

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

## PURPOSE OF THE HCBS WAIVER PROGRAM

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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 waiver's 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.

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

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

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- 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:** new

**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

**New to replace waiver**

Replacing Waiver Number:

**Migration Waiver** - this is an existing approved waiver

Provide the information about the original waiver being migrated

**Base Waiver Number:**

**Amendment Number**

(if applicable):

**Effective Date:** (*mm/dd/yy*)

**Waiver Number:** MD.1506.R00.00

**Draft ID:** MD.037.00.00

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

Regular Waiver

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

01/01/18

**Approved Effective Date:** 01/01/18

### 1. Request Information (2 of 3)

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**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 support services to participants and their families, to enable participants to work toward self-determination, independence, productivity, integration, and inclusion in all facets of community life across their lifespans. It supports individuals and families as they focus on life experiences that point the trajectory toward a good quality of life across the lifespan. Services can support integrated life domains that are important to a good quality of life, 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 goals for the Community Supports Waiver include providing:

- Innovative service options aimed at providing supports that build on the DDA's existing Community of Practice related to Employment and Supporting Families;
- Participant and family self-direction opportunities;
- Flexibility for participants and families to move dollar amounts among line items within their approved Person-Centered Plan to meet the emerging and changing needs of the participant and family; and
- Short-term exceptions to the overall budget caps based on exceptional needs, such as family caregiver support needs, post-hospitalization, and short-term care needs.

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. Services shall increase individual independence and reduce level of service needed.

Participants will receive case management services, provided by licensed Coordination of Community Services (CCS) providers, through the Medicaid State Plan Targeted Case Management (TCM) authority. Each Coordinator of Community Services assists participants in developing a Person-Centered Plan, ensuring individual health and safety needs are met and services are actually provided, and ensuring that participants are satisfied with the services they are receiving.

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

## 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*):
- Yes. This waiver provides participant direction opportunities.** Appendix E is required.

**No. This waiver does not provide participant direction opportunities.** Appendix E is not required.
- 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. **Statenidness.** Indicate whether the State requests a waiver of the statenidness requirements in §1902(a)(1) of the Act (*select one*):
- No
- Yes
- If yes, specify the waiver of statenidness that is requested (*check each that applies*):
- Geographic Limitation.** A waiver of statenidness 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:*
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- Limited Implementation of Participant-Direction.** A waiver of statenidness 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 hired independent consultants, which conducted listening sessions in 2014 on DDA's behalf. In these listening sessions families expressed interest in gaining access to nimble, responsive, and flexible supports for children and adults with developmental disabilities.

The DDA developed this waiver application based on input from: (1) individuals, families, advocates, and community-based services agencies; (2) the Family Supports Waiver application; (3) the Developmental Disabilities Coalition ("DD Coalition"), which is composed of leaders from the Maryland's Developmental Disabilities Council, Maryland's Protection and Advocacy Agency, People on the Go of Maryland (a self-advocate led organization), Maryland Association of Community Services (the largest community-based service agencies' association in Maryland), and the Arc of Maryland; (4) independent consultants; (5) Self-Directed Advocacy Network; (6) national research; and (7) submitted public comments.

The DDA established a dedicated Community Supports Waiver webpage and posted information about the program's goals, draft waiver application, public presentation at the ARC of Maryland Annual Conference, and the public webinar presentation. The website is located at:  
[https://dda.health.maryland.gov/Pages/Community\\_Supports\\_Waiver.aspx](https://dda.health.maryland.gov/Pages/Community_Supports_Waiver.aspx)

The DDA announced and conducted a webinar on August 9, 2017, where information about the process and draft service descriptions was shared. During this webinar, the DDA answered questions and considered suggestions on ways to enhance services.

The Maryland Urban Indian Organization (UIO) for Tribal Consultation was notified on July 24, 2017 of the upcoming posting of the waiver application.

The DDA sent out information to all stakeholders and partners regarding the waiver application posting and request for public comment on August 11, 2017.

Request for public input was also posted in the Maryland Register (Issue Date: 8/4/2017), 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 Public Comment Period was held from August 14-2017 - September 12, 2017. In total, 17 individuals responded.

An individual commented to add the following criteria to the Service Requirements: "provide an exclusive benefit to the participant", "are cost-effective", and "reasonable, customary, and necessary" to the scope of Assistive Technology and Services, Behavioral Support Services, Community Development Services, Family and Peer Mentoring Supports, Family Caregiver Training and Empowerment Services, Participant Education Training and Advocacy Supports, Transportation, and Supported Employment.

Response: Current service descriptions state the purpose of designated services. DDA will provide further guidance through policies and regulations.

One comment for the waiver to allow environmental assessments, environmental modifications, assistive technology and vehicle modifications prior to entering services. For example, a youth transitioning from foster care should also be able to move into an accessible home or have access to necessary assistive technology.

Response: Youth transitioning from foster care have access to Early Periodic Screen, Diagnosis, and Treatment services to meet their needs prior to enrollment. The waiver can support any new needs identified during the enrollment process.

Two comments to add legally responsible person, relative, and legal guardian as providers of services for Assistive Technology and Services, Behavioral Support Services, Community Development Services, Employment Discovery and Customization, Environmental Assessment, Environmental Modification, Personal Supports, Support Broker Services, Supported Employment, Transportation, and Respite Care Services.

Response: Services will be provided by qualified individuals that meet standards for the service request. Assistive Technology and Services, Behavioral Support Services, Environmental Assessment, Environmental Modification, and Respite Care Services are time limited and provided by a professional or agency that will not be considered as a staff person for someone in self-direction. A family member can provide Respite Care Services, Supported Employment, Transportation and Support Broker Services.

An agency and three individuals commented on Assistive Technology and Services. Comments included: (1) adding to Cognitive support devices “and materials like task analysis applications, visual communication software, and reminder systems.”; (2) adding “Assistive Technology Tools which may be needed by participants are classified on a continuum: the three basic categories of tools are low-tech, mid- tech, and high-tech. An individual may require items from one or more categories in order to achieve the desired outcome.”; and (3) changing language to read “The person centered plan should include an available option from the list, and if it is not the least expensive of the options listed, the person should provide a justification for why a more expensive option is appropriate.

Response: “Items” was added to provide clarity to this service description. Language was not changed regarding the basic categories of tools or using the least expensive option.

One advocacy group commented to clarify whether individuals can use these funds to pay for hotel rooms at trainings, workshops and conferences.

Response: Language was added to clarify that the service includes lodging and meals at trainings, workshops and conferences.

Two comments to change taxonomy to Day Services and Community Integration.

Response: Current taxonomies will be used.

A continuation of the summary of public comments and responses can be found in the Main Module in Section B entitled, Additional Information Needed (optional section).

- 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)

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

**Last Name:**

**First Name:**



<b>Title:</b>	<input type="text" value="Deputy Director, Nursing and Waiver Services"/>		
<b>Agency:</b>	<input type="text" value="Maryland Department of Health--Office of Health Services"/>		
<b>Address:</b>	<input type="text" value="201 West Preston Street, 1st Floor"/>		
<b>Address 2:</b>	<input type="text"/>		
<b>City:</b>	<input type="text" value="Baltimore"/>		
<b>State:</b>	<b>Maryland</b>		
<b>Zip:</b>	<input type="text" value="21201"/>		
<b>Phone:</b>	<input type="text" value="(410) 767-4003"/>	<b>Ext:</b> <input type="text"/>	<input type="checkbox"/> TTY
<b>Fax:</b>	<input type="text" value="(410) 333-6547"/>		
<b>E-mail:</b>	<input type="text" value="marlana.hutchinson@maryland.gov"/>		

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

<b>Last Name:</b>	<input type="text" value="Workman"/>		
<b>First Name:</b>	<input type="text" value="Rhonda"/>		
<b>Title:</b>	<input type="text" value="Director of Federal Programs"/>		
<b>Agency:</b>	<input type="text" value="Maryland Department of Health--Developmental Disabilities Administration"/>		
<b>Address:</b>	<input type="text" value="201 West Preston Street, 4th Floor"/>		
<b>Address 2:</b>	<input type="text"/>		
<b>City:</b>	<input type="text" value="Baltimore"/>		
<b>State:</b>	<b>Maryland</b>		
<b>Zip:</b>	<input type="text" value="21201"/>		
<b>Phone:</b>	<input type="text" value="(410) 767-8692"/>	<b>Ext:</b> <input type="text"/>	<input type="checkbox"/> TTY
<b>Fax:</b>	<input type="text" value="(410) 333-5850"/>		
<b>E-mail:</b>	<input type="text" value="Rhonda.Workman@maryland.gov"/>		

## 8. Authorizing Signature

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This document, together with Appendices A through J, constitutes the State's request for a waiver under §1915(c) of the Social Security Act. The State assures that all materials referenced in this waiver application (including standards, licensure and certification requirements) are **readily** available in print or electronic form upon request to CMS through the Medicaid agency or, if applicable, from the operating agency specified in Appendix A. Any proposed changes to the waiver will be submitted by the Medicaid agency to CMS in the form of waiver amendments.

Upon approval by CMS, the waiver application serves as the State's authority to provide home and community-based waiver services to the specified target groups. The State attests that it will abide by all provisions of the approved waiver and will continuously operate the waiver in accordance with the assurances specified in Section 5 and the additional requirements specified in Section 6 of the request.

**Signature:**

State Medicaid Director or Designee

**Submission Date:**

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

**Last Name:**

**First Name:**

**Title:**

**Agency:**

**Address:**

**Address 2:**

**City:**

**State:** **Maryland**

**Zip:**

**Phone:**  **Ext:**   **TTY**

**Fax:**

**E-mail:**

## Attachments

### 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:

Not applicable

### **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):

#### Public Comment Summary and Response Continuation

One comment to remove learning “socially acceptable behavior” from the service definitions for Community Development Supports, Day Habilitation, and Transitional Employment Services.

Response: Some participants need support in this area.

Seven comments were shared related to Behavioral Support Services. One comment to adding that this service addresses behavior issues at “home”. Two comments to add “materials and programs needed to assist in the development of adaptive materials” to C.2 and “(including two-seater bikes in order to keep staff in close proximity)” to B.9. One comment to eliminating the requirement that clinicians have training in behavioral tiered supports plans. One comment related to Behavioral Consultation Services to add specific language to the scope of service to make clear that the goal is to “optimize community inclusion in the least restrictive environment.” One comment to add to qualifications “or a person qualified to complete the behavioral assessment and consultation, or an individual who has current BPS training, experience implementing behavior supports with people with developmental disabilities, and is trained or supervised by an individual qualified to complete behavioral assessment and consultation.”

Response: Language was updated to include “home” and “Programs, materials and assistance in the development of adaptive materials.” No changes were made regarding bikes. Additional guidance related to examples of various items will be incorporated into regulation, policies and manuals. Behavioral tiered supports training was not eliminated; it is essential that all clinicians have this training to ensure all strategies are considered. Language was changed regarding Behavioral Consultation Services. The requirement for the person to successfully complete a 40 hour Registered Behavioral Technician (RBT) training is higher standard than the BPS training which is important when providing on-site execution and modeling of identified support strategies.

Four individuals, an advocacy group, and a provider commented on Supported Employment. Three comments to change or delete the requirement to engage in activities a minimum of four hours. One comment to allow family members to provide more than 40 hours of support a week, if customary and typical for the specific job. Two individuals made several comments to add to or edit service requirements, including: (1) adding “and maintain” competitive integrated employment “or self-employment” to C.1; (2) editing Service Requirement B for activities to occur a minimum of one hour per day for a minimum of two days a week; (3) adding “at different times on the same day” to Service Requirement C; (4) adding to Service Requirement G. “Under self-directed services, Transportation will be provided as a stand alone service; and (5) edit Service Requirement K to note the program does not pay for individuals legally responsible for a minor child.

Response: Based on the current traditional service delivery model structure, a daily payment is made for a minimum of four hours of support in supported employment activities. Language was added to clarify this requirement is specific to the

traditional service delivery model. Language was not changed regarding the 40 hour limit of support for family members, as this is the current standard. Language was changed regarding maintaining employment. Language was added to reflect that requirements regarding times of day are specific to traditional services. Language was not changed; this is reflected in the provider types and C-2.

Three individuals and one advocacy group commented on Individual and Family Directed Goods and Services. Comments included (1) adding exercise classes, physician ordered weight loss programs and fitness items that can be purchased to the service scope and (2) deleting personal training from items not covered. One comment to allow coverage of service dogs with restrictions to ensure certification. One comment to clarify what is meant by “the service is available from any source.” Two individuals provided multiple comments to add to goods and services that can be purchased to include: (1) Other health and therapeutic services; (2) fees associated with staff participation in an activity or event; (3) fees associated with telecommunications; (4) vacation expenses of staff such as additional room fee and staff meals; (5) cost of tickets and recreational cost for participants without sufficient funds and their staff; (6) personal trainer; and (7) adult educational classes. Two comments to eliminate the funding cap.

Response: This service covers fitness membership and weight loss program services. No language was changed. Service dogs are a covered service under the Medicaid State Plan Community First Choice program. DDA will further clarify in regulations and policy. As per CMS Technical Guide, items must not be available from other resources. Medically necessary health and therapeutic services would be covered under Medicaid State Plan services including Early Periodic Screening Diagnosis and Screening services for children. Personal supports can assist individuals who need more assistance with recreational and fitness activities. Participant Education Training, and Advocacy Supports can support adult training. The funding cap was increased to \$5,000 of the self-directed budget.

Three individuals shared comments on Support Broker Services, including (1) adding “Alerting participants and the CCS when budgets are being under or over utilized and participating in the development of budget and plan modifications to reflect current circumstances.”; (2) changing the wording of F to read: Support Brokerage Services differ from the CCS in intensity, frequency, level of detail and personal advocacy. Rates for the Support Broker services are negotiable; (3) moving Service Definition C.2 and C.7-9 adjacent to each other; and (4) adding this service as an administrative fee. Two individuals provided multiple comments to edit the service description and service requirements including: (1) adding “services are related to training and assisting the participant in directing or managing services including topics related to rights and responsibilities, recruitment and hiring staff, managing staff and solving problems regarding services, and managing participant directed budgets”; (2) adding “risk assessment, planning, and remediation activities”; (3) adding “and maintenance of effective back-up plans”; (4) adding “including training all of the participant’s family and staff on PORII and ensuring incidents are reported”; (5) adding “including alerting participants and others when budgets are being under or over utilized and participating in the development of budget and plan modifications to reflect current circumstances”; (6) adding the “use of family member when no other family member is employed as paid, direct-care staff”; (7) adding “services differ in intensity, frequency, level of detail, and personal advocacy”; and (8) adding “rates are negotiable.”

Response: No changes were made. Similar language is reflected in Appendix E. Current language reflects that Support Broker Services may not duplicate, replace, or supplant Coordination of Community Service. The DDA will be moving this service to administrative fee in the future. No change was made in the current application. The DDA will be considering recommendations from the Self-Directed work group related to roles and responsibilities in consideration of the scope of the Coordinator of Community Services. Language has been changed to reflect that a participant can use a family member when no other family member is employed as paid, direct-care staff. Under self-direction, all rates for negotiated by the participants in compliance with the Department of Labor rules.

Three individuals, advocacy group and provider commented on Personal Supports. Four comments to change availability to reflect anytime an individual is not working or participating in a day activity. One comment to support the use of funding for trainings and health workshops, such as nutrition and sexual health. One comment to avoid the term “in the rate” until the current DDA rate study is complete and new rates are issued for implementation. One comment to “change the definition of personal care services to include activities of daily living (ADLs), not instrumental activities of daily living (IADLs), to ensure access to services for individuals in the waiver.” One comment to define “meaningful day”. Two comments to support participants self-directing to have their supports covered under personal supports. Two comments to add to Service Requirement D “for individuals who receive services from a provider agency” related to transportation and add “Transportation service are a stand alone option under Self-Direction.” Two comments to have requirement for staff to have automobile insurance when transporting participants in all services where a participant self-directing hire staff.

Response: The service availability is reflected with language related to before and after meaningful day services. Further guidance will be provided in regulations and manuals. Trainings and workshops are covered under the new Participant Education, Training, and Advocacy Supports Services. Current rates for this service will be used and updated based on the outcome of the rate study. Personal support services includes a variety of individualized supports, delivered in a personalized manner to support independence in an individual’s own home and community. Participant can be assisted with both ADLs and IADLs. Meaningful day will be defined in regulations and other guidance. The waiver offers a variety of services to

support participant goals. Qualifications and skills can vary and are noted in each service. No change was made. Transportation is included in this service and can be reflected in the self-directed budget. DDA will further explore the insurance recommendation with the Self-Directed Steering Committee.

Two individuals made several comments about Environmental Modifications. Comments included (1) changing the taxonomy sub-category to 14020 home and/or vehicle modification; (2) editing Service Requirement B to reflect Environmental Modifications recommended by that team that cost up to \$2,000 does not require a formal assessment; (3) considering tying the number of years a participant is required to stay in a home that receives a modification to the cost of the modification; and (4) editing Service Requirement H to add exception when needed to support participant's health and safety and justified in the plan.

Response: The taxonomy was changed. Language was changed to reflect that Environmental Modifications recommended by the team under \$2,000 do not require a formal assessment. This service supports the participant's efforts to function with greater independence or create a safer, healthier environment. No changes were made. Language was changed to reflect that a generator can only be purchased to support the participant's medical and health devices that use electricity.

Two individuals commented on Family and Peer Mentoring Supports. Comments included: (1) supporting access to this service for paid caregivers; and (2) decreasing the years of experience for peers.

Response: Family and Peer Mentoring Supports provide mentors who have shared experiences as the participant, unpaid family member, or both, who provide support and guidance to the participant and his or her family members. Family and Peer mentors explain community services and programs and suggest strategies to the participant and family to achieve the participant's goals. It fosters connections and partnerships which builds the resilience of the participant and their family. We are currently seeking agencies with five years of experience.

Two comments to allow paid caregivers access to Family Caregiver Training and Empowerment Services.

Response: Family Caregiver Training and Empowerment Services provide education and support to the unpaid 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 unpaid family/caregiver's needs.

Three comments related to Transitional Employment Services, including; (1) allowing more than 40 hours per week of Small and Large group employment if customary and typical for the specific job and (2) edit language to reflect it can be provided at different times on the same day for Service Requirement C.

Response: This service is designed to help individuals learn skills to work in competitive integrated employment, and is not meant to serve simply as employment. Language was updated to clarify this requirement is for services provided under the traditional service delivery model based on the current payment unit of a day.

Two individuals made several comments regarding Respite Care Services. Comments include: (1) adding "or other primary, nonagency caregivers" to Service Description A; (2) adding "including trips out of state" to Service Description B.5. and "travel camps" to other provider qualification standards; (3) editing support payment of family members who are also providing another direct-care service such as CDS or PS related to Service Requirement A; (4) adding "when provided by a DDA provider agency. Services under SDS will always be paid on an hourly rate when provided by an employee of an SDS participant for Service Requirement H; and (5) deleting "If respite is provided in a private home, the home must be licensed, unless it is the participant's home or the home of a relative, neighbor, or friend" for Service Requirement J. to support participants self-directing and their team to decide what is a safe for the participant.

Response: "or primary caregiver" was added to Service Description A. Respite relieves families or the primary caregiver from their daily caregiving responsibilities. Further guidance will be provided related to other settings and camps as approved by the DDA. Family members can provide support under CDS or PS. Hourly payment of service is available for up to 8 hours and a daily rate will be used for more than 8 hours. Current language supports participants using a home of a relative, neighbor, or friend for respite.

Three individuals commented on Transportation. One individual's comments included: (1) adding "learning how to make, change, or cancel travel arrangements" to B. 1 and (2) including transportation services like Uber and Lyft under Service Definition 4. Two comments to add DORS approved vendor/contract to provider standards. Two individuals provided multiple comments to edit Service Requirements including: (1) No payment to legally responsible individuals of minors; (2) Mileage reimbursement not to exceed the federally allocated rate; (3) Method should meet the needs of the participant; (4) Exception to not being covered if part of another waiver service for people self-directing; (5) Remove requirement to seek other sources including Medicaid State Plan; and (6) Add option for participant to independently contract another source or to use a staff to transport due to inadequacy of Medicaid State Plan services.

Response: Travel training under B.3. would include these items. Further guidance will be provided regarding the use of services such as Uber. Provider standards were updated to include DORS approved vendors. No other changes were made to service requirement edits.

An advocacy group made several comments regarding Employment Discovery and Customization, including: (1) clarify what it means by "Identification of the ideal conditions for employment for the individual"; (2) delete the term "private" from Service Requirement A.; (3) change limit of service from 6 months to provide services in accordance with the individual's person centered plan; and (4) include volunteering as part of the discovery process. Two individuals provided multiple comments to edit limitations to reflect: (1) The length of service are to be person-centered an the time, frequency, occurrence and location of these services are to be included in the plan. While activities may be completed within six month, individuals whose team determines to need more time will write said expectation timeframe into the plan. Any extensions of that time-frame must be authorized by the DDA; (2) Service can be provided at any time day or night based on the abilities and preferences of the participant and the typical requirements of the job to which he/she is best suited; (3) Services may not exceed eight hours unless longer schedules are part of a typical work schedule for the job/position to which the participant is best suited and desires and the team determines that the participant is able to maintain such a work schedule. Two comments to add "which may include self-employment" to B.5. Two comments to "or through self-employment" to Service Requirement A. Two comments to edit language to reflect service can be provided at different times in the same day to Service Requirement B. Two comments to add to B " Training in appropriate work-related social skills and work behaviors. Two comments to related to transportation to add to Service Requirement C. "when provided through supports of a DDA provider agency."

