.00	
<b>GRAND TOTAL:</b>						50062829.30
Total Estimated Unduplicated Participants:						1950
Factor D (Divide total by number of participants):						25673.25
Average Length of Stay on the Waiver:						355

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
		150				
Day Habilitation Large Group 6-10	15 minutes	150	4944.00	6.39	4738824.00	
Day Habilitation	Day	0	0.00	0.01	0.00	
<b>Medical Day Care Total:</b>						179988.48
Medical Day Care	Day	12	186.00	80.64	179988.48	
<b>Personal Supports Total:</b>						19640745.36
Personal Supports PCIS	15 minutes	390	4902.00	9.90	18926622.00	
Personal Supports Enhanced Supports	15 minutes	12	4902.00	12.14	714123.36	
Personal Supports LTSSMaryland	15 minutes	0	0.00	0.01	0.00	
<b>Respite Care Services Total:</b>						854950.20
Daily	Day	98	10.00	393.97	386090.60	
Hourly	Hour	0	0.00	0.01	0.00	
Camp	Item	39	1.00	1038.00	40482.00	
Respite	15 minutes	98	640.00	6.83	428377.60	
<b>Support Broker Services Total:</b>						170796.15
Support Broker Services	Item	59	63.00	45.95	170796.15	
<b>Assistive Technology and Services Total:</b>						8402.88
Assistive Technology and Services	Item	8	1.00	1050.36	8402.88	
<b>Behavioral Support Services Total:</b>						250685.60
Assessment	Assessment	40	1.00	1332.39	53295.60	
Plan	Plan	40	1.00	1332.39	53295.60	
Consultation	15 minutes	40	86.00	30.18	103819.20	
Brief Support Implementation	15 minutes	40	62.00	16.24	40275.20	
<b>Community Development Services Total:</b>						3022268.48
<b>GRAND TOTAL:</b>					50062829.30	
Total Estimated Unduplicated Participants:					1950	
Factor D (Divide total by number of participants):					25673.25	
Average Length of Stay on the Waiver:						355

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Community Development Services	15 minutes	173	1232.00	14.18	3022268.48	
<b>Employment Discovery and Customization **ENDING JUNE 30, 2022** Total:</b>						0.00
Employment Discovery and Customization **ENDING JUNE 30, 2022**	Day	0	0.00	0.01	0.00	
<b>Employment Services **BEGINNING DECEMBER 1, 2019** Total:</b>						12090583.96
Discovery Milestone 1	Milestone	200	1.00	699.81	139962.00	
Discovery Milestone 2	Milestone	200	1.00	2099.42	419884.00	
Discovery Milestone 3	Milestone	200	1.00	1399.61	279922.00	
Job Development	15 minutes	44	180.00	21.87	173210.40	
Follow Along Supports	Month	200	10.00	648.31	1296620.00	
Co-Worker Employment Supports	Item	10	2.00	500.00	10000.00	
Customized Self-Employment Services	Milestone	4	1.00	506.39	2025.56	
On-going Job Supports	15 minutes	160	3600.00	16.96	9768960.00	
<b>Environmental Assessment Total:</b>						1246.17
Environmental Assessment	Assessment	3	1.00	415.39	1246.17	
<b>Environmental Modifications Total:</b>						19777.14
Environmental Modifications	Item	3	1.00	6592.38	19777.14	
<b>Family and Peer Mentoring Supports Total:</b>						6540.00
Family and Peer Mentoring Supports (Hour)	15 minutes	0	0.00	0.01	0.00	
Family and Peer Mentoring Supports (15 Minutes)	15 minutes	20	20.00	16.35	6540.00	
<b>Family Caregiver Training and Empowerment Services Total:</b>						10760.00
Family Caregiver Training and Empowerment Services	Item	20	1.00	538.00	10760.00	
<b>GRAND TOTAL:</b>						50062829.30
Total Estimated Unduplicated Participants:						1950
Factor D (Divide total by number of participants):						25673.25
Average Length of Stay on the Waiver:						355

