



MEMORANDUM

To: DDA Stakeholders
From: Bernard Simons, Deputy Secretary 
Re: DDA Amendment #3 2020 - Guidance #6 - Dedicated Hours to Support More than One Participant
Release Date: February 16, 2021
Effective: January 19, 2021

NOTE: Please inform appropriate staff members of the contents of this memorandum.

BACKGROUND

On January 19, 2021, the Centers for Medicare and Medicaid Services (CMS) approved the Maryland Department of Health (MDH) Developmental Disabilities Administration (DDA) Waiver Amendments #3 2020 with an effective date of January 19, 2021.

The purpose of this guidance is to inform stakeholders of changes to the DDA's Medicaid Home and Community-Based Services (HCBS) Waiver programs (*i.e.*, Community Pathways Waiver, Community Supports Waiver, and Family Supports Waiver) (each a "DDA Waiver program") and operations based on the approved amendments.

This guidance applies to Applicants, Participants, and their family members, Coordinators of Community Services (CCS), DDA Providers, and DDA Staff. This guidance applies to services rendered to participants under both service delivery models: traditional services and self-directed services.

OVERVIEW

Changes set forth in Amendment #3 2020 of the DDA Waiver program applications permits provision of supports to more than one participant under Community Living - Group Home Services and Supported Living services based on the participants' assessed needs and specific criteria being met.

Please note that this guidance memorandum is intended to highlight the changes in the DDA Waiver programs created by Amendment #3. This guidance memorandum does not address all applicable DDA Waiver program requirements. To review all applicable DDA Waiver program requirements, please refer directly to Amendment #3 of the DDA Waiver program application, effective January 19, 2021.

Applicable Services Reference Table

Meaningful Day Services		Residential Services		Support Services (CCS and Waiver Supports)	
	Employment Services	X	Community Living – Group Home	Assistive Technology & Services	Nurse Consultation
	Supported Employment		Community Living – Enhanced Supports	Behavioral Support Services	Nurse Health Case Management
	Employment Discovery & Customization	X	Supported Living	Coordination of Community Services	Nurse CM & Delegation Svs
	Career Exploration		Shared Living	Environmental Assessment	Participant Ed, Training & Advocacy
	Community Development Svs			Environmental Modification	Personal Supports
	Day Habilitation			Family & Peer Mentoring Supports	Respite Services
				Family Caregiver Training & Empowerment	Remote Support Services
				Housing Support	Support Broker
				Live-in Caregiver Supports	Transportation Svs
				Nursing Support Services	Vehicle Mods

Standards and Requirements

A. Community Living - Group Home services and Supported Living services includes provision of:

1. Direct support services; and
2. The following supports provided in combination with, and incidental to, the provision of Personal Supports:
 - a. Transportation to, from, and within the scope of this service;
 - b. Delegated nursing tasks or other nursing support services covered by the Waiver program, based on the participant's assessed need; and
 - c. Personal care assistance, based on the participant's assessed need.
3. Personal care assistance may not compromise the entirety of the service. For purposes of the DDA Waiver programs, personal care assistance means the provision of supports to assist a participant in performance of activities of daily living and instrumental activities of daily living.

B. Level of Supports

1. For Community Living – Group Home and Supported Living services, the level of support and meaningful activities provided to the participant under a DDA Waiver program must be based on the participant's level of service need.
2. Based on the participant's assessed need, the DDA may authorize a 1:1 and 2:1 staff-to-participant ratio, referred to as dedicated hours.
3. 1:1 and 2:1 dedicated supports authorized for a participant due to medical or behavioral needs cannot be shared with other participants residing in the same residential setting.
4. However, the DDA may authorized dedicated supports to be used to support more than one participant residing in the same residential setting if it meets each of their assessed needs and the following circumstances are met:
 - a. The participants are retired, transitioning from one meaningful day service to another, recovering from a health condition, or receive less than 40 hours of meaningful day services per week;
 - b. The dedicated supports hours are documented in each participant's respective Person-Centered Plan and the Provider Implementation Plan; and
 - c. The DDA provider may only bill the dedicated supports hours for one participant, to avoid duplication.

C. DDA Provider’s Program Service Plan

1. DDA Providers interested in providing dedicated support hours to support more than one participant must include this service delivery method in their provider Program Service Plan, (required by COMAR 10.22.02.09) for each service.
2. Current DDA Providers must submit an amendment to their current Program Service Plan to the DDA Regional Office Provider Relations liaison and receive approval prior to using this service delivery model and implementing dedicated support hours.
3. In addition, DDA Providers must establish and enforce written policies to ensure:
 - a. Each participant’s assessed needs are being met;
 - b. Ensure the participant's rights of privacy, dignity and respect, and freedom from coercion and restraint;
 - c. Shared supports have been agreed to by the participants and their team and is outlined in the Person-Centered Plan;
 - d. Shared supports must be documented appropriately for each participant, including the name of the staff person providing service, and start and end times; and
 - e. Processes for accounting and tracking for billing dedicated support hours for one participant.

D. Service Utilization and Audits

The State has mechanisms in place to prevent duplicate billing for multiple participants including:

1. Service utilization reviews; and
2. Audits.

Applicable Resources:

[Community Pathways Waiver](#)

[DDA Residential Policy](#)