Response: Policies and guidance will be issued to provide clarity regarding ideal employment conditions. Private was deleted from the service requirement. Employment Discovery and Customization activities must be completed within a six (6) month period unless otherwise authorized by the DDA. No changes were made. Volunteering was added as part of the discovery process. Under the current service structure, services are provided Monday through Friday. This service will transition in the future under the new proposed Employment Services and will provide more flexibility. Employment Discovery and Customization services are time limited services to identify and develop customized employment options. Supports for participants in a competitive integrated job based on the person's work schedule are provided under Supported Employment. Language was updated in B. 5 and A. The service occurring at different times in a day is under the traditional service model. Language was updated. The scope of this service is not to provide training. Transportation is included in this service and can be reflected in the self-directed budget.

Four individuals, an advocacy group and a provider commented on Community Development Services. Three comments related to removing or amending the group limit of four participants. One comment to add language that permits activities "with people with and without, disabilities.

Two comments to allow volunteering with any organization. Four comments related to support with activities in the participant's residence related to community participation. Two comments to remove "time-limited periods of" from Service Requirement B. Two comments to add "throughout the day" to Service Requirement D. Two comments to change "Department of Human Resources" to " Department of Human Services" in Service Requirement I. Two comments to consider one category of service for self-direction that all day and residential services could fall under to support individuals moving between their home and community and various types of activities all day and into the evening and over weekends. Two individuals provided comments to add a new Service Requirements related to: (1) meaningful activities related to building positive social behavior and interpersonal skills, learning new skills, greater independence, and personal choice; (2) Learning general work-related skills; and (3) training and support designed to maintain abilities and to prevent or slow loss of skills.

Response: No change was made regarding four individual group limit. A smaller number of people with disabilities in a group proportionate to the group size and capacity for support is critical to a positive community experience. This service will provide opportunities to develop skills and increase independence related to community integration with people without disabilities. Day Habilitation or Personal Supports allows for community activities with people with disabilities. Volunteer language was updated. Further guidance will be provided related to volunteering at for-profit organization only when in compliance with the Department of Labor requirements. This service is community-based and provided in integrated settings. Participants may return home or to the provider operated site during time limited periods of the day to support personal care, health, emotional, and behavioral needs as indicated in the Person-Centered Plan. Policies will clarify Service Requirement D relates to the traditional service model. Language updated to support participation in self-advocacy groups is provided under the new service Participant Education, Training, and Advocacy Supports. Language updated to Department of Human Services. The waiver offers a variety of services to support participant goals. Qualifications and skills can vary and are noted within each services. Federal guidance notes that "multiple services that are generally considered to be separate services may not be consolidated under a single definition." Current service requirements included services offered in comments. Performing household chores, however would be supported under Personal Supports. No changes were made.

One person provided these comments related to Appendix A relate to the waiver description: (1) support services to the family should include parents and siblings of the participant.; (2) "all facets of community life" should include employment in its various forms, volunteering, all social and recreational activities in both formal and informal settings, learning in both formal and informal settings, religious/spiritual in both formal and informal settings, health maintenance both at health

facilities and other settings, educational activities in both formal and informal settings, and advocacy whether in the local community or at other locations that require transportation beyond the local (e.g., more than 50 miles from the participant's home); (3) Among "innovative service options" one should include (a) self-employment; (b) one-on-one and group training for employment, social, spiritual, etc.; and (c) special goods and services; (4) "flexibility..to move dollar amounts" should allow such "movements" without requiring CCS and DDA approvals (i.e, be available to participant with provider/support broker approval when between already approved budgeted amounts); and (5) "short-term exceptions...[for] family support needs" should include respite, training, and goods & services. One comment to include a contractor performing eligibility and Level of Care evaluations. Two comments to avoid using the term "provider" when talking about anything in self-directed services to distinguish between two services models. Two comments to check contracted entity for review of participant service plans.

Response: The Waiver description briefly describes the purpose of the waiver. Additional details related to service descriptions, service scope, processes, and procedures are noted in various Appendixes. Comments will be considered when developing regulations, policies, or manuals. The type of work contracted entities perform has been included in the description. Contractors are not listed; they may change over the course of the waiver approval. Language was edited to reflect services are delivered under either the Self-Directed or Traditional Service Delivery Models provided by qualified providers throughout the State. Language changed to reflect that service plan review relates to the traditional service model.

Several individuals commented on Appendix B. Two comments that the Freedom of Choice Form should show evidence that provider-managed and self-directed service models were discussed and how to get additional information on self-direction. Comments included: (1) clarify that a specific entity is a contracted agency performing evaluations, and reevaluations; (2) remove "particularly if the applicant is determined to not meet the LOC" in Appendix B-6; (3) check Autism and Intellectual Disability under target groups; (4) change "Traditional Services" to "Provider Managed" and change "qualified provider" to "vendor or directly hired employees."; and (5) ensure individuals with limited English proficiency have access to interpreters throughout their services. Comments related to reserved capacity include: (1) majority of the "reserved capacity" for the waiver slots are for "transitioning youth"; (2) removing the reserved capacity waiver slots for groups who have funding through DDA's FY 18 budget; and (3) to increase capacity to include individuals on the DDA waiting list.

Response: The Freedom of Choice includes an attestation from the participant that they have choice of service delivery models. The Self-Directed Steering Committee will make recommendations related to manuals to better promote self-direction. Coordinators of Community Services are responsible for performing evaluations/reevaluations. Individuals with autism and intellectual disabilities that meet the developmental disability eligibility criteria could be eligible for services. These boxes are not checked as a diagnosis of Autism in itself does not meet the regulatory established developmental disability criteria. All participants utilize various providers to provide waiver services regardless of service delivery model. Language was edited to reflect services are delivered under either the Self-Directed or Traditional Service Delivery Models provided by qualified providers throughout the State. The State provides 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 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 DDA will continue to offer reserved capacity for the various categories noted in the application. The total number of funded slots have been adjusted to reflect 400 individuals currently on the Waiting List in addition to the reserved capacity based on DDA's priorities and other public input received.

Two individuals shared comments about Appendix D. Comments included: (1) adding service options to CCS training; (2) editing the CCS role to include plan development with the team and coordinating other services to support the participant's social life, spirituality, citizenship, and advocacy; (3) defining and providing a link to the Life Course framework; (4) including language related to informed choice of providers for participants that self-direct; and (5) adding participant or their representative and support broker under the self-directed model must maintain service plan forms for a minimum of 3 years. One comment to include a vehicle for consideration of provider input as part of the Service Plan Development Process for an individual once a provider has been identified.

Response: Current language in the section refers to service options as part of CCS training. Language was edited to reflect comments on CCS role. Guidance will be provided in regulations and policy regarding Community of Practice of Supporting Families. Language was updated to reflect that the CCS informs self-directing participants of their options under the employer authority to identify and select their staff and service providers. Maintenance of service plan forms is a CCS and operating agency requirement. Participants, representatives, and Support Brokers can also maintain plans absent this requirement in the waiver. The CCS is responsible for the development of the Person-Centered Plan (PCP) with the participant, his or her authorized representative, and the individual's team which includes providers.

Three individuals and an advocacy group commented on Appendix E. Comments included: (1) removing the terms "legally" and "legal" in reference to authorized representatives and representatives in E-1a, E-1h, E-1i, E-1m, and E-2b.v; (2) waiver

services being directed by a non-legal representative chosen by an adult participant; (3) removing requirement for plan modification if funds are shifted between approved services; (4) allowing participants to authorize service modifications in the participant directed budget without prior approval; (5) adding Support Broker to supports provided to monitor funds; and (6) adding Support Broker to the final paragraph on page 13. One individual shared comments related to guidance around termination and alternatives to self-directed services, and training and technical assistance for support brokers. Other comments included: (1) defining “good life”; and (2) FMS providing and administering unemployment insurance and worker’s compensation insurance policies.

Response: The term “legal” was removed and replaced with “authorized” representative. The budget is part of the Person-Centered Plan. Any changes to the budget must be reflected in a change to the plan to indicate the participant’s decision. Plan modifications are also necessary to support payment of qualified provider. Requirements remain. Language was added regarding Support Brokers monitoring funds. Language was added to page 13. Guidance regarding self-direction termination will be provided through regulations. Training and technical assistance will be offered to all stakeholders involved in self-direction. Good life under the Community of Practice will be further clarified in regulations, policy, or other guidance.

Two individuals provided comments on Appendix F. Two comments to add Support Brokers to individuals copied on Medicaid Fair Hearing letter. Two comments to add to the list of assistance by CCS for appeals to include attend the CRC or Hearing if requested by the participant.

Response: Medicaid Fair Hearing letter will be changed to reflect the participant and their authorized representative is copied. No changes were made regarding CRC and/or Hearing attendance.

Comments for Appendix G include reviewing and updating incident reporting process and training related to self-directions.

Response: Reporting process and training will be reviewed and updated.

Comments for Appendix H include adding participants and their families to individuals input is sought.

Response: Participants and their families will be sought, when considering system improvements.

A provider and two individuals commented on administrative and billing requirements. Comments included: (1) requiring one license per service so providers can provide that service under any waiver; (2) reasonable and manageable administrative and billing requirements with administrative funding for every service; and (3) forming a workgroup should to specifically discuss the potential requirement for an hourly billing system.

Response: The new waivers must meet the federal Community Settings requirements. Given that several of the current licensed providers do not meet all of the requirement, the DDA can not license them to provide services under all of the waivers at this time. The DDA will continue to work with stakeholders related to administrative and billing requirements as required for the federal assurances. An independent consultant is conducting a rate study which will include the proposal of rates and units. DDA providers are represented on the consultant’s technical group to provide input.

One comment related to financial accountability language to reflect actual provider cost.

Response: Financial accountability related to the State assuring accountability of funds expended for waiver services and maintains and makes available to the federal government appropriate financial records document the cost of services provided under the waiver. Performance measures related to this requirement are included in Appendix I.

One comment to have a process that will allow people receiving services in a capped waiver, whose needs indicate that they require the supports of the Comprehensive Waiver, to transition into the Comprehensive Waiver in a timely manner with retroactive funding provided if the person’s support needs warrant an increased level of support .

Response: The DDA will have in place, a policy for participants whose needs change and exceed the capacity of the Community Supports Waiver. This policy will ensure that participants are transitioned into the Community Pathways Waiver in a timely manner. Retroactive funding will not be provider through DDA waiver programs.

One comment that in the event that there are any projected unspent waiver funds allocated to a specific waiver, DDA should work to ensure that those funds are made available to participants in order to access other waivers.

Response: Participants whose need changes to their plans and can no longer be supported in the waiver will be assisted with exploring various options to include transitioning to another waiver program.

Two comments to expand background investigation language noted in C-2 to include self-direction.

Response: Language was edited to reflect requirement for specific providers which includes individuals, community-based service agencies, vendors, and entities under either service delivery model.

Two comments to add remediation strategy for participants self-directing under C- Qualify Improvement b. I.

Response: Individuals self-directing their services may request assistance from the Advocacy Specialist or DDA Self-



Direction lead staff.

Two individuals commented to add “when part of a service from a provider agency” to Service Requirements related to transportation for Personal Supports and Community Development Services and add “Transportation service under Self-Direction will be a stand-alone service and should be specified in the person-centered plan.”

Response: Transportation is included in both services and can be reflected in the self-directed budget.

#### Rate Determination Methods Continuation

The rates used for FPS services are historical in nature and outlined in COMAR 10.22.17.06 through 10.22.17.13. Daily FPS rates are computed using the following three components:

- 1) The individual component, which assesses the service needs of the individual as determined by their matrix score using an assessment tool called the Individual Indicator Rating Scale (IIRS). This component also includes regional rate adjustments that increase for certain high-cost areas of the State.
- 2) The provider component, which accounts for the indirect costs of providing care. These are fixed statewide per diem rates, with separate scales for day and residential programs.
- 3) The add-on component, addresses additional service needs which were not covered under the IIRS matrix score. Add-ons are negotiated at the regional level with each provider. It is important to note that not all individuals require add-ons, but the majority of individuals do have add-ons included in their FPS rates.

Since the publishing of rates, ongoing amendments to rates have occurred. Prior to State 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% cost of living adjustment (COLA) for community based services providers beginning in State FY 2016 and continuing until State FY 2019. The 3.5% COLA is applied to all community based services, including Personal Supports.

In Waiver Years 3-5, DDA plans to adopt JVGA’s proposed rate structure and rates for the following former FPS services:

**Community Development Services-** The hourly tiered rates are based on hourly BLS wage job code 39-9021, Personal Care Aide and the following cost components: Employment Related Expenditures at 32.7%, Standard PS of 27.8%, Training expenditures at 8.6%, Transportation costs at 49.1%, a 3.6% closure factor, and administrative costs at 11%. The three tiered rates assume staffing ratios: 1staff to 1 person, 1 staff to 4 people, and 2 staff to 1 person.

**Day Habilitation-** The hourly tiered rates are based on hourly BLS wage job code 39-9021, Personal Care Aide and the following cost components: Employment Related Expenditures at 32.7%, Facility costs of 24.5%, Standard PS of 25.7%, Training expenditures at 8.6%, Transportation costs at 49.1%, a 3.6% closure factor, an acuity adjustment, and administrative costs at 11%. The three tiered rates assume staffing ratios: 1staff to 1, 1 staff to 4, and 2 staff to 1.

#### 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 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.

In accordance with the findings and recommendations of the rate-setting study, the DDA will continue to review and amend as necessary Family Supports waiver service rates based on the rate setting methodology for comparable services and based on actual cost.

#### Promulgation of New Rates and Adjustments in Rates

Rates are available on the DDA website and rate changes are made through the regulatory process which includes publication in the Maryland Register. New services rates and any rate changes are published in the Maryland Register and include a 30-day public comment period as required by law. The last amendment to the rates occurred on or about July 1, 2017. DDA’s rates vary slightly based on the federally recognized wage enhancement areas. Wage enhancement areas result in slightly

higher service rates for Washington DC Metro and Wilmington Metro.

## Appendix A: Waiver Administration and Operation

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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.

**Developmental Disabilities Administration (DDA)**

(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

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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 Office of Health Services (OHS) is the Medicaid unit within the SMA that oversees the Family Supports Waiver. In this capacity, OHS oversees the performance of the Developmental Disabilities Administration (DDA), Operating State Agency (OSA) for the waiver. The OHS serves as the point of contact with the Centers for Medicare and Medicaid Services (CMS) with programmatic expertise and support from DDA.

The DDA is responsible for the day-to-day operations of administering this waiver, including but not limited to enrolling participants into the waiver, reviewing and approving community-based agencies and licensure applications for potential providers, monitoring claims, and assuring participants receive quality care and services based on the assurances requirements set forth in this waiver. The DDA is responsible for collecting, trending, prioritizing and determining the need for system improvements.

OHS will conduct monthly meetings with DDA to discuss waiver performance and quality enhancement opportunities. The DDA will provide performance reports during quarterly meetings. In addition, OHS will review all waiver-related policies issued. OHS will continually monitor DDA's performance and oversight of all delegated functions through a data-driven approach. If any issues are identified, OHS will work collaboratively with DDA to remediate such issues and to develop successful and sustainable system improvements. OHS will provide guidance to DDA regarding recommended changes in policies, procedures, and systems.

A detailed Interagency Agreement (IA) outlines the roles and responsibilities related to waiver operation and those functions of the division within OHS 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)<sup>®</sup>; (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 contracts with independent community organizations and local health departments as Coordinators of Community Services to perform intake activities, including taking applications to participate in the waiver and referrals to county, local, State, and federal programs and resources.

**2. Support Intensity Scale (SIS)<sup>®</sup>**

The DDA contracts with an independent community organization to conduct the Support Intensity Scale SIS<sup>®</sup>. The SIS<sup>®</sup> 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 he/she may not currently demonstrate. The Coordinators of Community Service use each completed SIS<sup>®</sup> 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.

**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 (i.e. person-center planning), health and welfare (i.e. choking prevention), and workforce development (i.e. alternative communication methods).

#### 5. Research and Analysis

The DDA contracts with independent community organizations and higher education entities for research and analysis of waiver service data, trends, options to support waiver 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. LTSSMaryland - Long Term Services and Supports Information System

The MDH contracts with information technology organizations for design, revisions, and support of the database that supports waiver 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 behavioral and mental health crisis.

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

Participants can elect to use an Organized Health Care Delivery System (OHCDS) provider to purchase goods and services from community agencies and entities that are not Medicaid providers. The OHCDS provider's administrative fee for the 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:  
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:  
The DDA has a dedicated procurement function providing oversight of all legal agreements, including contracts and memoranda of understanding, into which the DDA enters.

Standard practice includes assignment of a contract monitor to provide technical oversight for each agreement, including specific administration and operational functions supporting the waiver 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 for completeness as per DDA policy and provide technical assistance, training, or request corrective action as needed.
2. Support Intensity Scale (SIS)<sup>®</sup> - DDA’s contract monitor reviews submitted invoices and documentation related to completed Support Intensity Scale SIS<sup>®</sup>. Corrective actions are taken for discrepancies.
3. Quality Assurance – DDA’s contract monitor reviews submitted data with the National Core Indicator (NCI) Reports and initiates corrective actions as needed.
4. System Training – DDA staff review supporting documentation including attendance sheets prior to approval of invoices.
5. Research and Analysis – DDA staff review activity reports and supporting documentation prior to service delivery.
6. Fiscal Management Services – DDA staff conducts audits of FMS records for compliance with operational tasks 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. 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.
9. Behavioral and Mental Health Crisis Supports - DDA’s contract monitor reviews submitted invoices and documentation related to delivered services as per the contract. 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. Corrective actions are taken for discrepancies.

11. Organized Health Care Delivery System providers - DDA audits service providers for compliance with DDA policy and regulation and provide technical assistance, training, or request corrective action as needed.

Assessment results will be shared with OHS 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Waiver enrollment managed against approved limits	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Waiver expenditures managed against approved levels	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Level of care evaluation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Review of Participant service plans	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Prior authorization of waiver services	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Utilization management	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Qualified provider enrollment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Execution of Medicaid provider agreements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Establishment of a statewide rate methodology	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rules, policies, procedures and information development governing the waiver program	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Quality assurance and quality improvement activities	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

## Appendix A: Waiver Administration and Operation

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

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

- a. **Methods for Discovery: 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 OHS, in the correct format and timely. N = # of Quality Reports submitted by DDA in the correct format and timely. D = # of Quality Reports received by the OHS.**

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

**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):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other 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:

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



	<input type="checkbox"/> <b>Other</b> Specify: <input style="width: 100%;" type="text"/>	
--	--	--

**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):
<input checked="" type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>
<input type="checkbox"/> <b>Other</b> Specify: <input style="width: 100%;" type="text"/>	<input type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <b>Other</b> Specify: <input style="width: 100%;" type="text"/>

**Performance Measure:**

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

**Data Source (Select one):**

**Presentation of policies or procedures**

If 'Other' is selected, specify:

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

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

**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):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	<input checked="" type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <b>Other</b> Specify: <input 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:

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

<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	<input type="checkbox"/> <b>Annually</b>	<input type="checkbox"/> <b>Stratified</b> Describe Group: <input type="text"/>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>
	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	

**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):
<input checked="" type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>
<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	<input type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>

**Performance Measure:**

**AA - PM5: Number and percent of Type 1 incidents of abuse, neglect or exploitation reviewed that did not require technical assistance or intervention by the OHS. N = # of Type 1 incidents of abuse, neglect or exploitation reviewed that did not require technical assistance or intervention by the OHS. D = Number of Type 1 incidents of abuse, neglect or exploitation reviewed by the OHS.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**PCIS2 PORII Module**

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach(check each that applies):

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

**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):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other 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 on-site death investigations reviewed by the OHCQ the met requirements. D = # of on-site death investigations reviewed by the OHCQ**

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

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

The Office of Health Services (OHS) within the State Medicaid Agency (SMA) is responsible for ensuring that the DDA performs its assigned waiver operational and administrative functions in accordance with the waiver requirements. To this end, OHS has developed communication and reporting mechanisms to track performance measures as detailed herein.

The DDA submits an Annual Quality Report to OHS. It is a report on the status of waiver 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 OHS, upon review of the report, will meet with DDA to address problems and barriers. Guidance from OHS to DDA regarding changes in policies, procedures, or other system changes will be dependent upon the problems or barriers identified. OHS and DDA communicate regularly and meet quarterly to discuss performance measures. If problems are identified regarding delegated functions, OHS and DDA develop solutions guided by waiver assurances and the needs of waiver participants with OHS exercising ultimate authority to approve such solutions.