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Housing Support Services Total:</b>						95284.80
Housing Support Services (Hour)	15 minutes	0	0.00	0.01	0.00	
Housing Support Services (15 Minutes)	15 minutes	20	312.00	15.27	95284.80	
<b>Individual and Family Directed Goods and Services Total:</b>						15820.00
Goods and Services	Items & Services	14	4.00	220.00	12320.00	
Staff Recruitment and Advertising	Items & Services	14	1.00	250.00	3500.00	
<b>Nurse Case Management and Delegation Services**Ending March 2021** Total:</b>						0.00
Nurse Case Management and Delegation Services**Ending March 2021**	15 minutes	0	0.00	0.01	0.00	
<b>Nurse Consultation**ENDING March 2021** Total:</b>						0.00
Nurse Consultation**ENDING March 2021**	15 minutes	0	0.00	0.01	0.00	
<b>Nurse Health Case Management**Ending March 2021** Total:</b>						0.00
Nurse Health Case Management**Ending March 2021**	15 minutes	0	0.00	0.01	0.00	
<b>Nursing Support Services Total:</b>						1262359.80
Nursing Support Services	15 minutes	39	1460.00	22.17	1262359.80	
<b>Participant Education, Training and Advocacy Supports Total:</b>						10760.00
Participant Education, Training and Advocacy Supports	Item	20	1.00	538.00	10760.00	
<b>Supported Employment **ENDING JUNE 30, 2021** Total:</b>						0.00
Supported Employment **ENDING JUNE 30, 2021**	Day	0	0.00	0.01	0.00	
<b>Transportation Total:</b>						731094.00
Transportation	Item	195	260.00	14.42	731094.00	
<b>Vehicle Modifications</b>						37029.00
<b>GRAND TOTAL:</b>						50062829.30
Total Estimated Unduplicated Participants:						1950
Factor D (Divide total by number of participants):						25673.25
Average Length of Stay on the Waiver:						355

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Total:</b>						
Vehicle Modifications	Item	3	1.00	12343.00	37029.00	
<b>GRAND TOTAL:</b>					50062829.30	
<i>Total Estimated Unduplicated Participants:</i>					1950	
<i>Factor D (Divide total by number of participants):</i>					25673.25	
<i>Average Length of Stay on the Waiver:</i>						355

**Appendix J: Cost Neutrality Demonstration**

**J-2: Derivation of Estimates (8 of 9)**

**d. Estimate of Factor D.**

**i. Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

**Waiver Year: Year 4**

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Career Exploration Total:</b>						155531.52
Large Group	15 minutes	6	1472.00	5.05	44601.60	
Small Group	15 minutes	6	1472.00	5.72	50519.04	
Facility Based	15 minutes	6	1472.00	6.84	60410.88	
<b>Day Habilitation Total:</b>						12765457.44
Day Habilitation 1:1	15 minutes	16	4944.00	14.14	1118530.56	
Day Habilitation 2:1	15 minutes	3	4944.00	21.99	326155.68	
Day Habilitation Small Group 2-5	15 minutes	236	4944.00	7.52	8774215.68	
Day Habilitation Large Group 6-10	15 minutes	79	4944.00	6.52	2546555.52	
Day Habilitation	Day	0	0.00	0.01	0.00	
<b>Medical Day Care Total:</b>						260074.50
Medical Day Care	Day	17	186.00	82.25	260074.50	
<b>Personal Supports Total:</b>						25071279.00
Personal Supports PCIS					24160977.60	
<b>GRAND TOTAL:</b>					58397351.59	
<i>Total Estimated Unduplicated Participants:</i>					2440	
<i>Factor D (Divide total by number of participants):</i>					23933.34	
<i>Average Length of Stay on the Waiver:</i>						355

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
	15 minutes	488	4902.00	10.10		
Personal Supports Enhanced Supports	15 minutes	15	4902.00	12.38	910301.40	
Personal Supports LTSSMaryland	15 minutes	0	0.00	0.01	0.00	
<b>Respite Care Services Total:</b>						1085336.60
Daily	Day	122	10.00	401.85	490257.00	
Hourly	Hour	0	0.00	0.01	0.00	
Camp	Item	49	1.00	1038.00	50862.00	
Respite	15 minutes	122	640.00	6.97	544217.60	
<b>Support Broker Services Total:</b>						211324.05
Support Broker Services	Item	73	63.00	45.95	211324.05	
<b>Assistive Technology and Services Total:</b>						12604.32
Assistive Technology and Services	Item	12	1.00	1050.36	12604.32	
<b>Behavioral Support Services Total:</b>						313202.12
Assessment	Assessment	49	1.00	1359.04	66592.96	
Plan	Plan	49	1.00	1359.04	66592.96	
Consultation	15 minutes	49	86.00	30.78	129706.92	
Brief Support Implementation	15 minutes	49	62.00	16.56	50309.28	
<b>Community Development Services Total:</b>						3153205.44
Community Development Services	15 minutes	177	1232.00	14.46	3153205.44	
<b>Employment Discovery and Customization **ENDING JUNE 30, 2022** Total:</b>						0.00
Employment Discovery and Customization **ENDING JUNE 30, 2022**	Day	0	0.00	0.01	0.00	
<b>Employment Services **BEGINNING DECEMBER 1, 2019** Total:</b>						12567123.56
Discovery Milestone 1					145617.24	
<b>GRAND TOTAL:</b>					58397351.59	
Total Estimated Unduplicated Participants:					2440	
Factor D (Divide total by number of participants):					23933.34	
Average Length of Stay on the Waiver:						355

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
	Milestone	204	1.00	713.81		
Discovery Milestone 2	Month	204	1.00	2141.41	436847.64	
Discovery Milestone 3	Hour	204	1.00	1427.60	291230.40	
Job Development	15 minutes	45	180.00	22.31	180711.00	
Follow Along Supports	Month	204	10.00	661.28	1349011.20	
Co-Worker Employment Supports	Item	10	2.00	500.00	10000.00	
Customized Self- Employment Services	Milestone	4	1.00	516.52	2066.08	
On-going Job Supports	15 minutes	163	3600.00	17.30	10151640.00	
<b>Environmental Assessment Total:</b>						2118.50
Environmental Assessment	Assessment	5	1.00	423.70	2118.50	
<b>Environmental Modifications Total:</b>						32961.90
Environmental Modifications	Item	5	1.00	6592.38	32961.90	
<b>Family and Peer Mentoring Supports Total:</b>						8006.40
Family and Peer Mentoring Supports (Hour)	15 minutes	0	0.00	0.01	0.00	
Family and Peer Mentoring Supports (15 Minutes)	15 minutes	24	20.00	16.68	8006.40	
<b>Family Caregiver Training and Empowerment Services Total:</b>						12912.00
Family Caregiver Training and Empowerment Services	Item	24	1.00	538.00	12912.00	
<b>Housing Support Services Total:</b>						116663.04
Housing Support Services (Hour)	Hour	24	312.00	15.58	116663.04	
Housing Support Services (15 Minutes)	15 minutes	0	0.00	0.01	0.00	
<b>Individual and Family Directed Goods and Services Total:</b>						22600.00
Goods and Services	Items & Services	20	4.00	220.00	17600.00	
Staff Recruitment and Advertising	Items & Services				5000.00	
<b>GRAND TOTAL:</b>					58397351.59	
Total Estimated Unduplicated Participants:					2440	
Factor D (Divide total by number of participants):					23933.34	
Average Length of Stay on the Waiver:						355