- 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>
<input checked="" type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>
<input type="checkbox"/> <b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<input type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <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 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
<input type="checkbox"/> Aged or Disabled, or Both - General					
	<input type="checkbox"/>	Aged	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>
	<input type="checkbox"/>	Disabled (Physical)	<input type="text"/>	<input type="text"/>	
	<input type="checkbox"/>	Disabled (Other)	<input type="text"/>	<input type="text"/>	
<input type="checkbox"/> Aged or Disabled, or Both - Specific Recognized Subgroups					
	<input type="checkbox"/>	Brain Injury	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>
	<input type="checkbox"/>	HIV/AIDS	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>
	<input type="checkbox"/>	Medically Fragile	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>
	<input type="checkbox"/>	Technology Dependent	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Intellectual Disability or Developmental Disability, or Both					
	<input type="checkbox"/>	Autism	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	Developmental Disability	0	<input type="text"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	Intellectual Disability	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>
<input type="checkbox"/> Mental Illness					
	<input type="checkbox"/>	Mental Illness	<input type="text"/>	<input type="text"/>	
	<input type="checkbox"/>	Serious Emotional Disturbance	<input type="text"/>	<input type="text"/>	

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

All waiver participants must meet the DDA’s criteria for developmental disabilities in accordance with Annotated Code of Maryland, Health-General Article, § 7-101(f), which is comparable to the federal definition found at 42 CFR § 1385.3.

In addition, to enroll in this waiver, all participants shall meet the following criteria:

1. Need support when school is not in session, if the participant is in school based on services requested in the Person-Centered Plan;
2. Be assessed for their level of service need with consideration of available natural and community support to determine if waiver services will support their health and safety needs; and
3. Not be enrolled in another Medicaid 1915(c) waiver or PACE (a Medicaid capitated managed care program that includes long-term care).

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 does not provide services during school hours.

- 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 limit is based on an analysis of the historic costs for waiver services and supports provided to the participants enrolled in DDA's comprehensive wavier, Community Pathways.



In addition, the DDA considered the availability of other services and supports (e.g., family caregivers, natural supports, community supports, Medicaid State Plan services, public education) for the Community Supports Waiver's targeted population and information on the utilization of these other services and supports.

The budget limit for waiver services is \$25,000. The limit does not include the cost of Targeted Case Management (as provided in Appendix D), Fiscal Management Services (as provided in Appendix E), and Medicaid State Plan services.

**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)

- 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:

Prior to applying to the Community Supports Waiver, each applicant will be assessed for their level of service need with consideration of available natural and community supports to determine if services offered under this waiver will support his or her health and safety needs.

In addition, the CCS will facilitate development of a Person-Centered Plan (PCP), identifying the applicant's needs, goals, and preferences as well as other supports available under other programs such as the Medicaid State Plan, as further specified in Appendix D. The PCP also will identify for the DDA which waiver services, under DDA's available waiver programs, will be most appropriate and meet the participant's needs, goals, and desires.

If the PCP exceeds the individual cost neutrality cap for this waiver, the CCS will explore with the applicant, and his or her legal representative and family members, ways to modify the proposed waiver services while maintaining the applicant’s health and safety. For example, this may entail arranging for more informal supports and reducing personal supports provided, however, if the health and safety of the applicant will not be compromised and the PCP is acceptable to the applicant and his or her legal representative and family members. The DDA will not approve the final PCP if it is determined that reducing services would have a detrimental impact on the applicant's health and safety.

If the assessed needs cannot be supported by this waiver or the PCP’s proposed services exceed the cost limit for this waiver, the applicant will be denied enrollment into the Family Supports Waiver and given the opportunity to request a Fair Hearing as further specified in Appendix F. The DDA will refer the applicant to another waiver with a higher cost limit, if available. If another program option is not available at that time, the applicant will retain his or her position on the DDA Waiting List until an opportunity is available.

- 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:

In the event of a participant needing more services in excess of the cost limit of this waiver, the participant's CCS will hold a team meeting. After reviewing all other options, supports, and services from other resources and funding sources available to the participant, the team may decide to request additional funds from the waiver to address the increased needs, temporarily.

The DDA will consider requests for temporary supports to meet increased needs of up to an additional \$7,500 for a six-month period unless otherwise authorized by the DDA. Therefore, the current services and the requested additional services for the plan year cannot exceed a total of \$32,500.

If it is determined that a waiver participant has an extended need for an increased intensity of services, the participant may be re-assessed and referred to another waiver for which he or she may be eligible.

- 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	850
Year 2	1400
Year 3	1950

Year 4	2500
Year 5	3050

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
Waiting List Equity Fund
Transitioning Youth
Military Families
Previous Waiver Participants with New Service Need
Families with Multiple Children on Waiting List
State Funded Conversions
Money Follows the Person
Family Supports Waiver Participants with Increased Needs
Psychiatric Hospital Discharge

## 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	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*):

## Transitioning Youth

**Purpose** (*describe*):

Individuals transitioning from educational services including public school system, nonpublic school placements, and the foster care system. 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	452
Year 3	452
Year 4	452
Year 5	452

## 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):

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):

State Funded Conversions

**Purpose** (describe):

State Funded Conversions refers to individuals receiving ongoing services funded with 100 percent State general funds including prior year waiver year participants that lost waiver eligibility. Some individuals may leave the waiver for various reasons such as entering a hospital or rehabilitation facility to meet their needs at that time. If the individual is unable to transition out prior to the end of the waiver year, their space in the waiver is no longer available. 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	0
Year 2	50
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	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):

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 (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; and (9) Transitioning Youth.

**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 shall meet one or more of the following criteria. The applicant shall be:

1. Homeless or living in temporary housing;
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; 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 (TWWIIA Basic Coverage Group as provided in §1902(a)(10)(A)(ii)(XV) of the Act)  
 Working individuals with disabilities who buy into Medicaid (TWWIIA 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:*

All other mandatory and optional eligibility groups as specified in the Maryland Medicaid State Plan that meet the waiver targeting criteria.

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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 spenddown 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 five-year period beginning January 1, 2014, 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 December 31, 2018.**

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



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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:*

**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

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### 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

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### 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).

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**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

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### 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:*

Every six months

- 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 an entity under contract with the Medicaid agency.

*Specify the entity:*

Level of Care (LOC) evaluations and re-evaluations are performed by each Coordinator of Community Services (CCS) with review and approval by the DDA.

- 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:

Each CCS must meet the established provider qualifications for Targeted Case Management (TCM) under the Medicaid State Plan and Appendix D-1.a. of this waiver.

Each CCS is required to participate in in-service training on assessment and evaluation, level of care determination, and waiver eligibility. The CCS is responsible for gathering information, including medical, psychological, and educational assessments, as part of the level of care determination process. The CCS must be able to critically review assessments in order to make a recommendation to DDA regarding level of care.

Final decisions regarding level of care are made by the DDA.

- 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(f), which is comparable to the federal definition found at 42 CFR § 435.1010.

"Developmental disability" means a severe, chronic disability of an individual that:

- (a) Is attributable to a physical or mental impairment other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;
- (b) Is manifested before the individual becomes 22 years old;
- (c) Is likely to continue indefinitely;
- (d) Results in an inability to live independently without external support or continuing and regular assistance; and
- (e) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.

In accordance with Health-General Article, § 7-101(f)(5) and COMAR 10.09.26.11, in order to be eligible for the Waiver, applicants must also meet the level of care criteria for an ICF/IID.

The DDA requires that the CCS completes a Critical Needs List Recommendation (CNLR) form based on this criteria. The CCS uses the CNLR to make an informed recommendation to DDA on eligibility for all individuals who apply for services. The CCS submits the CNLR 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 CNLR and forwards the CNLR, any supporting documentation, and the CCS's recommendation 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. The DDA insure review of all participants on an annual basis. If there are changes in a participant's status, then the CCS completes an updated CNLR and submits the CNLR, 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.

#### Failure to Meet LOC Requirement

Some applicants who have a disability but do not meet the Waiver LOC criteria, as further specified in Maryland Ann. Code, Health-General Article § 7-403(c), are determined to be eligible for "Supports Only" and are not eligible for the waiver.

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, if an appeal is filed timely, 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*):

The DDA ensures that all enrolled waiver participants obtain an annual re-evaluation of their LOC by maintaining a database.

At least quarterly, DDA prepares reports for each licensed CCS agency to notify them of the need to obtain re-evaluations for participants. The Coordinator of Community Services completes the re-evaluation as provided in subsection f. above. The CCS completes a recertification of need form to confirm LOC is current and returns a signed copy for monitoring purposes.

Copies of the re-certification form are kept on file with both the DDA and the CCS agency.

- 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:

Both the DDA and each licensed CCS agency 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 State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.*

**a. Methods for Discovery: 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:

**DDA LOC Data**

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

	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></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

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



		N/A
	<input checked="" type="checkbox"/> <b>Other</b> Specify: 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):
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input checked="" type="checkbox"/> <b>Other</b> Specify: N/A	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input checked="" type="checkbox"/> <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**

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input type="checkbox"/> State Medicaid	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review

<b>Agency</b>		
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>	<input checked="" type="checkbox"/> <b>Less than 100% Review</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>	<input checked="" type="checkbox"/> <b>Representative Sample</b> Confidence Interval = 95
<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	<input type="checkbox"/> <b>Annually</b>	<input type="checkbox"/> <b>Stratified</b> Describe Group: <input type="text"/>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>
	<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>
<input type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>
<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	<input type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <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 State’s method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.

DDA’s Coordination of Community Services staff provides technical assistance and support on an ongoing basis to licensed 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</b> (check each that applies):	<b>Frequency of data aggregation and analysis</b> (check each that applies):
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other 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 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 his or her:

1. selection of institutional or community-based care;
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 his or her 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 his or her authorized representative with information on how to access via the internet, a comprehensive listing of DDA services and providers. If the individual or his or her authorized representative does not have internet access, the CCS will provide a hard-copy resource manual.

Then, the individual and his or her 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 his or her 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 his or her 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.

The CCS provider and the DDA retain copies of the "Freedom of Choice" form.

## Appendix B: Participant Access and Eligibility

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### 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 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

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### 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	DAY HABILITATION
Statutory Service	MEDICAL DAY CARE
Statutory Service	PERSONAL SUPPORTS
Statutory Service	RESPIRE CARE SERVICES
Statutory Service	SUPPORTED EMPLOYMENT
Supports for Participant Direction	SUPPORT BROKER SERVICES
Other Service	ASSISTIVE TECHNOLOGY AND SERVICES
Other Service	BEHAVIORAL SUPPORT SERVICES
Other Service	CAREER EXPLORATION
Other Service	COMMUNITY DEVELOPMENT SERVICES
Other Service	EMPLOYMENT DISCOVERY AND CUSTOMIZATION
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
Other Service	NURSE CONSULTATION
Other Service	NURSE HEALTH CASE MANAGEMENT
Other Service	PARTICIPANT EDUCATION, TRAINING AND ADVOCACY SUPPORTS
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:**

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:**

**Category 4:****Sub-Category 4:**

**Service Definition (Scope):**

A. Day Habilitation services provide the participant with development and maintenance of skills related to activities of daily living, instrumental activities of daily living, and vocation and socialization, through application of formal 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 behavior and interpersonal skills, greater independence, and personal choice including:
  - a. Learning skills for employment
  - b. Learning socially acceptable behavior;
  - 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; and
- Transportation services

C. Day Habilitation Services include:

1. Support services that enable the participant to participate in the activity;
2. Transportation to, from, and within the activity; and
3. Personal care assistance can be provided during day habilitation activities so long as it is not the primary or only service provided. Personal care assistance is defined as services to assist the participant in performance of activities of daily living and instrumental activities of daily living.

**SERVICE REQUIREMENTS:**

A. 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.

B. Staffing is based on level of service need.

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

D. From January 1, 2018 through June 30, 2019, under the traditional service delivery model, a participant's Person-Centered Plan may include a mix of employment and day related waiver services such as Supported Employment, Employment Discovery and Customization, Community Development Services, and Career Exploration services provided on different days.

E. 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.

F. Transportation to and from and within this service is included within the Day Habilitation services. Transportation will be provided or arranged by the licensed provider and funded through the rate system. The licensee shall use the mode of transportation which achieves the least costly, and most appropriate, means of transportation for the individual with priority given to the use of public transportation when appropriate.

G. Personal care assistance may not comprise the entirety of the service.

H. Day Habilitation includes supports for volunteering and time limited paid and unpaid internships and apprenticeships.

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

J. 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.

K. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including those offered by Maryland's State Plan, Division of Rehabilitation Services ("DORS"), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the individual's file.

L. 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.

M. From January 1, 2018 through June 30, 2019, Day Habilitation services 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; and
2. At the same time as the direct provision of Personal Supports, Respite Care Services, or Transportation services.

N. Effective July 1, 2019, Day Habilitation services are not available at the same time as the direct provision of Career Exploration, Community Development Services, Medical Day Care, Personal Supports, Respite Care Services, or Transportation services.

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

1. Day Habilitation services are provided Monday through Friday only.
2. Day Habilitation services may not exceed a maximum of eight (8) hours per day (including other 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

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**HCBS Provider Specifications for Service**

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**Service Type: Statutory Service**  
**Service Name: DAY HABILITATION**

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**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 approved 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 approved 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 approved, produce, upon written request from the DDA, the documents required under D;
- F. Be in good standing with the IRS and Maryland Department of 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. Have a signed DDA Provider Agreement to Conditions for Participation.

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 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 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.
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 services
2. Provider for individual staff member's licenses, certifications, and training

##### Frequency of Verification:

1. DDA – Initial and annual for license
2. Provider – prior to service delivery and continuing thereafter

## Appendix C: Participant Services

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### 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:

##### Sub-Category 1:

04 Day Services

04050 adult day health ▼

##### Category 2:

##### Sub-Category 2:

▼

##### Category 3:

##### Sub-Category 3:

▼

**Category 4:****Sub-Category 4:**

**Service Definition (Scope):**

A. Medical Day Care (MDC) is a medically supervised day program.

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 21 and over. All medically necessary Medical Day Care services for children under age 21 are covered under the Medicaid State Plan pursuant to the EPSDT benefit.

F. Medical Day Care services are not available to participants at the same time a participant is receiving Supported Employment, Employment Discovery and Customization, 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, Personal Supports, Respite Care Services, Supported Employment, or Transportation services.

**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:**


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<b>Provider Category</b>	<b>Provider Type Title</b>
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 10.09.07

**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:**

**Category 4:****Sub-Category 4:**

**Service Definition (Scope):**

A. Personal Supports are individualized 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 services assist individuals who live in their own or family homes with acquiring and building 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; cooking; personal care; house cleaning/chores; and laundry;

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, but are not limited to the development of skills or providing supports that make it possible for individuals and families to lead full integrated lives (e.g. grocery shopping; 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

3. Personal care assistance services during in-home skills development and community activities. Personal care assistance services include assistance with activities of daily living and instrumental activities of daily living, which may include meal preparation and cleaning when the person is unable to do for themselves only when in combination of other allowable Personal Supports activities occurring.

**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. Staffing level based on level of service need.

C. Under the self-directed services delivery model, this service includes funding for staff benefits and leave time 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.
4. There is no restriction on the participant funding additional benefits or leave time (or both) from the participant's personal funds. However, such additional funds will not be included in the participant's annual budget and will not be paid in any way by the DDA. The participant shall be responsible for ensuring any additional benefits or leave time that the participant personally funds comply with any and all applicable laws.

D. Personal Support Services includes the provision of supplementary care necessary to meet the child's exceptional care needs due to the child's disability that are above and beyond the typical, basic care for a child that all families with children may experience.

E. Personal Supports are available:

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

C. Under self-directing services, the following applies:

1. Participant or their authorized representative self-directing services are considered the employer of record;
2. Participant or their authorized representative is responsible for supervising, training, and determining the frequency of services and supervision of their direct service workers; and
3. Personal Support Services includes the cost associated with staff training such as First Aid and CPR.
4. Costs are incurred no more than 180 days in advance of waiver enrollment unless otherwise authorized by the DDA. In these situations, the cost are billed to Medicaid as an administrative cost; and
5. Personal Support Services staff, with the exception of legal guardians and relatives, must be compensated over-time pay as per the Fair Labor Standards Act from the self-directed budget.

G. From January 1, 2018 through June 1, 2019, transportation costs associated with the provision of personal supports outside the participant's home will be covered under the stand alone transportation services and billed separately. Beginning July 2019, transportation costs associated with the provision of services will be covered within the new rate.

H. Personal care assistance services must be provided in combination with home skills development or community integration and engagement skills development and may not comprise the entirety of the service.

I. A legally responsible individual (who is not a spouse) and relatives of a participant may be paid to provide this service in accordance with the applicable requirements set forth in Section C-2.

J. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including those offered by Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the participant's file.

K. 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.

L. 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.

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:**

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.

**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:**

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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 approved 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 staff paid to administer medication and/or perform treatments must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians;
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. Three (3) years experience providing the direct service or support (e.g. training on money management, time management and community resources) to individuals with developmental disabilities or a similar population;
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. Have a signed DDA Provider Agreement to Conditions for Participation; and
14. 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 approved Personal Support Professional
2. Fiscal Management Service (FMS) providers, as described in Appendix E, for participants

**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: 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 approved 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 approved 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 approved, produce, upon written request from the DDA, the documents required under D.

F. Be in good standing with the IRS and Maryland Department of 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. 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 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 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.
- 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;
- 9. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services; and
- 10. Staff providing training on money management, time management and community resources must have performed training on these topics in the previous two (2) years.

#### **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 annually
- 2. Provider – prior to service delivery and continuing thereafter

## **Appendix C: Participant Services**

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### **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:****Sub-Category 1:**

09 Caregiver Support	09011 respite, out-of-home	▼
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**Category 2:****Sub-Category 2:**

09 Caregiver Support	09012 respite, in-home	▼
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**Category 3:****Sub-Category 3:**

		▼
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**Category 4:****Sub-Category 4:**

		▼
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**Service Definition (Scope):**

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 caregiver from their daily caregiving responsibilities, while providing the participant with new opportunities, experiences, and facilitates self-determination.

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 (who is not a spouse or legally responsible person) of a participant in Self-Directed Services may be paid to provide this service in accordance with the applicable requirements set forth in Appendix C-2.

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 day services on the same day they receive respite services.

E. Payment rates for services must be customary and reasonable, as established by the DDA.

F.Services can be provided at an hourly rate for 8 hours or less; or at a day rate for over 8 hours, daily.

G.Respite cannot replace day care while the participant's parent or guardian is at work.

H.If respite is provided in a private home, the home must be licensed, unless it is the participant's home or the home of a relative, neighbor, or friend.

I.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).

J.Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including those offered by Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the participant's file.

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.

**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	Camp
Agency	Respite Care Provider
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:**

Camp

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

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

Camp must meet the following standards:

1. Complete the DDA provider application and be approved 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 approved 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;
  - (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 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. 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.

#### 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 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: Statutory Service**

**Service Name: RESPITE CARE SERVICES**

#### Provider Category:

Agency 

#### Provider Type:

Respite Care Provider

#### Provider Qualifications

**License (specify):**



**Certificate (specify):**



**Other Standard (specify):**

Agencies must meet the following standards:

1. Complete the DDA provider application and be approved 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 approved 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 approved, produce, upon written request from the DDA, the documents required under D.
  - F. Be in good standing with the IRS and Maryland Department of 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. 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 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. Training by participant/family on participant-specific information (including preferences, positive behavior supports, when needed, and disability-specific information);
5. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
6. Complete necessary pre/in-service training based on the Person-Centered Plan;
7. 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.
8. Unlicensed staff paid to administer medication and/or perform treatments must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians;
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.

Camps requirements including:

1. Be an approved 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
3. 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 annually
2. DDA Approved 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:**

Individual ▾

**Provider Type:**

Respite Care Supports

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Individual must complete the DDA provider application and be approved 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-;
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. 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. Have a signed DDA Provider Agreement to Conditions for Participation; 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 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 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: 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 approved 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 approved, 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 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. Have a signed DDA Provider Agreement to Conditions for Participation.

- 1. Have a signed Medicaid provider agreement;
- 2. Have documentation that all vehicles used in the provision of services have automobile insurance;
- 3. Submit a provider renewal application at least 60 days before expiration of its existing approval as per DDA policy; and
- 4. 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 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. Training by participant/family on participant-specific information (including preferences, positive behavior supports, when needed, and disability-specific information);
- 5. Additional requirements based on the participant's preferences and level of needs.
- 6. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-;
- 7. Complete necessary pre/in-service training based on the Person-Centered Plan;
- 8. 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.
- 9. Unlicensed staff paid to administer medication and/or perform treatments must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians;
- 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. 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 annually
- 2. Licensed Community Residential Services Provider – prior to service delivery and continuing thereafter

## **Appendix C: Participant Services**

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### **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):**

SUPPORTED EMPLOYMENT

**HCBS Taxonomy:**

**Category 1:**

**Sub-Category 1:**

03 Supported Employment

03010 job development

**Category 2:**

**Sub-Category 2:**

03 Supported Employment

03021 ongoing supported employment, individual

**Category 3:**

**Sub-Category 3:**

03 Supported Employment

03030 career planning

**Category 4:**

**Sub-Category 4:**

▼

**Service Definition (Scope):**

A. Supported Employment services include a variety of supports to help a participant 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.