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
		20	1.00	250.00		
<b>Nurse Case Management and Delegation Services**Ending March 2021** Total:</b>						0.00
Nurse Case Management and Delegation Services**Ending March 2021**	15 minutes	0	0.00	0.01	0.00	
<b>Nurse Consultation**ENDING March 2021** Total:</b>						0.00
Nurse Consultation**ENDING March 2021**	15 minutes	0	0.00	0.01	0.00	
<b>Nurse Health Case Management**Ending March 2021** Total:</b>						0.00
Nurse Health Case Management**Ending March 2021**	15 minutes	0	0.00	0.01	0.00	
<b>Nursing Support Services Total:</b>						1617519.40
Nursing Support Services	15 minutes	49	1460.00	22.61	1617519.40	
<b>Participant Education, Training and Advocacy Supports Total:</b>						12912.00
Participant Education, Training and Advocacy Supports	Item	24	1.00	538.00	12912.00	
<b>Supported Employment **ENDING JUNE 30, 2021** Total:</b>						0.00
Supported Employment **ENDING JUNE 30, 2021**	Day	0	0.00	0.01	0.00	
<b>Transportation Total:</b>						914804.80
Transportation	Item	244	260.00	14.42	914804.80	
<b>Vehicle Modifications Total:</b>						61715.00
Vehicle Modifications	Item	5	1.00	12343.00	61715.00	
<b>GRAND TOTAL:</b>						58397351.59
Total Estimated Unduplicated Participants:						2440
Factor D (Divide total by number of participants):						23933.34
Average Length of Stay on the Waiver:						355

**Appendix J: Cost Neutrality Demonstration**

**J-2: Derivation of Estimates (9 of 9)**

**d. Estimate of Factor D.**

**i. Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to

automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

**Waiver Year: Year 5**

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Career Exploration Total:</b>						185059.84
Large Group	15 minutes	7	1472.00	5.15	53065.60	
Small Group	15 minutes	7	1472.00	5.83	60072.32	
Facility Based	15 minutes	7	1472.00	6.98	71921.92	
<b>Day Habilitation Total:</b>						13763502.72
Day Habilitation 1:1	15 minutes	17	4944.00	14.42	1211972.16	
Day Habilitation 2:1	15 minutes	3	4944.00	22.43	332681.76	
Day Habilitation Small Group 2-5	15 minutes	265	4944.00	7.67	10048927.20	
Day Habilitation Large Group 6-10	15 minutes	66	4944.00	6.65	2169921.60	
Day Habilitation	Day	0	0.00	0.01	0.00	
<b>Medical Day Care Total:</b>						343318.80
Medical Day Care	Day	22	186.00	83.90	343318.80	
<b>Personal Supports Total:</b>						30135094.02
Personal Supports PCIS	15 minutes	576	4902.00	10.30	29082585.60	
Personal Supports Enhanced Supports	15 minutes	17	4902.00	12.63	1052508.42	
Personal Supports LTSS Maryland	15 minutes	0	0.00	0.01	0.00	
<b>Respite Care Services Total:</b>						1305703.20
Daily	Day	144	10.00	409.89	590241.60	
Hourly	Hour	0	0.00	0.01	0.00	
Camp	Item	58	1.00	1038.00	60204.00	
Respite	15 minutes	144	640.00	7.11	655257.60	
<b>Support Broker Services Total:</b>						248957.10
<b>GRAND TOTAL:</b>					66096293.93	
Total Estimated Unduplicated Participants:					2880	
Factor D (Divide total by number of participants):					22950.10	
Average Length of Stay on the Waiver:						355