C. Supported Employment services include:

1. Support services that enable the participant to gain and maintain competitive integrated employment or self-employment;
2. Transportation to, from, and within the activity; and
3. Personal care assistance can be provided during supported employment activities so long as it is not the primary or only service provided. Personal care assistance is defined as services to assist the participant in performance of activities of daily living and instrumental activities of daily living.

**SERVICE REQUIREMENTS:**

A. Services and supports are provided for individuals in finding and keeping jobs paid by a community employer.

B. Staffing is based on level of service need.

C. Under the self-directed services delivery model, this service includes funding for staff benefits and leave time 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.

4. There is no restriction on the participant funding additional benefits or leave time (or both) from the participant's personal funds. However, such additional funds will not be included in the participant's annual budget and will not be paid in any way by the DDA. The participant shall be responsible for ensuring any additional benefits or leave time that the participant personally funds comply with any and all applicable laws.

D. Under the traditional service delivery system, Supported Employment is paid based on a daily rate. In accordance with COMAR 10.22.17.10 Payment for Services Reimbursed by Rates is for a minimum of four hours of service. Participants can engage in Supported Employment activities when they are unable to work four hours.

E. Under the traditional 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 on different days.

F. 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 days.

G. 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.

H. Supported Employment does not include 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. Under the traditional service model, transportation to and from and within this service is included within the Supported Employment Services. Transportation will be provided or arranged by the licensed provider and funded through the rate system. The licensee shall use the mode of transportation which achieves the least costly, and most appropriate, means of transportation for the individual with priority given to the use of public transportation when appropriate.

K. Supported Employment services can also include personal care, behavioral supports, and delegated nursing tasks to support the employment activity.

L. A relative of a participant in Self-Directed Services may be paid to provide this service, however, the DDA must pre-approve in accordance with the applicable requirements set forth in Appendix C-2.

M. A relative of the participant may not be paid for more than 40-hours per week of services.

N. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including those offered by Maryland's Medicaid State Plan, Division of Rehabilitation Services ("DORS"), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the individual's file.

O. 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.).

P. From January 1, 2018 through June 30, 2019, Supported Employment Services 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; and

2. At the same time as the direct provision of Behavioral Support Services, Nurse Consultation, Nurse Health Case Management, Nurse Case Management and Delegation Service, Personal Supports, Respite Care Services, Supported Living, or Transportation 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
Agency	Supported Employment Provider
Individual	Supported Employment Professional

## Appendix C: Participant Services

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

**Service Type: Statutory Service**

**Service Name: SUPPORTED EMPLOYMENT**

**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 approved 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 approved 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 approved, produce, upon written request from the DDA, the documents required under D;
- F. Be in good standing with the IRS and Maryland Department of 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. 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 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 Provider's license to provide this service
2. Provider for individual staff members' licenses, certifications, and training

##### **Frequency of Verification:**

1. DDA – initial and annually
2. Provider – prior to service delivery and continuing thereafter

## **Appendix C: Participant Services**

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

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**Service Type: Statutory Service**

**Service Name: SUPPORTED EMPLOYMENT**

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**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 approved 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. Have a signed DDA Provider Agreement to Conditions for Participation; 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 approved Supported Employment 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**

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**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:**

**Sub-Category 1:**

12 Services Supporting Self-Direction

12020 information and assistance in support of se

**Category 2:**

**Sub-Category 2:**

▾

**Category 3:**

**Sub-Category 3:**

▾

**Category 4:**

**Sub-Category 4:**

▾

**Service Definition (Scope):**

A.Support Broker Services are employer related information and assistance for a participant in support of self-direction to make informed decisions related to day-to-day management of staff providing services and available budget.

B.Information may be provided to participant about:

- 1.Self-direction including roles and responsibilities and functioning as the common law employer;
- 2.Other 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.The grievance/complaint process;
- 5.Risks and responsibilities of self-direction;
- 6.Policy on Reportable Incidents and Investigations (PORII);
- 7.Free choice of staff/employees;
- 8.Individual rights; and
- 9.The reassessments and review of work schedules.

C.Assistance, 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. Independent advocacy, to assist in filing grievances and complaints when necessary;
- 5.Recruiting, interviewing, and hiring staff;
- 6.Staff supervision and evaluation;
- 7.Terminating staff;
- 8.Participant direction including risk assessment, planning, and remediation activities;
- 9.Managing the budget and budget modifications including reviewing employee timesheets and 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;
- 10.Managing employees, supports and services;
- 11.Facilitating meetings and trainings with employees;
- 12.Employer development activities;
- 13.Employment quality assurance activities;
- 14.Developing and reviewing data, employee timesheets, and communication logs;
- 15.Development and maintenance of effective back-up and emergency plans;

16. 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;
17. Complying with all applicable regulations and policies, as well as standards for self-direction including staffing requirements and limitations as required by the DDA; and
18. Assisting with developing relationships between the employer, participant and family

**SERVICE REQUIREMENTS:**

- A. Participants may utilize a relative with the exception of spouses, legally responsible person, and legal representative payee.
- B. Spouses and legally responsible adults (i.e. parents of children) may act only as unpaid support brokers.
- C. A relative (who is not a spouse or legally responsible person) of an individual recipient participating in Self-Directed Services may be paid to provide this service in accordance with the applicable requirements set forth in Section C-2.
- D. Support Brokers, including relatives, 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.
- E. Individuals and organizations providing Support Brokerage services may provide no other paid service to that individual.
- F. Support Broker Services may not duplicate, replace, or supplant Coordination of Community Service.
- G. Scope and duration of Support Broker Services may vary depending on the participant's choice and need for support, assistance, or existing natural supports.
- H. Service hours must be necessary, documented, and evaluated by the team.

**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	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 approved based on compliance with meeting the following standards:

1. Be at least 18 years old;
2. Have a GED or high school diploma,
3. 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;
8. Complete required orientation and training designated by DDA including the Policy on Reportable Incidents and Investigations (PORII) and Support Broker trainings;
9. 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
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. Have a signed DDA Provider Agreement to Conditions for Participation; 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 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

**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 approved 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 approved 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 approved, produce, upon written request from the DDA, the documents required under D.
- F. Be in good standing with the IRS and Maryland Department of 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. 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 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 Current first aid and CPR certification;
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 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.
9. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
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. 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 and continuing thereafter
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:

##### Sub-Category 1:

14 Equipment, Technology, and Modifications	14031 equipment and technology
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##### Category 2:

##### Sub-Category 2:



**Category 3:****Sub-Category 3:**

**Category 4:****Sub-Category 4:**

**Service Definition (Scope):**

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

B. Assistive technology means an item, piece of equipment, or product system. Assistive Technology may be acquired commercially, modified, or customized. Assistive technology devices 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, 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 remote health monitoring and personal emergency response systems; and
9. Adapted toys and specialized equipment such as specialized car seats and adapted bikes.

C. 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 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.

D. Specifically excluded under this service are:

1. Wheelchairs, architectural modifications, adaptive driving, vehicle modifications, and devices requiring a prescription by physicians or medical providers as these items are covered either through the Medicaid State Plan as Durable Medical Equipment (DME), a stand-alone waiver services (i.e. environmental modification and vehicle modifications), or through DORS; and
2. Services, equipment, items or devices that are experimental or not authorized by the State or Federal authority.

**SERVICE REQUIREMENTS:**

A. Assistive Technology, recommended by the team that costs up to \$1,000 per item does not require a formal assessment.

B. Assistive technology devices of \$1,000 or more must be recommended by an independent evaluation of the participant's assistive technology needs.

C. The evaluation must include the development of a list of all devices, supplies, software, equipment, product systems and/or waiver services (including a combination of any of the elements listed) that would be most effective to meet the need(s) of the participant. The least expensive option from the list must be selected for inclusion on the Person-Centered Plan unless an explanation of why the chosen option is the most cost effective.

D. When services are furnished to individuals returning to the community from a Medicaid institutional setting, the costs of such services are considered to be incurred and billable when the individual leaves the institutional setting and enters the waiver. The individual must be reasonably expected to be eligible for and to enroll in the waiver. If for any unseen reason, the individual does not enroll in the waiver (e.g., due to death or a significant change in condition); services may be billed to Medicaid as an administrative cost.

E. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including those offered by Maryland Medicaid State Plan, Division of Rehabilitation Services (“DORS”), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the participant’s file.

F. 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:**

**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 approved 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. 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. Have Commercial General Liability Insurance;
8. Complete required orientation and training designated by DDA;
9. Complete necessary pre/in-service training based on the Person-Centered Plan;
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. Have a signed DDA Provider Agreement to Conditions for Participation; and
13. 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 approved Assistive Technology Professional
2. FMS provider, as described in Appendix E, for participants self-directing services

##### Frequency of Verification:

1. DDA – Initially and annually
2. FMS provider - prior to services 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 approved 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. Assistive Technology assessments, with the exception for Speech Generating Devices, must be completed by a specialist that has any of the following certifications as appropriate:
  - 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. Assessment for Speech Generating Devices (SGD):
  - 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 annually
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:

##### Sub-Category 1:

10 Other Mental Health and Behavioral Services	10040 behavior support
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##### Category 2:

##### Sub-Category 2:

**Category 3:****Sub-Category 3:**

**Category 4:****Sub-Category 4:**

**Service Definition (Scope):**

A. Behavioral Support Services are an array of services to assist participants who without such supports are experiencing 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, agency staff, and caregivers 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/cyclicalities 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 his/her 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 strategies to be developed in a Behavior Plan; and
  - g. Development of the Behavior Plan.

B. Behavioral Consultation services 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 his or her 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 least restrictive 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 on-site 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. The Brief Support Implementation Services staff is required to be onsite with the caregiver in order to model the implementation of identified strategies to be utilized in the Behavior Plan.

D. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including those offered by Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the participant's file.

E. 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 are not duplicative of Medicaid State Plan Services, and consistent with waiver objectives of avoiding institutionalization.

F. Behavioral Assessment is reimbursed based on a milestone for a completed assessment.

G. The Behavior Plan is reimbursed based on a milestone for a completed plan.

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.

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

1. Behavioral Assessment is limited to one per year unless otherwise approved by DDA.
2. Behavioral Consultation and Brief Support Implementation Services service hours are based on assessed needs, supporting data, plan implementation, and authorization from the DDA.
3. Behavioral Consultation and Brief Support Implementation Services service hours 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
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 approved 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. 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. Have Commercial General Liability Insurance;
11. Demonstrate financial integrity through IRS, Department, and Medicaid Exclusion List checks;
12. Have a signed DDA Provider Agreement to Conditions for Participation; and
13. 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.



Qualified clinicians to complete the behavioral assessment and consultation include:

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.

All clinicians must have training and experience in the following:

1. Applied Behavior Analysis; and
2. Behavioral Tiered Supports Plans

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 approved Behavioral Support Services Professional
2. FMS provider, as described in Appendix E for participants self-directing services

##### Frequency of Verification:

1. DDA – Initially 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: 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 approved 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 approved 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 approved, produce, upon written request from the DDA, the documents required under D.
- F. Be in good standing with the IRS and Maryland Department of 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. 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 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. 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 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.
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.

Qualified clinicians to complete the behavioral assessment and consultation include:

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.

All clinicians must have training and experience in the following:

1. Applied Behavior Analysis; and

## 2. Behavioral Tiered Supports Plans

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 approval of Behavioral Support Services provider
- 2.Providers for verification of clinician's and staff qualifications and training

**Frequency of Verification:**

- 1.DDA - initially and annually
- 2.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:**


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:**

CAREER EXPLORATION

**HCBS Taxonomy:****Category 1:**

**Sub-Category 1:**

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Category 4:**

**Sub-Category 4:**

**Service Definition (Scope):**

A. Career Exploration services are time limited services to help individuals 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 services 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 services 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.

#### SERVICE REQUIREMENTS

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

B. 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).

C. Staffing is based on level of service need.

D. From January 1, 2018 through June 30, 2019, under the traditional service delivery model, 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 on different days.

E. Beginning July 1, 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.

F. Transportation to and from and within this service is included within the Career Exploration. Transportation will be provided or arranged by the licensed provider and funded through the rate system. The licensee shall use the mode of transportation which achieves the least costly, and most appropriate, means of transportation for the participant with priority given to the use of public transportation when appropriate.

G. From January 1, 2018 through June 30, 2019, Career Exploration services 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; and
2. At the same time as the direct provision of Personal Supports, Respite Care Services, or Transportation services.

H. Effective July 1, 2019, Career Exploration services are not available at the same time as the direct provision of Community Development Services, Day Habilitation, Medical Day Care, Personal Supports, Respite Care Services, or Transportation services.

I. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including those offered by Maryland's Medicaid State Plan, Division of Rehabilitation Services ("DORS"), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the individual's file.

J. 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.

**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 services may not exceed a maximum of eight (8) hours per day (including other Community Development, Employment Discovery and Customization, and Day Habilitation services).
3. Career Exploration services are limited to 40 hours per week.

**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: Other 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 approved 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 approved 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 approved, produce, upon written request from the DDA, the documents required under D;

F. Be in good standing with the IRS and Maryland Department of 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. Have a signed DDA Provider Agreement to Conditions for Participation.

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 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 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.

7. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services; and 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 this service

2. Provider for individual staff members' licenses, certifications, and training

##### **Frequency of Verification:**

1. DDA – initial and annual for license


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:**

COMMUNITY DEVELOPMENT SERVICES

**HCBS Taxonomy:****Category 1:**

04 Day Services

**Sub-Category 1:**

04070 community integration 

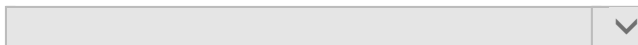
**Category 2:**



**Sub-Category 2:****Category 3:**



**Sub-Category 3:****Category 4:**



**Sub-Category 4:****Service Definition (Scope):**

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.

1. Community-based activities under this service will provide the participant with opportunities to develop skills and increase independence related to community integration with people without disabilities including:

- a. Promoting positive growth and developing general skills and social supports necessary to gain, retain or advance competitive integrated employment opportunities;
- b. Learning socially acceptable behavior; and
- c. Learning self-advocacy skills.

B. Community Development Services may include participation in the following activities:

1. Engagement in activities that facilitate and promote integration and inclusion of a participant into 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; and
5. Volunteering.

C. Community Development Services include:

1. Support services that enable the participant to learn, develop, and maintain skills related to competitive employment, community integration, volunteer with an organization, or perform a paid or unpaid internship;
2. Transportation to, from, and within activities; and
3. Personal care assistance can be provided during community activities so long as it is not the primary or only service provided. Personal care assistance is defined as services to assist the participant in performance of activities of daily living and instrumental activities of daily living.

**SERVICE REQUIREMENTS:**

A. Community Development Services can be provided in a variety of settings in the community.

B. Staffing based on level of service need.

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.

D. Personal care assistance may not comprise the entirety of the service.

E. Under the self-directed services delivery model, this service includes funding for staff benefits and leave time 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.
4. There is no restriction on the participant funding additional benefits or leave time (or both) from the participant's personal funds. However, such additional funds will not be included in the participant's annual budget and will not be paid in any way by the DDA. The participant shall be responsible for ensuring any additional benefits or leave time that the participant personally funds comply with any and all applicable laws.

F. From January 1, 2018 through June 30, 2019, under the traditional service delivery model, a participant's Person-Centered Plan may include a mix of employment and day related waiver services 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 his or her Person-Centered Plan.

H. Transportation to and from and within this service is included within the Community Development Services. Transportation will be provided or arranged by the licensed provider and funded through the rate system. The licensee shall use the mode of transportation which achieves the least costly, and most appropriate, means of transportation for the individual with priority given to the use of public transportation when appropriate.

I. 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.

J. A legally responsible individual (who is not a spouse) and relatives of an individual recipient participating in Self-Directed Services may be paid to provide this service, provided however, the DDA pre-approves such payment in accordance with the applicable requirements set forth in Section C-2.

K. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including those offered by Maryland's State Plan, Division of Rehabilitation Services ("DORS"), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the individual's file.

L. 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.

M. From January 1, 2018 through June 30, 2019, Community Development Services 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; and
2. At the same time as the direct provision of Personal Supports, Respite Care Services, or Transportation services.



N. Effective July 1, 2019, Community Development Services are not available at the same time as the direct provision of Career Exploration, Day Habilitation, Medical Day Care, Personal Supports, Respite Care Services, or Transportation services.

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

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 other 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
Individual	Community Development Supports Professional
Agency	Community Development Supports 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 Supports Professional

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

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

Individual must complete the DDA provider application and be approved 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 staff paid to administer medication and/or perform treatments must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians;
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. Three (3) years experience providing the direct service or support (e.g. training on money management, time management and community resources) to individuals with developmental disabilities or a similar population;
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. Have a signed DDA Provider Agreement to Conditions for Participation; and
14. 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 approved Community Development 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 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: Other Service**

**Service Name: COMMUNITY DEVELOPMENT SERVICES**

#### Provider Category:

Agency 

#### Provider Type:

Community Development 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 approved 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 approved 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 approved, produce, upon written request from the DDA, the documents required under D.

F. Be in good standing with the IRS and Maryland Department of 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. Have a signed DDA Provider Agreement to Conditions for Participation.

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 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 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.
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;
9. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services; and

10. Staff providing training on money management, time management and community resources must have performed training on these topics in the previous two (2) years.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- 1.DDA for approved providers
- 2.Provider for individual staff members' licenses, certifications, and training

**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

**HCBS Taxonomy:**

**Category 1:**

**Sub-Category 1:**

03 Supported Employment	03030 career planning
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**Category 2:**

**Sub-Category 2:**

	▼
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**Category 3:**

**Sub-Category 3:**

	▼
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**Category 4:**

**Sub-Category 4:**

	▼
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**Service Definition (Scope):**

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 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. 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.

#### SERVICE REQUIREMENTS:

A. Employment Discovery and Customization services and supports are provided for participants wanting to work in competitive integrated jobs paid by a community employer.

B. From January, 1 2018 through June 30, 2019, under the traditional 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 Supported Employment Services provided on different days.

C. Beginning July, 1 2019, 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 Services provided at different times.

D. Transportation to and from and within this services is included within the Employment Discovery and Customization service. Transportation will be provided or arranged by the licensed provider and funded through the rate system. The licensee shall use the mode of transportation which achieves the least costly, and most appropriate, means of transportation for the individual with priority given to the use of public transportation when appropriate.

E. Employment Discovery and Customization does not include volunteering, apprenticeships, or internships unless it is part of the discovery process and time limited;

F. Employment Discovery and Customization services can also include personal care, behavioral supports, and delegated nursing tasks to support the activity.

G. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including those offered by Maryland's Medicaid State Plan, Division of Rehabilitation Services ("DORS"), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the individual's file.

H. 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.

I. 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.).

J. From January 1, 2018 through June 30, 2019, Employment Discovery and Customization services 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; and
2. At the same time as the direct provision of Behavioral Support Services, Nurse Consultation, Nurse Health Case Management, Nurse Case Management and Delegation Service, Personal Supports, Respite Care Services, or Transportation services.

**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 are provided Monday through Friday only.

3. Employment Discovery and Customization services may not exceed a maximum of eight (8) hours per day (including other 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**

**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 approved 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. Have a signed DDA Provider Agreement to Conditions for Participation; 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 approved professional
2. FMS provider, as described in Appendix E, for participant's 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: Other Service**

**Service Name: EMPLOYMENT DISCOVERY AND CUSTOMIZATION**

#### 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 approved 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 approved 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 approved, produce, upon written request from the DDA, the documents required under D;

F. Be in good standing with the IRS and Maryland Department of 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. Have a signed DDA Provider Agreement to Conditions for Participation.

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 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 Provider's license to provide service

2. Provider for individual staff members' licenses, certifications, and training

##### **Frequency of Verification:**

1. DDA – initial and annual for license

2. Provider – prior to service delivery and continuing thereafter

## **Appendix C: Participant Services**

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### **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:**

**Sub-Category 1:**

14 Equipment, Technology, and Modifications      14020 home and/or vehicle accessibility adaptati

**Category 2:**

**Sub-Category 2:**

▼

**Category 3:**

**Sub-Category 3:**

▼

**Category 4:**

**Sub-Category 4:**

▼

**Service Definition (Scope):**

A. An environmental assessment is an on-site assessment with the participant at his or her 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 with 10 business days of the completed assessment and forwarded to the participant and his or her Coordinator of Community Service (CCS) in an accessible format.

C. An environmental assessment may not be provided before the effective date of the participant's eligibility for waiver services unless authorized by the DDA for an individual that is transitioning from an institution.

D. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including those offered by Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the participant's file.

E.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.

F. 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:**

Environment assessment is limited to one (1) assessment 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
Individual	Environment 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:**

Environment Assessment Professional

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

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

Individual must complete the DDA provider application and be approved 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. 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 Commercial General Liability Insurance
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. Have a signed DDA Provider Agreement to Conditions for Participation; 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.

#### Verification of Provider Qualifications

##### Entity Responsible for Verification:

1. DDA for approved Environmental Assessment 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 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 approved 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 employs and have a copy of the same available upon request.

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 annually
- 2.OHCDs - for OT license and DORS approved vendor 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:**

**Sub-Category 1:**

14 Equipment, Technology, and Modifications	14020 home and/or vehicle accessibility adaptatic
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**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Category 4:**

**Sub-Category 4:**

**Service Definition (Scope):**

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.Installation of grab bars;
- 2.Construction of access ramps and railings;
- 3.Installation of detectable warnings on walking surfaces;
- 4.Alerting devices for participant who has a hearing or sight impairment;
- 5.Adaptations to the electrical, telephone, and lighting systems;
- 6.Generator to support medical and health devices that require electricity;
- 7.Widening of doorways and halls;
- 8.Door openers;
- 9.Installation of lifts and stair glides, such as overhead lift systems and vertical lifts;
- 10.Bathroom modifications for accessibility and independence with self-care;

11. Kitchens modifications for accessibility and independence;
12. 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;
13. Training on use of modification; and
14. Service and maintenance of the modification.

C. Not covered under this service are improvements to the home, such as carpeting, roof repair, decks, and central air conditioning, which:

1. Are of general utility;
2. Are not of direct medical or remedial benefit to the participant; or
3. Add to the home's total square footage, unless the construction is necessary, reasonable, and directly related to accessibility needs of the participant.

#### SERVICE REQUIREMENTS:

A. An environmental assessment must be completed by as per the environmental assessment waiver services requirements.

B. Environmental Modifications recommended by the team that cost up to \$2,000 does not require a formal assessment.

C. If the modification is estimated to cost over \$2,000 over a 12-month period, at least three bids are required (unless otherwise approved by DDA).

D. All restrictive adaptive measures such as locked windows, doors, and fences must be included in the participants approved behavior plan as per DDA's policy on positive behaviors supports.

E. All modifications shall be pre-approved by the property manager or owner of the home, if not the participant, who agrees that the participant will be allowed to remain in the residence at least one year.

F. When services are furnished to individuals returning to the community from a Medicaid institutional setting through entrance to the waiver, the costs of such services are considered to be incurred and billable when the individual leaves the institutional setting and enters the waiver. The individual must be reasonably expected to be eligible for and to enroll in the waiver. If for any unseen reason, the individual does not enroll in the waiver (e.g., due to death or a significant change in condition); services may be billed to Medicaid as an administrative cost.

G. Environmental modifications services provided by a family member or relative are not covered.

H. Excluded are those adaptations or improvements to the home that are of general utility, and are not of direct medical or remedial benefit to the participant. Adaptations that add to the total square footage of the home are excluded from this benefit except when necessary to complete an adaptation (e.g., in order to improve entrance/egress to a residence or to configure a bathroom to accommodate a wheelchair).

I. Not covered under this service is the purchase of a generator for use other than to support medical and health devices used by the participant that require electricity.

J. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including those offered by Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the participant's file.

K. 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 approved 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 Assessment and Taxation to provide the service;
  - c. Be bonded as is legally required;
  - d. Obtain all required State and local permits;
  - e. Obtain final required inspections;
  - f. Perform all work in accordance with ADA, State and local building codes;

- g. Ensure that the work passes the required inspections including as performed in accordance with ADA, State and local building codes; and
- h. Provide services according to a written schedule indicating an estimated start date and completion date and progress reports as indicated in the written schedule.

#### Verification of Provider Qualifications

##### Entity Responsible for Verification:

- 1.DDA for approval of the OHCD
- 2.OHCD provider for verification of the contractors and subcontractors to meet required qualifications

##### Frequency of Verification:

- 1.DDA - Initial and annually
- 2.OHCD - 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 approved 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. Be bonded as is legally required;
5. Possess current first aid and CPR certification;
6. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
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. Have a signed DDA Provider Agreement to Conditions for Participation; 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.

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.
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 Assessment and Taxation to provide the service;
  - c. Be bonded as is legally required;
  - d. Obtain all required State and local permits;
  - e. Obtain final required inspections;
  - f. Perform all work in accordance with ADA, State and local building codes;
  - g. Ensure that the work passes the required inspections including as performed in accordance with ADA, State and local building codes; and
  - h. Provide services according to a written schedule indicating an estimated start date and completion date and progress reports as indicated in the written schedule.

#### Verification of Provider Qualifications

##### Entity Responsible for Verification:

1. DDA for approved Environmental Modifications professional
2. FMS providers, 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: 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:





**Category 4:****Sub-Category 4:**

**Service Definition (Scope):**

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 his or her 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 his or her 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.

**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. Family and Peer Mentoring Supports include supports to siblings from others with shared experiences.

C. Family and Peer Mentoring Supports include facilitation of parent or family member "matches" and follow-up support to assure the matched relationship meets peer expectations.

D. Family and Peer Mentoring Supports do not provide targeted case management services to a waiver participant; peer mentoring does not include determination of level of care, functional or financial eligibility for services or person-centered service planning.

E. Family and Peer Mentoring Supports may not duplicate, replace, or supplant Coordination of Community Service or Support Broker Services. This service, limited in nature, is aimed at providing support and advice based on lived experience of a family member or self-advocate. Support needs for peer mentoring are identified in the participant's Person-Centered Plan.

F. Support needs for peer mentoring are identified in the participant's Person-Centered Plan.

G. The mentor can be an individual with developmental disabilities or the member of a family that includes an individual with developmental disabilities.

G. Mentors cannot mentor their own family members.

H. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including those offered by Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the participant's file.

**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 approved 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 approved, produce, upon written request from the DDA, the documents required under D.
- F. Be in good standing with the IRS and Maryland Department of 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. 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 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 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.
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 annually
- 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 approved 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. Have a signed DDA Provider Agreement to Conditions for Participation; 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 approved Family and Peer Mentors
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: 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:**

**Sub-Category 1:**

09 Caregiver Support 

09020 caregiver counseling and/or training 

**Category 2:**

**Sub-Category 2:**



**Category 3:**

**Sub-Category 3:**



**Category 4:**

**Sub-Category 4:**

▼

**Service Definition (Scope):**

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.

**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 person participating in the waiver who is living in the family home.

B. Family Caregiver Training and Empowerment does not include the cost of travel, meals, or overnight lodging as per federal requirements.

C. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including those offered by Maryland Medicaid State Plan, Division of Rehabilitation Services (“DORS”), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the participant’s file.

D. 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
Individual	Family Support Professional
Agency	Parent Support Agency

**Appendix C: Participant Services**

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

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**Service Type: Other Service****Service Name: FAMILY CAREGIVER TRAINING AND EMPOWERMENT SERVICES**

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**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 approved 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. Have a signed DDA Provider Agreement to Conditions for Participation; 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 approved Family Supports Professional
2. FMS provider, as described in Appendix E, for participants self-directing services

**Frequency of Verification:**

1. DDA – Initial and annually
2. FMS – Initially and continuing thereafter

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**Appendix C: Participant Services**

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

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**Service Type: Other Service****Service Name: FAMILY CAREGIVER TRAINING AND EMPOWERMENT SERVICES**

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**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 approved 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 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 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 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 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.
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 service.

**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:**

1. DDA – Initial and annually
2. Parent Support Agency – prior to service delivery and continuing

**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:**


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:**

**Sub-Category 1:**

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Category 4:**

**Sub-Category 4:**

**Service Definition (Scope):**

A. Housing Support Services are time-limited supports to help participants to 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.

**SERVICE REQUIREMENT:**

**A. Housing Information and Assistance including:**

1. Housing programs' rules and requirements and their applicability to the participant;
2. Searching for housing;
3. Housing application processes including obtaining documentation necessary to secure housing such as State identification, birth certificate, Social Security card, and income and benefit information;
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; and
9. Identifying and addressing housing challenges such as credit and rental history, criminal background, and behaviors;
10. Assistance with resolving disputes

**B. Housing Transition Services including:**

1. Conducting a tenant screening and housing assessment including but not limited to 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 but is not limited to:
  - (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.

**C. Housing Tenancy Sustaining Services which assist the participant to maintain living in their rented or leased home including:**

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
7. Coordinating with the individual to review, update and modify the housing support plan.

D. 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 State and local policies.

**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 approved 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 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. 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 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 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.
- 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 - Initial and annually
- 2. Provider prior to service delivery and continuing thereafter

## **Appendix C: Participant Services**

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

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**Service Type: Other Service**

**Service Name: HOUSING SUPPORT SERVICES**

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#### **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 approved 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. Have a signed DDA Provider Agreement to Conditions for Participation; 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.

**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 - Initial and annually
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:**


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:**

**Sub-Category 1:**

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Category 4:**

**Sub-Category 4:**

**Service Definition (Scope):**

A. 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. Not available under a waiver service or State Plan services.

B. Individual and Family Directed Goods and Services includes dedicated funding up to \$500 that participants may choose to support staff recruitment efforts such as developing and printing flyers and using staffing registries.

C. 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.

D. The goods and services may include: fitness memberships; fitness items that can be purchased at most retail stores; toothbrushes or electric toothbrushes; weight loss program services other than food; dental services recommended by a licensed dentist and not covered by health insurance; nutritional supplements recommended by a professional licensed in the relevant field; therapeutic swimming or horseback riding with recommendation from licensed professional; and fees for activities that promote community integration.

E.Experimental or prohibited goods and treatments are excluded.

F.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; 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; or
- 23.Service animals and associated costs.

#### 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.

F.The goods and services must provide or direct an exclusive benefit to the participant.

G.The goods and services provided are cost-effective (i.e., the service is available from any source, is least costly to the State, and reasonably meets the identified need) alternatives to standard waiver or State Plan services.

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, all other available and appropriate funding sources, including those offered by Maryland Medicaid State Plan, Division of Rehabilitation Services (“DORS”), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the participant’s file.

K. 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.

L. Dedicated funding for staff recruitment and advertisement efforts does not duplicate the Fiscal Management Services.

**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**


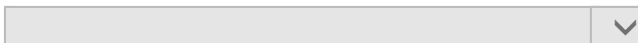
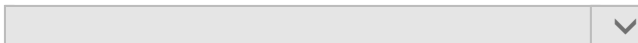
State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**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

**HCBS Taxonomy:****Category 1:**05 Nursing **Sub-Category 1:**05020 skilled nursing **Category 2:****Sub-Category 2:****Category 3:****Sub-Category 3:****Category 4:****Sub-Category 4:****Service Definition (Scope):**

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, Nurse Health Case Management services includes:

1. Performance of a comprehensive nursing assessment of the participant identifying his or her health, medical appointment, and nursing needs;
2. 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 his or her 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 the participant, caregivers under delegation of the RN, and the team for health care services that are available in the community;
6. Communicating with the participant and his or her person-centered planning team members in order that the team can coordinate 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, and (d) identifying and intervening in an emergency;
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 provider agency or Self-Directed Service participant in the development of policies and procedures required for delegation of any nursing tasks in accordance with COMAR 10.27.11.

SERVICE REQUIREMENTS:

A. A participant may qualify for this service if he or she is either: (1) receiving services via the Traditional Services delivery model at a DDA-licensed community provider site, including day and 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 but not limited to 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 his or her 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 his or her 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.

G. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including but not limited to those offered by Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the participant's file.

H. Nurse Case Management and Delegations Services are not available to participants receiving supports in other Nursing services including Nurse Consultation, and Nurse Health Case Management.

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.

I. 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

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**Service Type: Other Service**

**Service Name: NURSE CASE MANAGEMENT AND DELEGATION SERVICES**

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**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 approved 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 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 approved Registered Nurses
2. FMS provider, as described in Appendix E, for participants self-directing services

**Frequency of Verification:**

1. DDA – Initial and annually
2. FMS – initially and continuing thereafter

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## Appendix C: Participant Services

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

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**Service Type: Other Service**

**Service Name: NURSE CASE MANAGEMENT AND DELEGATION SERVICES**

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**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 approved 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 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 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 annually
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

#### HCBS Taxonomy:

##### Category 1:

05 Nursing ▼

##### Sub-Category 1:

05020 skilled nursing ▼

##### Category 2:

▼

##### Sub-Category 2:

##### Category 3:

▼

##### Sub-Category 3:

##### Category 4:

▼

##### Sub-Category 4:

#### Service Definition (Scope):

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 care givers, develop care protocols for the participant and gratuitous care givers 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 his or her gratuitous caregivers, to understand the participant's health needs and risks in order to develop health 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 his or her health needs and to develop recommendations for obtaining service in the community;
4. Provides recommendations to the participant, and his or her 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 his or her 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. Be an adult;
2. Live in his or her own home or the family home;
3. Receives gratuitous provision of care to meet health needs; or
4. Is assessed as able to perform and train on treatments of a routine nature and self-medications; and
5. Employs own staff.

B. This service cannot be provided in a DDA-licensed residential or day site.

C. A participant may qualify for this service if he or she is either: (1) enrolled in Self-Directed Services Program; or (2) receiving Supported Living services from a DDA-licensed provider in his or her own home or family home. However, the services the participant receives under either the Self-Directed Services or Supported Living services model must be exempt from delegation of nursing tasks as identified above in 1-5 qualifications as per COMAR 10.27.11.01B (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 but not limited to 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. The 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 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.

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 Services Program based on preauthorization from the DDA.

I. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including but not limited to those offered by Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the participant's file.

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.

L. 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.

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

**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
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 CONSULTATION****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 approved 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 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 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 annually
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 CONSULTATION

#### 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 approved 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 – Initial and annually

2. Nursing Services Provider – prior to service delivery and continuing thereafter

##### Frequency of Verification:

1. DDA – Initial and annually

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:

NURSE HEALTH CASE MANAGEMENT

#### HCBS Taxonomy:

##### Category 1:

05 Nursing ▼

##### Sub-Category 1:

05020 skilled nursing ▼

##### Category 2:

▼

##### Sub-Category 2:

##### Category 3:

▼

##### Sub-Category 3:

##### Category 4:

▼

##### Sub-Category 4:

#### Service Definition (Scope):

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. Performance of a comprehensive nursing assessment of the participant identifying his or her health, medical appointment, and nursing needs;
2. 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 and the team to understand his or her health needs and to make recommendations to the participant and the team for obtaining services in the community;
3. Completion 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 his or her person-centered planning team members to ensure the team has all appropriate health information and recommendations related to the provision of health services provided via the DDA community provider agency staff;
7. Develop health care plans and protocols, as needed, that direct the DDA licensed provider 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. Completes 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 he or she is: (1) able to perform self-medication and treatments as determined by the Nurse Health Case Manager; (2) medications and treatments are provided for using the exemption from delegation from the MBON related to the gratuitous provision of care; or (3) direct support staff performing health services are employed by a DDA- licensed community provider.

B. A participant may qualify for this service if he or she is: (1) receiving services via the Traditional Services delivery model at a DDA-licensed community provider site including day and employment type services; (2) receiving Personal Support services from a DDA licensed community provider; or (3) receiving services under the Self-Directed Services delivery model, when direct support staff are employed by 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 but not limited to 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) 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 ability to perform tasks of self-medication. 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.

I. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including but not limited to those offered by Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the participant's file.

J. Nurse Health Case Management services are not available to participants receiving supports in other Nursing services including Nurse Consultation, and 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 Provider
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**

**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 approved 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 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 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 annually
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**

#### 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 approved 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 approved Registered Nurses
2. FMS provider, as described in Appendix E, for participants self-directing services

##### Frequency of Verification:

1. DDA – Initial and annually
2. FMS – initially and continuing thereafter

## Appendix C: Participant Services

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### 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 (Scope):

A. Participant Education, Training and Advocacy Supports provides training programs, workshops and conferences that help the participant develop 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 for training programs, conferences, and workshops,
2. Books and other educational materials, and
3. Transportation related to participation in training courses, conferences and other similar events.

**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. Participant Education, Training and Advocacy Supports do not include tuition or air fare.

D. Participant Education, Training and Advocacy Supports does not include the cost of meals or overnight lodging as per federal requirements.

E. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including those offered by Maryland Medicaid State Plan, Division of Rehabilitation Services (“DORS”), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the participant’s file.

F. Participant Education, Training and Advocacy Supports are not available at the same time as the direct provision of Transportation services.

G. 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
Individual	Participant Support Professional
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 approved 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 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. Have a signed DDA Provider Agreement to Conditions for Participation; 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 approved Participant Support Professional
2. FMS provider, as described in Appendix E, for participants self-directing service

**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: 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 approved 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 approved, produce, upon written request from the DDA, the documents required under D.

F. Be in good standing with the IRS and Maryland Department of 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. 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 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 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 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.
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 Participant Education, Training and Advocacy Supports Agency
- 2.Provider for staff standards

##### Frequency of Verification:

- 1.DDA - Initial and annually
- 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:

##### Category 4:

▼

##### Sub-Category 4:

#### Service Definition (Scope):

A.Transportation services are designed specifically to improve the person's and the family caregiver's ability to access community activities within their own community in response to needs identified through the participant's Person-Centered Plan.

B.Transportation services can include, but are not limited to:

- 1.Orientation services in using other senses or supports for safe movement from one place to another;
- 2.Accessing Mobility and volunteering transportation services such as transportation coordination and accessing resources;
- 3.Travel training such as supporting the participant and his or her 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; and
5. Mileage reimbursement 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 or legally responsible person) of a participant participating in Self-Directed Services may be paid to provide this service in accordance with the applicable requirements set forth in Appendix C-2.
- 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 will not be covered when transportation is part of another waiver service.
- H.Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including those offered by Maryland Medicaid State Plan, Division of Rehabilitation Services (“DORS”), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the participant’s file.
- 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:**

**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	Transportation Professional or Vendor
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## 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 approved 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 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. Current first aid and CPR certification;
  - C. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
  - D. Possess a valid driver's license for vehicle necessary to provide services; and
  - E. 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 annually
2. OHCDs – 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: 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 approved 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. 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;
7. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of service;
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. Have a signed DDA Provider Agreement to Conditions for Participation; 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.

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. Be a DORS approved vendor/contractor
- I. Other recognized entities based on approval from the DDA

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

1. DDA for approved Transportation Professional and Vendors
2. FMS providers, as described in Appendix E, for participants self-directing services

**Frequency of Verification:**

1. DDA - Initial and annually
2. FMS providers – prior to delivery of 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:**

VEHICLE MODIFICATIONS

**HCBS Taxonomy:**

**Category 1:**

**Sub-Category 1:**

14 Equipment, Technology, and Modifications	14020 home and/or vehicle accessibility adaptatio
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**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Category 4:**

**Sub-Category 4:**

**Service Definition (Scope):**

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. Purchasing insurance on 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. Vehicle modifications may not be provided in day or employment services provider owned vehicles.

H. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including those offered by Maryland Medicaid State Plan, Division of Rehabilitation Services ("DORS"), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the participant's file.

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:**

Vehicle modifications payment rates for services must be customary, reasonable according to current market values, and may not exceed a total of \$15,000 over 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
Individual	Vehicle Modification 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: 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 approved 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. 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. Have a signed DDA Provider Agreement to Conditions for Participation; 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.

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 approved Vehicle Modification Vendor
2. FMS provider, as described in Appendix E, for participants self-directing services

**Frequency of Verification:**

1. DDA – Initial and Annually
2. FMS - 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:**

**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 approved 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 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. OHCDS – initial and annually
2. OHCDS providers – 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.

- 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 Service (case

management) on behalf of waiver participant as per COMAR 10.09.48, 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's regulation requires specific providers have a criminal background checks prior to service delivery. DDA's regulations also require that each DDA-licensed or approved provider 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 DDA-licensed or approved provider must complete this requirement for all of the provider's employees and contractors, regardless of their roles and responsibilities. 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.

#### 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, OHS, 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 ensure 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: (1) 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); and (2) an individual – not a provider agency – legal guardian of a vulnerable adult’s person granted by court order the duty to “provide care, comfort, and maintenance of the disabled person” and other duties related to providing for the individual’s daily needs.

#### 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 parents, step parents, siblings, uncles, aunts, grandparents, cousins, child of the participant, nieces and nephews.

#### 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.

### 1.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.

### 2.CIRCUMSTANCES WHEN PAYMENT MAY BE MADE

Participant enrolled in the Self-Directed Services Delivery Model (as provided in Appendix E) 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 authorized 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 authorized 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 his or her 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 he or she is able to maintain and improve his or her 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 Supportive Decision Making (SDM) agreement is established that identifies the people (beyond the legally

responsible person, relatives, spouse, and legal guardian) who will support the participant in making her or his own decisions; and

7. The legally responsible person must sign a service agreement to provide assurances to DDA that he or she 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 parents, step parents, siblings, uncles, aunts, grandparents, cousins, child of the participant, nieces and nephews.

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: (1) 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); and (2) an individual – not a provider agency – legal guardian of a vulnerable adult's person granted by court order the duty to "provide care, comfort, and maintenance of the disabled person" and other duties related to providing for the individual's daily needs.

Circumstances When Payment May be Made

A participant enrolled in the Self-Directed Services Delivery Model (as provided in Appendix E) may use a legal guardian (who is not a spouse), who is appropriately qualified, to provide Community Development Services or

### Personal Supports.

A participant enrolled in the Self-Directed Services Delivery Model (as provided in Appendix E) 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, 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 provider 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 authorized 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);

### 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; and (2) 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; and (6) Supported Employment.

### Safeguards

To ensure the use of a 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 ;
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 he or she is able to maintain and improve his or her 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 Supportive Decision Making (SDM) agreement is established that identifies the people (beyond family members) who will support the participant in making her or his own decisions.
7. The legal guardian or relative must sign 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 relatives or legal guardians 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 both its Family and Community Supports Waivers.