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Support Broker Services	Item	86	63.00	45.95	248957.10	
<b>Assistive Technology and Services Total:</b>						18906.48
Assistive Technology and Services	Item	18	1.00	1050.36	18906.48	
<b>Behavioral Support Services Total:</b>						378161.16
Assessment	Assessment	58	1.00	1386.22	80400.76	
Plan	Plan	58	1.00	1386.22	80400.76	
Consultation	15 minutes	58	86.00	31.40	156623.20	
Brief Support Implementation	15 minutes	58	62.00	16.89	60736.44	
<b>Community Development Services Total:</b>						3270960.00
Community Development Services	15 minutes	180	1232.00	14.75	3270960.00	
<b>Employment Discovery and Customization **ENDING JUNE 30, 2022** Total:</b>						0.00
Employment Discovery and Customization **ENDING JUNE 30, 2022**	Day	0	0.00	0.01	0.00	
<b>Employment Services **BEGINNING DECEMBER 1, 2019** Total:</b>						13059824.84
Discovery Milestone 1	Milestone	208	1.00	728.09	151442.72	
Discovery Milestone 2	Milestone	208	1.00	2184.24	454321.92	
Discovery Milestone 3	Milestone	208	1.00	1456.15	302879.20	
Job Development	15 minutes	46	180.00	22.76	188452.80	
Follow Along Supports	Month	208	10.00	674.51	1402980.80	
Co-Worker Employment Supports	Item	10	2.00	500.00	10000.00	
Customized Self-Employment Services	Milestone	4	1.00	526.85	2107.40	
On-going Job Supports	15 minutes	166	3600.00	17.65	10547640.00	
<b>Environmental Assessment Total:</b>						3025.19
<b>GRAND TOTAL:</b>					66096293.93	
Total Estimated Unduplicated Participants:					2880	
Factor D (Divide total by number of participants):					22950.10	
Average Length of Stay on the Waiver:						355

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Environmental Assessment	Assessment	7	1.00	432.17	3025.19	
<b>Environmental Modifications Total:</b>						46146.66
Environmental Modifications	Item	7	1.00	6592.38	46146.66	
<b>Family and Peer Mentoring Supports Total:</b>						9865.80
Family and Peer Mentoring Supports (Hour)	15 minutes	0	0.00	0.01	0.00	
Family and Peer Mentoring Supports (15 Minutes)	15 minutes	29	20.00	17.01	9865.80	
<b>Family Caregiver Training and Empowerment Services Total:</b>						15602.00
Family Caregiver Training and Empowerment Services	Item	29	1.00	538.00	15602.00	
<b>Housing Support Services Total:</b>						143772.72
Housing Support Services (Hour)	Hour	0	0.00	0.01	0.00	
Housing Support Services (15 Minutes)	15 minutes	29	312.00	15.89	143772.72	
<b>Individual and Family Directed Goods and Services Total:</b>						33900.00
Goods and Services	Items & Services	30	4.00	220.00	26400.00	
Staff Recruitment and Advertising	Items & Services	30	1.00	250.00	7500.00	
<b>Nurse Case Management and Delegation Services**Ending March 2021** Total:</b>						0.00
Nurse Case Management and Delegation Services**Ending March 2021**	15 minutes	0	0.00	0.01	0.00	
<b>Nurse Consultation**ENDING March 2021** Total:</b>						0.00
Nurse Consultation**ENDING March 2021**	15 minutes	0	0.00	0.01	0.00	
<b>Nurse Health Case Management**Ending March 2021** Total:</b>						0.00
Nurse Health Case Management**Ending March 2021**	15 minutes	0	0.00	0.01	0.00	
<b>Nursing Support Services</b>						1952720.80
<b>GRAND TOTAL:</b>					66096293.93	
Total Estimated Unduplicated Participants:					2880	
Factor D (Divide total by number of participants):					22950.10	
Average Length of Stay on the Waiver:						355

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Total:</b>						
Nursing Support Services	15 minutes	58	1460.00	23.06	1952720.80	
<b>Participant Education, Training and Advocacy Supports Total:</b>						15602.00
Participant Education, Training and Advocacy Supports	Item	29	1.00	538.00	15602.00	
<b>Supported Employment **ENDING JUNE 30, 2021** Total:</b>						0.00
Supported Employment **ENDING JUNE 30, 2021**	Day	0	0.00	0.01	0.00	
<b>Transportation Total:</b>						1079769.60
Transportation	Item	288	260.00	14.42	1079769.60	
<b>Vehicle Modifications Total:</b>						86401.00
Vehicle Modifications	Item	7	1.00	12343.00	86401.00	
<b>GRAND TOTAL:</b>					66096293.93	
<i>Total Estimated Unduplicated Participants:</i>					2880	
<i>Factor D (Divide total by number of participants):</i>					22950.10	
<i>Average Length of Stay on the Waiver:</i>						355