Information posted includes:

1. The DDA Policy - Application and Approval Processes for Qualified Supports/Services Providers in DDA's Community and Family Supports 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 Support 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 Community and Family Supports 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 approved 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 State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.*

**a. Methods for Discovery: 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**

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

**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):
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input 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**

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input checked="" type="checkbox"/> Representative Sample Confidence Interval = 95% +/-5%
<input checked="" type="checkbox"/> Other Specify: OHCQ License renewal application tracking sheet	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>

	<input type="checkbox"/> <b>Continuously and Ongoing</b>	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>
	<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>
<input type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>
<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	<input checked="" type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <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 non-licensed or non-certified waiver providers who meet regulatory and applicable waiver standards prior to service provision.**  
**N= # of newly enrolled non-licensed or non-certified waiver providers who meet regulatory and applicable waiver standards prior to service provision. D= #of newly enrolled non-licensed or non-certified waiver providers reviewed**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**Provider Application Packet**

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

**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):
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

**Performance Measure:**

**QP-PM4 Number and percent of non-licensed or non-certified waiver providers that continue to meet regulatory and applicable waiver standards. Numerator = number of non-licensed or non-certified waiver providers that continue to meet regulatory and applicable waiver standards. Denominator= number of enrolled non-licensed or non-certified waiver providers reviewed**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**Provider Renewal 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>
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input checked="" type="checkbox"/> Representative Sample Confidence Interval = 95% +/-5%
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other 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>
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify:	<input checked="" type="checkbox"/> Annually

<input type="text"/>	
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>

- 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**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**OHCQ Record Review**

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input checked="" type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input checked="" type="checkbox"/> Representative Sample Confidence Interval = 95% +/-5%
<input checked="" type="checkbox"/> Other Specify: OHCQ Renewal Application Data	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify:

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

**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):
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other 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 State’s method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items. 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 approved 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)**

Responsible Party(check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly

<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>
<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	<input type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <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 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

### C-5: Home and Community-Based Settings

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, [HCB Settings Waiver Transition Plan](#) for description of settings that do not meet requirements at the time of submission. Do not duplicate that information here.*

Community Supports Waiver services include various employment, meaningful day, and support services.

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 requirements.

The following services are provided at licensed 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 DHMH, or a site licensed by the Developmental Disabilities Administration.

There are no residential services provided.

All DDA approved or licensed providers must submit a provider application and supporting documentation to demonstrate they meet the provider qualification standards prior to enrollment as a Medicaid provider under the Community Supports Waiver. As part of the provider application process, the DDA will conduct onsite visits for site-based services to confirm compliance with the HCBS settings requirement prior to enrollment of the provider as a Medicaid waiver service provider under the Community Supports Waiver. All providers must comply with the Department's Medicaid regulations which includes the HCBS settings requirements under COMAR 10.09.36.03-1 Conditions for Participation—Home and Community-Based Settings.

The Coordinators of Community Services monitors the provision of services and completes the CMS approved Community Settings Questionnaire related to the HCB Settings requirements annually.

## Appendix D: Participant-Centered Planning and Service Delivery

### D-1: Service Plan Development (1 of 8)

#### 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 licenses and contracts with case management services providers, known as Coordinators of Community Services (CCS), 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 resource coordination 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-licensed Coordination of Community Service agency as a coordinator 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, agency, or entity in Maryland if the individual:

1. Is simultaneously employed by any MDH-licensed provider agency;
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; 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 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 provision of services.

#### Required Staff Training

All DDA-licensed 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.

Each CCS must complete training on using the framework for charting the Life Course. The framework helps individuals of all abilities and at any age or stage of life, and their families, develop a vision for a good life, think about what they need to know and do, identify how to find or develop supports, and discover what it takes to live the lives they want to live. The Life Course framework helps individuals and their families plan ahead and to start thinking about life experiences now that will help move them toward an inclusive, productive life in the future.

**Social Worker**

*Specify qualifications:*

**Other**

*Specify the individuals and their qualifications:*

## Appendix D: Participant-Centered Planning and Service Delivery

### D-1: Service Plan Development (2 of 8)

**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:*

## 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 and his or her family members and authorized representative with written and oral information about DDA services and the process of developing a Person-Centered Plan. The CCS assists the participant and his or her team by facilitating the team meeting and creating a Person-Centered Plan.

(b)The CCS provides each participant and his or her authorized representative and family members with information about the participant's rights to determine his or her person-centered planning team. The participant, or his or her authorized representative acting on the participant's behalf, may invite family members, friends, DDA advocacy specialists, coworkers, professionals, and anyone else he or she may desire to be part of team meetings or his or her circle of support. The participant is encouraged to involve important people in his or her life in the planning process. However, the participant, or his or authorized representative, also retains the authority to exclude any individual from development of his or her Person-Centered Plan with the CCS.

## 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 Person-Centered Plan

Who Develops

The CCS is responsible for the development of the Person-Centered Plan with the participant, his or her authorized representative, and the individual's 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 Integrated Support Star, Life Trajectory, 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

As further specified in subsection d. above, the individual, his or her authorized representative, and family members are the central members of the team responsible for planning and developing a Person-Centered Plan. The individual, or his or her authorized representative on the individual's behalf, may invite others important to the individual to be part of the planning process. However, the individual, or his or authorized representative, also retain the authority to exclude any individual from development of his or her Person-Centered Plan with the CCS.

### Timing of Plan

The plan is developed as part of the waiver application process and updated at least annually, or when there are changes to circumstances or services.

The CCS contacts the individual, and his or her authorized representative, 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 he or she feels most comfortable reviewing and discussing his or her plan.

### (b) Types of Assessments Conducted to Support Development of Person-Centered Plan

In addition to obtaining a variety of information and assessments about the individual's needs, preferences, life course goals, 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, goals, and preferences from the individual, his or her 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 Services to the Participant

During initial meetings, quarterly monitoring activities, and the annual plan development meeting, the CCS shares information with the individual and his or her authorized representative and family about available waiver services and qualified providers (i.e. 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-covered services) and licensed and approved 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 strengths, 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, his or her 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, goals, and preferences in order for the individual to live in his or her 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 services are determined based on the individualized goals and outcomes as documented in his or her PCP. The PCP will also address any need for training for the individual, his or her authorized representative or family, and provider or direct care staff in implementing the Person-Centered Plan.

### (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 services. The CCS provides case management services, including assisting the individual to connect with this array of services and supports and ensure their coordination.

The Person-Centered Plan (PCP) is the focal point for coordinating services available under various programs, including this waiver, which meets the individual's needs, goals, and preferences as identified in the PCP. The PCP serves as a working plan that details the individualized plan to address his or her specific needs while working towards achieving and maintaining a good quality of life, in accordance with the individual's goals, 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 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 ensures 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 need for service changes to take place. The CCS also ensures that services are delivered in the manner described in the PCP, and that the individual's goals, 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 when there is a change in a individual's needs, health status, or circumstances, the individual, his or her authorized representative, his or her family, and his or her self-selected team must come together to review and revise the PCP. These required updates to a individual's PCP ensures that it reflects the current needs, preferences, and goals 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

### 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 to the participant. In addition to objective assessments, the family is 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. The HRST contains a

comments section where the CCS(HRST Rater) can give reasons for why a score was selected. This will allow the certified Nurse “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. Therefore, to maintain validity and reliability of the tool, it is necessary that the Nurse, who will be reviewing the HRST, be trained and certified.

Through the use of the supporting families’ tools 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, individuals and families will also assess other areas of risk for the individual in addition to medical concerns.

#### 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 his or her family, and must ensure health and safety while affording a participant the dignity of risk. The CCS assists the participant and his or her 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 his or her 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; and (4) emergency management strategies for various risks such as complex medical conditions, identified elopement risk, or previous victim of abuse, neglect, and exploitation.

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

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### 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, his or her authorized representative, his or her family members, and other identified planning team members regarding available waiver 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, goals, and preferences.

For participants choosing the Self-Direct Services delivery model, the CCS's inform the participant of his/her 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 his or her 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 (including DDA's website).

The CCS and 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 his or her family in a way that meets the participant's needs, goals, 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 OHS 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 the Modified Service Funding Plan Request policy. 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.

## 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:*

The Person-Centered Plans are maintained in DDA's Provider Consumer Information System (PCIS2) and transitioning into the new Long Term Services and Supports (LTSS) System. Records are maintained for 7 years.

- 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 &



## Welfare

CCS and the DDA monitor the implementation of the service plan to ensure that waiver services are furnished in accordance with the service plan and consistent with safeguarding the participants' health and welfare.

### (b)Methods for Monitoring and Follow-Up Activities

CCS monitoring is designed to provide support to participants and their families and allows for frequent communication to address current needs and to ensure health and safety. In addition, monitoring allows for increased support to plan for services throughout the lifespan. The monitoring maximizes support to create the quality of life envisioned by the participant and the family.

CCS monitoring verifies 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 service plan. 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 needs occur, the monitoring affords an opportunity for discussion and planning for increased or decreased support, as needed. Increase of monitoring frequency may be warranted based on participant's health and safety.

The CCS conduct these monitoring and follow-up activities through telephone conferences, emails, and face-to-face meetings with the participant, his or her authorized representative, his or her family, and service providers.

Information is systemically collected about the monitoring results and follow-up actions are recorded by the CCS on a standardized monitoring form determined by the DDA which is entered into PCIS2. Health and safety concerns are reported to the DDA via communication with the RO and/or incident reporting as per required by the Policy on Reportable Incidents and Investigations. The monitoring and CCS follow up form is being updated for the new LTSS which will begin implementation in July 2018.

The DDA monitoring activities include:

1. Regional Offices monitor 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 conduct 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 monitor the quality of the CCSC monitoring services related to the implementation of the service plan.

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 monitoring frequency include:

1. Regional Offices monitor 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 onsite reviews of participant services and providers varies and includes: (a) initial or routine visits to provider sites, (b) filed complaint, (c) provider plan of correction follow-up, (d) incident reported, and (e) service request review; and
3. Regional Offices monitor the quality of the CCSC monitoring services related to the implementation of the service plan monthly based as outline in 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 State’s quality improvement strategy, provide information in the following fields to detail the State’s methods for discovery and remediation.*

**a. Methods for Discovery: 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-PM1-# and % of waiver participants who have their individually chosen assessed needs addressed in the service plan through waiver funded services, other funding source,s or natural supports. Numerator = # of waiver participants who have their individually chosen assessed needs addressed in the service plan etc.....**

**Denominator = # 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>
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input checked="" type="checkbox"/> Representative

		<b>Sample</b> Confidence Interval = 95% +/-5%
<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	<input type="checkbox"/> <b>Annually</b>	<input type="checkbox"/> <b>Stratified</b> Describe Group: <input type="text"/>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>
	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<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="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>
<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	<input type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>

**Performance Measure:**

**SP-PM2- # and % of waiver participants who have their personal goals addressed in the service plan through waiver funded services or other funding sources or natural supports. Numerator = # of waiver participants who have their personal goals addressed in the service plan through waiver funded services or other funding sources or natural supports. Denominator = # of participants reviewed.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**Participant Record Review**

<b>Responsible Party for</b>	<b>Frequency of data</b>	<b>Sampling Approach</b>
------------------------------	--------------------------	--------------------------

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

**Data Aggregation and Analysis:**

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

**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>
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly

<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input checked="" type="checkbox"/> Other Specify: N/A	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input checked="" type="checkbox"/> Other Specify: N/A

- c. **Sub-assurance: Service plans are updated/revised at least annually or when warranted by changes in the waiver participant’s 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 – PM3- 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**

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

<input type="checkbox"/> <b>Continuously and Ongoing</b>	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>
<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>
<input type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>
<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	<input type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>

- 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 – PM4 - 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**

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



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- 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 – PM5 – 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**

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input style="width: 50px;" type="text"/>
<input type="checkbox"/> Other Specify: <input style="width: 100px;" type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input style="width: 100px;" type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input style="width: 100px;" type="text"/>

	<input type="checkbox"/> <b>Other</b> Specify: <input style="width: 100%;" 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>
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input style="width: 100%;" type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input style="width: 100%;" 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 State’s method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.  
 DDA’s Quality Enhancement staff provides oversight of planning activities and ensure 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)**

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

<input type="checkbox"/> <b>Other</b> Specify:  <input type="text"/>	<input type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <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 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 his or her own services or

appoint an authorized 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 authorized 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 his/her authorized 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 or his/her authorized representative will have the responsibility and authority to manage his or her approved annual budget.

In the Self-Directed Service Model, participants or his/her authorized representative will have opportunities to:

1. Identify goals to support a trajectory for a good life in consideration of the Life Course;
2. Choose 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 of up to \$25,000 annually for the purchase of services and supports as specified in their PCP; and
6. Use a Support Broker to assist with employer responsibilities and a Fiscal Management Services provider (FMS) to assist with budget and payment responsibilities.

(b) How Participants May Enroll in the Self-Directed Service Model

The DDA will provide information about its Self-Directed Service Model to all participants and their families or authorized representatives (as applicable). If the participant is interested in the Self-Directed Service Model as the delivery model for services, then he or she will work with his or her Coordinator of Community Services (CCS) to develop a PCP and request enrollment in the Self-Directed Service Model.

Criteria for participation in the Self-Directed Service Model, the DDA must ensure, with recommendations by the CCS and team, that the participant, or his or her authorized representative, is 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. The CCS with input from the team will share information with the participant about the rights, risks, and responsibilities of managing his/her own care and managing and using an individual budget. This process is documented with the Self-directed Services Agreement to indicate the participant is capable of making informed decisions.

(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: CCS, Advocacy Specialists, Support Brokers, and FMS.

The CCS will provide supports that enable the participant to identify and address how to meet his or her needs and goals, including but not limited to:

1. Provide information to the participant to support informed decisions about what service design and delivery (Self-Directed Services versus Traditional Services) will work best for the participant and their support network in accordance with their needs and goals;
2. Explain roles and responsibilities and Support Broker and FMS available supports in the Self-Directed Service Model;
3. Provide information related to self-directed waiver service options, Support Brokers, and FMS services and providers for the participant to choose;
4. Facilitate the development and revision to the Person-Centered Plan and budget designed to meet the individual's needs, preferences, goals, and outcomes in the most integrated setting and in the most 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 and conducting related follow-up activities.

Advocacy Specialists self-directing services support include:

1. Provide information, technical assistance, and training on self-direction, self-advocacy, and the availability of advocacy services across the State;
2. Facilitate and build relationships with self-advocates, self-advocacy groups and providers.
3. Support other self-advocates to learn about and understand DDA services;
4. Provide general support to people receiving services from DDA; and
5. Develop and conduct additional topic specific training that meets the needs of Self-Advocates in their regions such as cyber bullying and using technology.

Support Broker services are provided to participants who elect to self-direct their own services and are designed to assist participants (or their authorized representative) with the human resources employer-related functions necessary for successful self-direction. Support Brokers provide assistance by mentoring and coaching the participant responsibilities as a common law employer related to staffing as per federal, State, and local laws, regulations, and policies. Support Brokers do not make any decision for the participant, sign off on service delivery or timesheets, or hire or fire workers.

The FMS are designed 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 assist the participant in financial transactions and managing legal employment requirements and employer related functions including:

1. Performing as the participant's agent such employer responsibilities as verifying provider qualifications;
2. Facilitating the employment of staff by the participant or authorized representative;
3. Managing and directing the disbursement of funds;
4. Processing payroll, withholding federal, State, and local tax and making tax payments to appropriate tax authorities;
5. Performing fiscal accounting processes; and
6. Making and sharing expenditure reports with the participant, their authorized representative, 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 the participant and his/her representatives information about available waiver services and delivery models, including the DDA's Self-Directed Service Model. 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, 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 Appendix E) may authorize a non-legal representative to direct services on their behalf as documented 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 provider truly reflects the participant's wishes and desires;
- 2.The provision of services by the non-legal representative is in the best interests of the participant;
- 3.The provision of service by the non-legal representative is appropriate and based on the participant's identified support needs; and
- 4.An Authorized Representative form that establishes the non-legal representative to direct services on the participant's behalf is completed in accordance with applicable federal and State laws and regulations governing the 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
NURSE CASE MANAGEMENT AND DELEGATION SERVICES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EMPLOYMENT DISCOVERY AND CUSTOMIZATION	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NURSE HEALTH CASE MANAGEMENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ENVIRONMENTAL ASSESSMENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PERSONAL SUPPORTS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
ENVIRONMENTAL MODIFICATIONS	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FAMILY CAREGIVER TRAINING AND EMPOWERMENT SERVICES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NURSE CONSULTATION	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SUPPORT BROKER SERVICES	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
FAMILY AND PEER MENTORING SUPPORTS	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMUNITY DEVELOPMENT SERVICES	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
HOUSING SUPPORT SERVICES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
RESPIRE CARE SERVICES	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PARTICIPANT EDUCATION, TRAINING AND ADVOCACY SUPPORTS	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TRANSPORTATION	<input type="checkbox"/>	<input checked="" type="checkbox"/>
INDIVIDUAL AND FAMILY DIRECTED GOODS AND SERVICES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ASSISTIVE TECHNOLOGY AND SERVICES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SUPPORTED EMPLOYMENT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
BEHAVIORAL SUPPORT SERVICES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VEHICLE MODIFICATIONS	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 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

### E-1: Overview (8 of 13)

- 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 DDA FMS providers must be certified by the DDA as an Organized Health Care Delivery Systems (OHCDs) in accordance with applicable State regulations. The State will be issuing a new Request for Proposal (RFP) ) anticipated to be released in November 2018 to identify a new FMS. Agencies interested in becoming the FMS must submit a proposal in response to the RFP and be selected. A new provider is anticipated to begin in March 2018.

- ii. Payment for FMS.** Specify how FMS entities are compensated for the administrative activities that they perform:

FMS establish a fee schedule which is included in the approved proposal/contract with the DDA and the fees are billed as administrative claims. FMS fees range based on the participant's number of employees and/or vendors (low, medium, and high usage) and typically range between 6%-10% of a participant's overall budget

- 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.Assisting with verifying provider qualifications including certifications, trainings and licensing requirements;
- 2.Managing and directing the disbursement of funds contained in the participant-directed budget;
- 3.Conducting background checks;
- 4.Acting as a neutral bank, receiving and disbursing public funds and tracking and reporting on the participant's budget funds received, disbursed, and any balances);
- 5.Processing and paying invoices for goods and services approved in the service plan; and
- 6.Preparing and distributing reports (e.g., budget status and expenditure reports) to participants, their CCS, DDA, and other entities as requested.

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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:*

A.FMS assists the participant or authorized representative to:

- 1.Manage and direct the disbursement of funds contained in the participant-directed budget;
- 2.Facilitate the employment of staff by the participant or authorized representative, by performing as the participant's agent such employer responsibilities as verifying provider qualifications, processing payroll, withholding Federal, State, and local tax and making tax payments to appropriate tax authorities; and
- 3.Perform fiscal accounting and make expenditure reports to the participant or family and State authorities.

B. Employer Authority tasks such as:

- 1.Assisting the participant in verifying workers' citizenship or legal alien status (e.g., completing and maintaining a copy of the BCIS Form I-9 for each support service worker the participant employs);
- 2.Assisting the participant to verify provider certifications, trainings and licensing requirements;
- 3.Conducting criminal background checks;
- 4.Collecting and processing timesheets of support workers;
- 5.Operating a payroll service, (including process payroll, withholding taxes from workers' pay, filing and paying Federal (e.g., income tax withholding, FICA and FUTA), state (e.g., income tax withholding and SUTA), and, when applicable, local employment taxes and insurance premiums; and
- 6.Distributing payroll checks

C.Budget Authority tasks such as:

- 1.Acting as a neutral bank, receiving and disbursing public funds, tracking and reporting on the participant's budget funds (received, disbursed and any balances);
- 2.Maintaining a separate account for each participant's participant-directed budget;
- 3.Tracking a participant funds, disbursements and balancing participant funds;
- 4.Processing and paying invoices for goods and services approved in the service plan; and
- 5.Preparing and distributing reports (e.g., budget status and expenditure reports) to participants, DDA, and other entities as requested.

D. Additional Functions/activities such as:

- 1.Receiving and disbursing funds for the payment of participant-directed services as specified in authorized plan;
- 2.Providing periodic reports of expenditures and the status of the participant-directed budget as requested;
- 3.Ensuring compliance with federal and State tax laws and employee wage and hour laws by appropriately managing withholdings, tax payments, and payment for workers' compensation; and
- 4.Filing annual federal and State reports.

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Additional functions/activities:

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- 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.

FMS are 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 OHS 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

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### 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:*

Whether a participant is enrolled in Self-Directed Services or Traditional Services, Coordinators of Community Services (CCS) support participants, their families, and authorized representative 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 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
NURSE CASE MANAGEMENT AND DELEGATION SERVICES	<input type="checkbox"/>
EMPLOYMENT DISCOVERY AND CUSTOMIZATION	<input type="checkbox"/>
NURSE HEALTH CASE MANAGEMENT	<input type="checkbox"/>
ENVIRONMENTAL ASSESSMENT	<input type="checkbox"/>
PERSONAL SUPPORTS	<input type="checkbox"/>
ENVIRONMENTAL MODIFICATIONS	<input type="checkbox"/>
FAMILY CAREGIVER TRAINING AND EMPOWERMENT SERVICES	<input type="checkbox"/>
NURSE CONSULTATION	<input type="checkbox"/>
SUPPORT BROKER SERVICES	<input checked="" type="checkbox"/>
FAMILY AND PEER MENTORING SUPPORTS	<input type="checkbox"/>
COMMUNITY DEVELOPMENT SERVICES	<input type="checkbox"/>
HOUSING SUPPORT SERVICES	<input type="checkbox"/>
RESPITE CARE SERVICES	<input type="checkbox"/>
DAY HABILITATION	<input type="checkbox"/>
PARTICIPANT EDUCATION, TRAINING AND ADVOCACY SUPPORTS	<input type="checkbox"/>
TRANSPORTATION	<input type="checkbox"/>
CAREER EXPLORATION	<input type="checkbox"/>
INDIVIDUAL AND FAMILY DIRECTED GOODS AND SERVICES	<input type="checkbox"/>
ASSISTIVE TECHNOLOGY AND SERVICES	<input type="checkbox"/>
SUPPORTED EMPLOYMENT	<input type="checkbox"/>
MEDICAL DAY CARE	<input type="checkbox"/>
BEHAVIORAL SUPPORT SERVICES	<input type="checkbox"/>
VEHICLE MODIFICATIONS	<input type="checkbox"/>

- 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:*

Independent 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 DDA community based services.
3. Build relationships with self-advocates, self-advocacy groups and providers.
4. Support other self-advocates to learn about and understand DDA services.
5. Provide general support to people receiving services from DDA.
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 self-direction.

#### PARTICIPANT ACCESS

Participants may contact the independent advocates via telephone or email or at trainings to avail themselves of advocacy services. The independent 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 independent advocates provide information, technical assistance, and advocacy via the internet, telephone, or in person as requested.

## Appendix E: Participant Direction of Services

### E-1: Overview (11 of 13)

- i. 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 or his or her authorized representative 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 licensed provider. In order to terminate participation in the Self-Directed Service Model and transition to the Traditional Services delivery model, the participant, or his or her authorized representative, 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 provider(s) to provide services. The CCS shall work with the participant, his or her authorized representative, and his or her 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 (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 authorized representatives are required to comply with all applicable federal, State, and local laws, regulations, and waiver 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 has not been implemented or approved and the participant does not receive services under the Self-Directed Services Model for 90 days or more with the exception of extenuating circumstances;
- 3)The health, safety, or welfare of the participant is compromised by continued participation in the Self-Directed Service Model;
- 4)The rights of the participant are being compromised;
- 5)Failure of the participant or the participant’s authorized representative to comply with any applicable federal, State, or local law, regulation, policy, or procedure; or
- 6)Failure of the participant or the participant’s authorized representative 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 inform the participant, his or her authorized representative, his or her Coordinator of Community Service (CCS), and the FMS in writing. 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, his or her authorized representative, and his or her 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

Waiver Year	Employer Authority Only	Budget Authority Only or Budget Authority in Combination with Employer Authority
	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:

Criminal background checks are paid for by the DDA.

- 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.**
- 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 through a person-centered planning process that offers budget flexibility while ensuring that the amount of the self-directed budget is not greater than the cost of traditional services for that individual. The participant's self-directed budget will encompass all services in their plan and will be presented as part of the person centered planning process.

The DDA will use the following approach for determining a participant's self-directed budget:

1. The Coordinator of Community Services (CCS) and team will assess the needs of the participant through a person-centered planning process;
2. For Community Development Services and Supported Employment services, the budget will also be based on the Individual Indicator Rating Scale (IIRS) which is used to assess an individual's level of health/medical and supervision/assistance needs. The IIRS assessment results in an IIRS matrix level which is then translated into an individual budget using rates for Community Development Services and Supported Employment;
3. 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
4. A dollar value will be assigned to the plan using the traditional service delivery system payment rates less an appropriate administrative fee to cover the cost of the Fiscal Management Services (FMS).

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.

## 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 plan based on the participant's needs. The DDA sends notice to the participant of their authorized budget.

Participants or their authorized representative may request an adjustment to their budget amount at any time as per the Modified Service Funding Plan Request (MSFPR) policy. Participants or his/her authorized representative notifies their CCS regarding a new need. MSFPR forms are completed to reflect the proposed service change which is then submitted to DDA Regional Office for review. If approved, the revised budget is submitted to the team and FMS.

The DDA will make short-term exceptions to the overall budget caps based on exceptional needs (e.g., family caregiver support needs, post hospitalization, short-term care needs).

Participant's have the right to request a Medicaid Fair Hearing when the request for a budget adjustment is denied or the amount is reduced 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 and his or her authorized representative, with the support of their Coordinator of Community Service and the FMS, will monitor funds spent on services and the projected spending for the fiscal year. The FMS will provide a monthly report to the participant and his or her authorized representative with information related to expenditures and current balance.

The DDA will monitor: (1) the FMS for proper allocation of funding and services provided; and (2) the participant and his or her authorized representative for possible over- and under-utilization 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, Support Broker, or his/her FMS contacts the participant and his or her authorized representative 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

### 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 his/her family or his/her 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. The types of decisions or actions of the DDA 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 he or she brings a claim that: (1) his or her application for eligibility for this waiver was denied; (2) he or she disputes DDA’s determination of his or her priority on the waiting list; (3) DDA did not provide a determination on his or her application within 60 days from the date of application; (4) his or her request for services has been erroneously denied or not acted upon with reasonable promptness; or (5) DDA or Medicaid acted erroneously. COMAR 10.01.04.02.

Upon making a decision affecting an individual’s entitlement to receive services, the DDA provides a written letter notifying the individual of its adverse decision (e.g., denial of eligibility, determination of Waiting List priority, denial of request for services, etc. as provided above), including Notice: Medicaid Fair Hearing Rights, as further described below. A copy of the final, signed notice is retained in the individual’s file at the DDA Regional Office.

To ensure the individual is informed of his or her rights, this letter to the individual’s address of record, and, if applicable, his/her family or his/her legal representative, and specifies: (1) the DDA’s decision, (2) the basis of the DDA’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) his or her 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 very understandable so that individuals and their families have a full understanding of their rights.

The two-page notice that is enclosed with the DDA’s decision letter is entitled, Notice: Medicaid Fair Hearing Rights and describes: (1) how to request a hearing; (2) the timeframe within which the hearing must be requested (90 days plus 4-day grace period allowed for mail to be received); (3) what a Medicaid Fair Hearing is; (4) that the individual may represent himself or herself or use legal counsel or appoint an Authorized Representative; 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, his or her 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 participant, his/her family (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 a participant, his/her family, and representatives from the DDA to resolve a dispute before a 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 Office of Administrative Hearing (OAH). If there is no agreement, the participant and his/her family may precede to a Medicaid Fair Hearing.

#### Notification of Opportunity for a CRC & Requesting a CRC

All participants and their families 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 waiver services, for which the 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 participant selects it, the DDA schedules the CRC prior to the Medicaid Fair Hearing.

Attached to the letter from DDA are two documents, Notice: Medicaid Fair Hearing Rights and 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 participant of her/his opportunity to request a CRC. The Hearing Request Form includes a box to check if the 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 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 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 himself/herself and explains the process.
- b. The participant and his/her family have 10 minutes to explain the request, and why he or she thinks 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, he or she 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 participants' areas of agreement and documents them.
- e. If there are disputes still remaining, the moderator may meet separately with the participant (and any representative) and with the Regional Office representative, in "separate sessions." In each of the separate sessions, the moderator may explain and discuss the law, regulations, and policies that apply to the services requested, and may discuss whether he/she believes 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 DDA and the participant, 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. The Department 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. 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 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, on DDA's behalf, pertaining to provider licensure. The DDA, OHCQ, and OHS 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 his or her 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 Licensed Approved providers must also complete an Agency Investigation Report (AIR) that includes updated information based on the agency'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 his or her 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 provides and reviews with the participant, and his or her 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 his or her legal representative signs the form acknowledging receipt.

The DDA Director of Family Supports, Director of Advocacy Supports, and Regional Office Self Advocates also provide information, training, and webinars related to protections and how to report.

DDA Licensed or Approved 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.

- 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 Reports

The DDA, OHS, OHCQ, and CCS receive notification of all Type 1 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 agency 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 agency'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 agency 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 Licensed or Approved 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) as follows:

1. Priority Level 1 - Immediate Jeopardy – an on-site investigation within 2 working days of receipt.
2. Priority Level 2 - High – an on-site investigation within 10 working days of receipt.
3. Priority Level 3- Medium – an on-site investigation within 30 working days of assignment.
4. Priority Level 4 - Administrative Review – will electronically correspond with the licensee to ascertain the status of the participant.
5. Priority Level 5—Referrals—Refer to internal OHCQ unit or appropriate agency for follow-up within 1 working day; or
6. Priority Level 6—Death—Upon notification, refer to the Mortality Review Unit of OHCQ within 1 working day for review and investigation.

During the investigation of an incident, an OHCQ investigator reviews the AIR and related documentation. The investigator(s) will make his or her best effort to interview all persons with knowledge of the incident, including, but not limited to: the participant receiving services, her/his 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 her/his 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 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 Licensed or Approved 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) agency 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 Licensed or Approved provider requesting revision to the incident report and resubmission of a complete and correct report.

When an agency 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 DDA

When an incident is alleged to have occurred outside of a site or service licensed by DDA, 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 OHS 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 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 OHS 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 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 OHS 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 OHS 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 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 his or her 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 Licensed or Approved providers to 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, OHS, 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 Licensed or Approved 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 an imminent danger to the health or safety of himself or herself or others. The use of seclusion is prohibited. DDA Licensed or Approved providers are required to document and report the use of emergency restraints in accordance with PORII.

DDA's regulations specify that DDA Licensed or Approved 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 team; and
3. Is approved by the standing committee as specified in regulations.

Before a DDA Licensed or Approved 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 Licensed and Approved 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, 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 Licensed and Approved 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, OHS, 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 Licensed and Approved 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 Licensed and Approved 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 Licensed and Approved 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 OHS conduct unannounced visits and observations of DDA Licensed and Approved 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 OHS 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 MANGEMENT 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, OHS, and OHCQ are responsible for overseeing the use of restraints and ensuring that State safeguards concerning their use are followed.

DDA, OHS, 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 Licensed or Approved 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 Licensed or Approved 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 OHS conduct unannounced visits and observations of DDA Licensed or Approved 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 OHS 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 State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.

#### a. Methods for Discovery: 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 critical incidents of abuse, neglect, exploitation, and unexplained death for which corrective actions executed or planned by appropriate entity in required time frame. N = # 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 = # reviewed.**

Data Source (Select one):

**Other**

If 'Other' is selected, specify:

#### Record Review

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input checked="" type="checkbox"/> Representative Sample

		Confidence Interval = 95% +/-5%
<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	<input type="checkbox"/> <b>Annually</b>	<input type="checkbox"/> <b>Stratified</b> Describe Group: <input type="text"/>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>
	<input type="checkbox"/> <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>
<input type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>
<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	<input type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <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>	<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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<i>(check each that applies):</i>		
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input checked="" type="checkbox"/> Representative Sample Confidence Interval = 95% +/-5%
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other 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>
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other 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>
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input checked="" type="checkbox"/> Representative Sample Confidence Interval = 95% +/-5%
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other 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>
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly

<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>
<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	<input type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <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>
<input type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>	<input type="checkbox"/> <b>100% Review</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>	<input checked="" type="checkbox"/> <b>Less than 100% Review</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>	<input checked="" type="checkbox"/> <b>Representative Sample</b> Confidence Interval = 95% +/-5%
<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	<input type="checkbox"/> <b>Annually</b>	<input type="checkbox"/> <b>Stratified</b> Describe Group: <input type="text"/>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>
	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	

	<input type="text" value=""/>	
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**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):
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text" value=""/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text" value=""/>

**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:

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

		<input type="text"/>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>
	<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>
<input type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input type="checkbox"/> <b>Quarterly</b>
<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	<input checked="" type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>

- 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> <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>
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input checked="" type="checkbox"/> Representative Sample Confidence Interval = 95% +/-5%
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other 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>
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing

**Other**  
Specify:

- 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:**

**The Community Supports Waiver does not include residential services and therefore does not have applicable health care standards. Therefore the State did not develop a performance measure for 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>
<input type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>	<input type="checkbox"/> <b>100% Review</b>
<input type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>	<input checked="" type="checkbox"/> <b>Less than 100% Review</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input type="checkbox"/> <b>Quarterly</b>	<input type="checkbox"/> <b>Representative Sample</b> Confidence Interval = <input type="text"/>
<input checked="" type="checkbox"/> <b>Other</b> Specify: N/A	<input type="checkbox"/> <b>Annually</b>	<input type="checkbox"/> <b>Stratified</b> Describe Group: <input type="text"/>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>	<input checked="" type="checkbox"/> <b>Other</b> Specify: N/A
	<input checked="" type="checkbox"/> <b>Other</b>	

	Specify: N/A	
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**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):
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input checked="" type="checkbox"/> Other Specify: N/A	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input checked="" type="checkbox"/> Other Specify: 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 State’s method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.  
Incident Reporting and Investigations (Appendix G-1):

DDA’s Quality Enhancement staff provides oversight and ensure DDA Licensed and Approved 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 Licensed or Approved 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 Licensed or Approved 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 licensed 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>
<input type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>
<input type="checkbox"/> <b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<input type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <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 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 2)**

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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;
- 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 2)

### 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 OHS 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 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.

Waiver performance information will be shared with the OHS and the DDA Quality Advisory Council. The DDA Quality Advisory Council is composed of various stakeholders including waiver 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 OHS and DDA for considered implementation.

**ii. System Improvement Activities**

<b>Responsible Party</b> (check each that applies):	<b>Frequency of Monitoring and Analysis</b> (check each that applies):
<input checked="" type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>
<input checked="" type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>
<input checked="" type="checkbox"/> <b>Quality Improvement Committee</b>	<input checked="" type="checkbox"/> <b>Annually</b>
<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>	<input type="checkbox"/> <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 OHS 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, 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 OHS monitors performance of this requirement by participating in the DDA Quality 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 OHS.

## **Appendix I: Financial Accountability**

## 1. FINANCIAL INTEGRITY AND ACCOUNTABILITY

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

(a) Requirements concerning the independent audit of provider agencies

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

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

1. Single State Audit

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

2. Office of Legislative Audits

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

3. Office of the Inspector General

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

1. Determine the amount of program revenue received and allowable expenditures incurred by the program for the DDA contracts;
2. Determine any amount due to the State or to the provider resulting from the operation of the program during the audit period;
3. Determine to the extent possible that financial matters were conducted in accordance with the Department of Health's Human Services Agreement Manual (HSAM); and,
4. Provider recommendations for improving internal controls, ensuring fiscal compliance, or increased efficiency.

4. Utilization Review

The DDA is hiring a Contractor to conduct post payment reviews of claims to ensure the integrity of payments made for Waiver services. The utilization reviews are to verify that the hours of service and the actual service for which the DDA has contracted and/or paid for are being provided to the participant. The reviews 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 Person Centered Plan (PCP) or Service Funding Plan (SFP).

The scope of the post-payment 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, 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;
- 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

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 consumer receiving services, and/or the participant's 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.

## Appendix I: Financial Accountability

### Quality Improvement: Financial Accountability

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

**a. Methods for Discovery: Financial Accountability Assurance:**

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

**i. Sub-Assurances:**

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

**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 - PM1 Number and percent of claims that are supported by documentation that services were delivered. Numerator = number of claims reviewed that are supported by documentation. Denominator = number of claims reviewed.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**MMIS claims data; participant records**

<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>
<input checked="" type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>	<input type="checkbox"/> <b>100% Review</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>	<input checked="" type="checkbox"/> <b>Less than 100% Review</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>	<input checked="" type="checkbox"/> <b>Representative Sample</b> Confidence Interval = 95% +/-5%
<input checked="" type="checkbox"/> <b>Other</b> Specify: Utilization Review Contractor	<input checked="" type="checkbox"/> <b>Annually</b>	<input type="checkbox"/> <b>Stratified</b> Describe Group: <input type="text"/>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>
	<input type="checkbox"/> <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>
<input checked="" type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>
<input checked="" type="checkbox"/> <b>Other</b> Specify: Utilization Review Contractor	<input checked="" type="checkbox"/> <b>Annually</b>

	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <b>Other</b> Specify: <input style="width: 100%; height: 20px;" 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 LTSS data**

<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>
<input checked="" type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>	<input type="checkbox"/> <b>100% Review</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>	<input checked="" type="checkbox"/> <b>Less than 100% Review</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input type="checkbox"/> <b>Quarterly</b>	<input checked="" type="checkbox"/> <b>Representative Sample</b> Confidence Interval = 95% +/-5%
<input checked="" type="checkbox"/> <b>Other</b> Specify: Utilization Review Contractor	<input type="checkbox"/> <b>Annually</b>	<input type="checkbox"/> <b>Stratified</b> Describe Group: <input style="width: 100%; height: 20px;" type="text"/>
	<input checked="" type="checkbox"/> <b>Continuously and Ongoing</b>	<input type="checkbox"/> <b>Other</b> Specify: <input style="width: 100%; height: 20px;" type="text"/>
	<input type="checkbox"/> <b>Other</b> Specify: <input style="width: 100%; height: 20px;" 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>

<input checked="" type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input type="checkbox"/> <b>Quarterly</b>
<input checked="" type="checkbox"/> <b>Other</b> Specify: Utilization Review Contractor	<input type="checkbox"/> <b>Annually</b>
	<input checked="" type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>

- 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 LTSS data**

<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>
<input checked="" type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>	<input type="checkbox"/> <b>100% Review</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>	<input checked="" type="checkbox"/> <b>Less than 100% Review</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>	<input checked="" type="checkbox"/> <b>Representative Sample</b> Confidence Interval = 95% +/-5%



<input checked="" type="checkbox"/> <b>Other</b> Specify: Utilization Review Contractor	<input checked="" type="checkbox"/> <b>Annually</b>	<input type="checkbox"/> <b>Stratified</b> Describe Group: <input type="text"/>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>	<input type="checkbox"/> <b>Other</b> Specify: <input type="text"/>
	<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>
<input checked="" type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input checked="" type="checkbox"/> <b>Quarterly</b>
<input checked="" type="checkbox"/> <b>Other</b> Specify: Utilization Review Contractor	<input checked="" type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <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.

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 LTSS will ensure that waiver 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 LTSS will ensure that providers are not paid more than the rate that is stored in the system. A problem may be identified by a provider or providers, contractors, DDA fiscal staff or Medicaid. The DDA fiscal staff will monitor claims activity on a monthly

basis to identify potential issues with the reimbursement rate.

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

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

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

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

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

If a problem is identified, appropriate corrective action will be conducted in a timely manner by DDA. Trends will be monitored to identify systemic errors which will be corrected in collaboration with PCIS2 staff and/or Medicaid. Eligibility information entered into the system incorrectly will be corrected and the universe of paid claims that was processed using the incorrect information will be identified. In the rare event that a claim is not paid correctly, DDA will adjust the claims accordingly and in a timely manner.

PM3- Number and percent of claims coded and paid for in accordance with the reimbursement methodology specified in the approved waiver.

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

**ii. Remediation Data Aggregation**

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

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

### 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 1 and 2 as DDA transitions from a prospective payment system to a reimbursement model. Simultaneously DDA will also transition from the current standalone platform, PCIS2, to the Medicaid Long Term Services and Supports system, or LTSS. New proposed rates from the rate study completed this year will be used for non-FPS services but will not be used for FPS services until DDA transitions both the payment model and the IT system in Waiver Year 2.

In accordance with Maryland law (Chapter 648 of the Acts of 2014), the DDA procured a contractor, Johnston, Villegas-Grubbs & Associates (JVGA), to conduct an independent cost-driven rate setting study and obtain input from stakeholders, individuals receiving services, and providers of the services. The proposed rates were to meet the requirements of the Social Security Act that they be “consistent with efficiency, economy, and quality of care and efficient to enlist enough providers so that services under the plan are available to beneficiaries at least to the extent that those services are available to the general population.”

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. JVGA established wage levels from the Bureau of Labor Statistics (BLS).

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, 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. JVGA surveyed and analyzed the general ledgers of around 70 DDA providers to standardize the cost component and rates. The Rate Study report was released on November 3, 2017. The contractor will be conducting town hall meetings from November 13 to 16, 2017 in each of the 4 regions in Maryland. The Rate Study Report and the rates are published on DDA’s website at <https://dda.health.maryland.gov/Pages/home.aspx>. Any changes to current service rates covered under this program will be updated with a waiver amendment.

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

Fee schedule service rates include the following:

**Behavioral Support Services-** The rates for Behavioral Assessment and Behavioral Consulting are based on the BLS hourly wage data for a Psychologist or Other PhD with the productivity assumption of 8 hours for the Assessment and including the cost components: Employment Related Expenditures at 32.7%, Program Support at 33%, Training expenditures at 13.4%, and administrative costs at 11%. The rates for the Behavioral Plan and Brief Support

Implementation Services are based on the hourly wage of Clinical, Counseling & School Psychologists and including cost components Employment Related Expenditures at 32.7%, Program Support at 33%, Training expenditures at 13.4%, and administrative costs at 11%. The productivity assumption is 8 hours for the Plan and the hourly rate for Brief Support Implementation is converted to a 15 minute rate.

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 Employment Related Expenditures at 32.7%, Program Support at 33%, Training expenditures at 13.4%, and administrative costs at 11%.

Family and Peer Mentoring - Family and Peer Mentoring is a new service and the rate 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 rate is based on the hourly wage data from BLS for a Life, Physical, and Social Service Tech and includes the cost components Employment Related Expenditures at 32.7%, Program Support at 25.7%, Training expenditures at 8.6%, and administrative costs at 11%.

Medical Day Care- The rate for Medical Day Care is based on the rate established by the Medicaid program.

Nursing Services- The quarterly hour rates are based on hourly BLS wage data job code 29-1141, Registered Nurse and the following cost components: Employment Related Expenditures at 32.7%, Standard PS of 33%, Training expenditures at 13.4%, a 5% no show factor, and administrative costs at 11%.

Personal Supports (beginning Waiver Year 3)-The rate is based on hourly BLS wage job code 39-9021, Personal Care Aide and the following cost components: Employment Related Expenditures at 32.7%, Standard PS of 25.7%, Training expenditures at 8.6%, a 5% no show factor, and administrative costs at 11%. The rate was developed as an hourly rate but will be billed in 15 minute increments.

Respite Care Services - Rates were developed for both hourly and daily respite services. The hourly rate is based on the hourly wage of a Personal Care Aide using the BLS and the cost components Employment Related Expenditures at 32.7%, Training expenditures at 8.6%, Transportation costs at 2%, and administrative costs at 11%. The daily rate is based on the hourly rate with an assumption of 16 hours of service.

Career Exploration (beginning Waiver Year 3)- The rate is based on hourly BLS wage job code 39-9021, Personal Care Aide and the following cost components: Employment Related Expenditures at 32.7%, Standard PS of 35.6%, Training expenditures at 5.8%, Transportation costs at 13.7%, a closure factor of 3.6%, and administrative costs at 11%. The rate assumes 6 people per staff for Large Group, 2 people per staff for Small Group, and 10 people per staff for Facility.

Market Rate Services include the following:

Assistive Technology and Services, 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, type of modifications, or service design and delivery method as documented in the PCP and associated Service Funding Plan. For needed services identified in the team planning process that do not lend themselves to an hourly rate (i.e. assistive technology, environmental modifications, etc.), the estimated actual cost, based on the identified need (i.e. a specific piece of equipment) or historical cost data, is included in the participant's service budget. The applicable service definitions and limitations included in the waiver application provide any additional requirements for payment of these services. The 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. The payment limit and any other limiting parameters will be programmed into MMIS to avoid overpayment of these services.

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.

Tiered-Rate Services include the following:

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

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 LTSS. Current rates will continue to be used for: Community Development Services (formerly Community Learning Services) (WY 1-2), Day Habilitation (WY 1-2), Employment Discovery & Customization (WY 1-5), Personal Supports (WY 1-2), and Supported Employment (WY 1-5) with Career Exploration option (WY1-2).

In 1998, initial rates for the Fee Payment System (FPS) were developed and cover four programs— Community Supported Living Arrangements (now Personal Supports) day, residential, and supported employment. FPS service rates are based on two components – the provider and individual component. The provider component pays a flat rate for Administrative, General, Capital, and Transportation (AGC&T) cost centers. As the FPS rates were developed, this component was arrived at in a cost-neutral manner by bringing all providers to the weighted mean AGC&T as reported on their cost reports.

FPS also covers “add-ons” to accommodate temporary changes in client needs (usually for a period under one year, but can be extended), and one-time supplemental costs for special equipment, assistive technology, accessibility modifications to structures, and other needs that are not covered by Medicaid, private insurance, or any other state or federal health program.

A continuation of the Rate Determinations Methods can be found in the Main Module in Section B entitled, Additional Information Needed (optional section).

- 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 services is based on which service delivery model the participant is enrolled in: Traditional Services or Self-Directed Services Program.

#### Billings under the Traditional Services Delivery Model

For claims with dates of service up to Waiver Year 3, Personal Supports, Day Habilitation Services, Community Development Services (formerly Community Learning Services), Employment Discovery & Customization, and Supported Employment, and Career Exploration claims will be submitted electronically through the DDA's electronic data system called PCIS2 which interfaces with the MMIS system to generate federal claims. PCIS2 data collects information on: (1) the services included in the participant's Person-Centered Plan (PCP) that can be billed; (2) the approved services and individualized budget set forth in the Service Funding Plan (SFP); and (3) the services actually rendered by the provider. PCIS2 checks the PCP and SFP against the services actually rendered to ensure that overbilling or billing for services not in the PCP or SFP does not occur.

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. For claims with dates of service up to Waiver Year 3, 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, 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. Standard operation procedures are being developed to instruct providers how to bill for rendered services and will be posted on DDA's website.

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

#### Billings under the Self-Directed Services Delivery Model

For participants enrolled in the Self-Directed Services Program (as described in Appendix E), the Fiscal Management Services (FMS) provider will compare employee timesheets or invoices against the DDA-approved plan and annual budget for processing. For claims that match, the FMS will then submit them to MMIS. Claims that are rejected by MMIS will be 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 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 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 OHS through MMIS.

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

MMIS edits are in place to validate the participant's waiver enrollment on the date of service and established service limitations. Requests are made for FFP based on claims processed through the MMIS. The FFP claim is based on the review of the paid provider claim by Medicaid while consumer eligibility information is ultimately maintained by Medicaid, eligibility information within the DDA claims processing information is updated on a regular basis. The information 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. Beginning in Waiver Year 2, claims will be submitted using LTSS. The LTSS 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.

- 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 (under the Traditional Services delivery model) and the DDA-approved annual budget (under the Self-Directed Services delivery model). Please refer to Appendix I-2, subsection b. above for further details about these processes. Beginning in Waiver Year 2, individuals' PCPs will be included in LTSS and providers will only be able to bill for services and units that have been approved and included in the plans.

- c) Verification of Service Provision

The participant's Coordinator of Community Service (CCS) performs quarterly monitoring, which includes inquiring whether the participants are receiving the services indicated in the PCP and the SFP for participants enrolled in Traditional Services or the DDA-approved annual budget for participants enrolled in Self-Directed Services Program. 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). 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.

- 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 services will be paid by the Fiscal Management Services (FMS) provider. The FMS will then submit the claim through MMIS.

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

- 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

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### 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

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### 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 10.09.026.03 require DDA providers to have a provider agreement in effect with DDA and the Medical Assistance Program. 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.

**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 providers, such as FMS or direct care staff, 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 record 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 30 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. *Select one:***

- 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 □1115/□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 □1115 waiver specifies the types of health plans that are used and how payments to these plans are made.**

## 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.

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.

**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:

## 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.

**Answers provided in Appendix I-7-a indicate that you do not need to complete this section.**

## 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.

**Answers provided in Appendix I-7-a indicate that you do not need to complete this section.**

## 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.

**Answers provided in Appendix I-7-a indicate that you do not need to complete this section.**

## 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:

## 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	23618.70	10525.77	34144.47	248489.81	5388.26	253878.07	219733.60
2	23616.61	10873.12	34489.73	256689.98	5576.85	262266.83	227777.10
3	23820.08	11231.93	35052.01	265160.75	5772.04	270932.79	235880.78
4	24285.89	11602.58	35888.47	273911.05	5974.06	279885.11	243996.64
5	24785.25	11985.47	36770.72	282950.12	6183.15	289133.27	252362.55

## 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	850	850
Year 2	1400	1400
Year 3	1950	1950
Year 4	2500	2500
Year 5	3050	3050

## 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

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### 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 for these estimates is as follows:

The number of unduplicated recipients has been estimated as follows:

The estimated users of Assistive Technology and Services, Behavioral Support Services, and Support Brokers 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 and applied to the estimated unduplicated number of participants in Appendix B-3 for Waiver Years 1-5.

The estimated users of Employment Discovery & Customization, Environmental Assessments, Environmental Modifications, and Vehicle Modifications 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 and are estimated to increase by 50% in Waiver Years 2-5.

Community Development Services users have been estimated at approximately 5% of total number of waiver users as estimated in Appendix B-3 for Waiver Years 1-5 based on the trend of increased utilization in the Community Pathways Waiver.

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 for Waiver Years 1-5 based on the trend of declining utilization in the Community Pathways Waiver.

Family and Peer Mentoring Supports users have been estimated at approximately 25% of total number of waiver users as estimated in Appendix B-3 for Waiver Years 1-5.

Family Caregiver Training and Empowerment Services and Participant Education, Training and Advocacy Supports users have been estimated at approximately 10% of the total number of waiver users as estimated in Appendix B-3 for Waiver Years 1-5.

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.

Personal Supports users have been estimated at approximately 62% of the total number of waiver users as estimated in Appendix B-3 in Waiver Years 1-5 based on the actual percentage of users over total unduplicated users from FY15 CMS 372(S) for Community Supported Living Arrangement and Residential Habilitation services.

Respite Care Services and Transportation users have been estimated at approximately 10% of total number of waiver users as estimated in Appendix B-3 for Waiver Years 1-5.

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.

Housing Support Services users have been estimated at approximately 10% 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, Nursing 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. Career Exploration is new service based on Supported Employment service utilization.

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.

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 Supports, Day Habitation (WY 3-5), Community Development Services (WY 3-5), Career Exploration (WY 3-5), Environmental Assessment, Individual and Family Directed Goods and Services, daily and hourly Respite Care, Personal Supports (WY 3-5), Family Caregiver Training and Empowerment Services, Family and Peer Mentoring Supports, Housing Support Services, Participant Education, Training and Advocacy Supports, and Nursing Services.

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.

The unit costs for fee schedule and tiered rate services are estimated to increase by a 2% COLA in Waiver Years 3-5.

- 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:

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. 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. 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. 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
DAY HABILITATION
MEDICAL DAY CARE
PERSONAL SUPPORTS
RESPIRE CARE SERVICES
SUPPORTED EMPLOYMENT
SUPPORT BROKER SERVICES
ASSISTIVE TECHNOLOGY AND SERVICES
BEHAVIORAL SUPPORT SERVICES
CAREER EXPLORATION
COMMUNITY DEVELOPMENT SERVICES
EMPLOYMENT DISCOVERY AND CUSTOMIZATION
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
NURSE CONSULTATION
NURSE HEALTH CASE MANAGEMENT
PARTICIPANT EDUCATION, TRAINING AND ADVOCACY SUPPORTS
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
DAY HABILITATION Total:						3280323.40
DAY HABILITATION	Day	170	206.00	93.67	3280323.40	
MEDICAL DAY CARE						

<b>Total:</b>						123076.80
MEDICAL DAY CARE	Day	9	176.00	77.70	123076.80	
<b>PERSONAL SUPPORTS Total:</b>						11976644.16
PERSONAL SUPPORTS	15 minutes	527	3744.00	6.07	11976644.16	
<b>RESPITE CARE SERVICES Total:</b>						121517.76
Daily	Day	28	10.00	322.14	90199.20	
Hourly	Hour	28	4.00	20.13	2254.56	
Camp	Item	28	1.00	1038.00	29064.00	
<b>SUPPORTED EMPLOYMENT Total:</b>						2189912.80
SUPPORTED EMPLOYMENT	Day	170	184.00	70.01	2189912.80	
<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>CAREER EXPLORATION Total:</b>						115936.56
Facility Based	Day	3	184.00	70.01	38645.52	
Small Group	Day	3	184.00	70.01	38645.52	
Large Group	Day	3	184.00	70.01	38645.52	
<b>COMMUNITY DEVELOPMENT SERVICES Total:</b>						653326.52
COMMUNITY DEVELOPMENT SERVICES	Day	43	154.00	98.66	653326.52	
<b>EMPLOYMENT DISCOVERY AND CUSTOMIZATION Total:</b>						2311.30
EMPLOYMENT DISCOVERY AND CUSTOMIZATION	Day	1	29.00	79.70	2311.30	
<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	213	5.00	57.54	61280.10	
<b>FAMILY CAREGIVER TRAINING AND EMPOWERMENT SERVICES Total:</b>						45730.00
FAMILY CAREGIVER TRAINING AND EMPOWERMENT SERVICES	Training	85	1.00	538.00	45730.00	
<b>HOUSING SUPPORT SERVICES Total:</b>						329908.80
HOUSING SUPPORT SERVICES	Hour	85	78.00	49.76	329908.80	
<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 Total:</b>						448497.40
NURSE CASE MANAGEMENT AND DELEGATION SERVICES	15 minutes	17	1460.00	18.07	448497.40	
<b>NURSE CONSULTATION Total:</b>						9830.08
NURSE CONSULTATION	15 minutes	17	32.00	18.07	9830.08	
<b>NURSE HEALTH CASE MANAGEMENT Total:</b>						9830.08
NURSE HEALTH CASE MANAGEMENT	15minutes	17	32.00	18.07	9830.08	
<b>PARTICIPANT EDUCATION, TRAINING AND ADVOCACY SUPPORTS Total:</b>						45730.00
PARTICIPANT EDUCATION, TRAINING AND ADVOCACY SUPPORTS	Training	85	1.00	538.00	45730.00	
<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:						850
Factor D (Divide total by number of participants):						23618.70
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>DAY HABILITATION Total:</b>						5402885.60
DAY HABILITATION	Day	280	206.00	93.67	5402885.60	
<b>MEDICAL DAY CARE Total:</b>						195272.00
MEDICAL DAY CARE	Day	14	176.00	79.25	195272.00	
<b>PERSONAL SUPPORTS Total:</b>						19726237.44
PERSONAL SUPPORTS	15 minutes	868	3744.00	6.07	19726237.44	
<b>RESPIRE CARE SERVICES Total:</b>						203976.24
Daily	Day	47	10.00	322.14	151405.80	
Hourly	Hour	47	4.00	20.13	3784.44	
Camp	Item	47	1.00	1038.00	48786.00	
<b>SUPPORTED EMPLOYMENT Total:</b>						3606915.20
SUPPORTED EMPLOYMENT	Day	280	184.00	70.01	3606915.20	
<b>SUPPORT BROKER SERVICES Total:</b>						103680.00
SUPPORT BROKER SERVICES	Hour	30	96.00	36.00	103680.00	
<b>ASSISTIVE TECHNOLOGY AND SERVICES Total:</b>						3770.16
ASSISTIVE TECHNOLOGY AND SERVICES	Item	4	1.00	942.54	3770.16	
<b>BEHAVIORAL SUPPORT SERVICES Total:</b>						417498.68
Assessment	Assessment	40	1.00	786.94	31477.60	
Plan	Plan	40	1.00	559.60	22384.00	
Consultation	Hour	139	4.00	98.37	54693.72	
Brief Support Implementation	15 minutes	92	192.00	17.49	308943.36	
<b>CAREER EXPLORATION Total:</b>						193227.60
Facility Based					64409.20	

	Day	5	184.00	70.01		
Small Group	Day	5	184.00	70.01	64409.20	
Large Group	Day	5	184.00	70.01	64409.20	
<b>COMMUNITY DEVELOPMENT SERVICES Total:</b>						1063554.80
COMMUNITY DEVELOPMENT SERVICES	Day	70	154.00	98.66	1063554.80	
<b>EMPLOYMENT DISCOVERY AND CUSTOMIZATION Total:</b>						4622.60
EMPLOYMENT DISCOVERY AND CUSTOMIZATION	Day	2	29.00	79.70	4622.60	
<b>ENVIRONMENTAL ASSESSMENT Total:</b>						839.40
ENVIRONMENTAL ASSESSMENT	Assessment	2	1.00	419.70	839.40	
<b>ENVIRONMENTAL MODIFICATIONS Total:</b>						13184.76
ENVIRONMENTAL MODIFICATIONS	Item	2	1.00	6592.38	13184.76	
<b>FAMILY AND PEER MENTORING SUPPORTS Total:</b>						100695.00
FAMILY AND PEER MENTORING SUPPORTS	Hour	350	5.00	57.54	100695.00	
<b>FAMILY CAREGIVER TRAINING AND EMPOWERMENT SERVICES Total:</b>						75320.00
FAMILY CAREGIVER TRAINING AND EMPOWERMENT SERVICES	Training	140	1.00	538.00	75320.00	
<b>HOUSING SUPPORT SERVICES Total:</b>						543379.20
HOUSING SUPPORT SERVICES	Hour	140	78.00	49.76	543379.20	
<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 Total:</b>						738701.60
NURSE CASE MANAGEMENT AND DELEGATION SERVICES	15 minutes	28	1460.00	18.07	738701.60	
<b>NURSE CONSULTATION Total:</b>						16190.72
NURSE CONSULTATION	15 minutes	28	32.00	18.07	16190.72	
<b>NURSE HEALTH CASE MANAGEMENT Total:</b>						16190.72
NURSE HEALTH CASE MANAGEMENT	15minutes	28	32.00	18.07	16190.72	

<b>PARTICIPANT EDUCATION, TRAINING AND ADVOCACY SUPPORTS Total:</b>						75320.00
PARTICIPANT EDUCATION, TRAINING AND ADVOCACY SUPPORTS	Training	140	1.00	538.00	75320.00	
<b>TRANSPORTATION Total:</b>						524888.00
TRANSPORTATION	Item	140	260.00	14.42	524888.00	
<b>VEHICLE MODIFICATIONS Total:</b>						26740.00
VEHICLE MODIFICATIONS	Item	2	1.00	13370.00	26740.00	
<b>GRAND TOTAL:</b>						33063259.72
Total Estimated Unduplicated Participants:						1400
Factor D (Divide total by number of participants):						23616.61
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>DAY HABILITATION Total:</b>						7386459.60
DAY HABILITATION	Day	390	412.00	45.97	7386459.60	
<b>MEDICAL DAY CARE Total:</b>						284556.80
MEDICAL DAY CARE	Day	20	176.00	80.84	284556.80	
<b>PERSONAL SUPPORTS Total:</b>						27656890.56
PERSONAL SUPPORTS	15 minutes	1209	3744.00	6.11	27656890.56	
<b>RESPIRE CARE SERVICES Total:</b>						282094.80
Daily	Day	65	10.00	322.14	209391.00	
Hourly	Hour	65	4.00	20.13	5233.80	
Camp	Item	65	1.00	1038.00	67470.00	
<b>SUPPORTED EMPLOYMENT Total:</b>						5985501.60
SUPPORTED EMPLOYMENT	Day	390	184.00	83.41	5985501.60	



<b>SUPPORT BROKER SERVICES Total:</b>						145152.00
SUPPORT BROKER SERVICES	Hour	42	96.00	36.00	145152.00	
<b>ASSISTIVE TECHNOLOGY AND SERVICES Total:</b>						5655.24
ASSISTIVE TECHNOLOGY AND SERVICES	Item	6	1.00	942.54	5655.24	
<b>BEHAVIORAL SUPPORT SERVICES Total:</b>						584933.68
Assessment	Assessment	56	1.00	786.94	44068.64	
Plan	Plan	56	1.00	559.60	31337.60	
Consultation	Hour	194	4.00	98.37	76335.12	
Brief Support Implementation	15 minutes	129	192.00	17.49	433192.32	
<b>CAREER EXPLORATION Total:</b>						41860.00
Facility Based	Day	7	368.00	2.64	6800.64	
Small Group	Day	7	368.00	13.21	34028.96	
Large Group	Day	7	368.00	0.40	1030.40	
<b>COMMUNITY DEVELOPMENT SERVICES Total:</b>						1079983.52
COMMUNITY DEVELOPMENT SERVICES	Day	98	308.00	35.78	1079983.52	
<b>EMPLOYMENT DISCOVERY AND CUSTOMIZATION Total:</b>						6933.90
EMPLOYMENT DISCOVERY AND CUSTOMIZATION	Day	3	29.00	79.70	6933.90	
<b>ENVIRONMENTAL ASSESSMENT Total:</b>						1259.10
ENVIRONMENTAL ASSESSMENT	Assessment	3	1.00	419.70	1259.10	
<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>						140397.60
FAMILY AND PEER MENTORING SUPPORTS	Hour	488	5.00	57.54	140397.60	
<b>FAMILY CAREGIVER TRAINING AND EMPOWERMENT SERVICES Total:</b>						104910.00
FAMILY CAREGIVER TRAINING AND EMPOWERMENT SERVICES	Training	195	1.00	538.00	104910.00	
<b>HOUSING SUPPORT SERVICES Total:</b>						756849.60
HOUSING SUPPORT SERVICES	Hour	195	78.00	49.76	756849.60	

<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 Total:</b>						1028905.80
NURSE CASE MANAGEMENT AND DELEGATION SERVICES	15 minutes	39	1460.00	18.07	1028905.80	
<b>NURSE CONSULTATION Total:</b>						22551.36
NURSE CONSULTATION	15 minutes	39	32.00	18.07	22551.36	
<b>NURSE HEALTH CASE MANAGEMENT Total:</b>						22551.36
NURSE HEALTH CASE MANAGEMENT	15minutes	39	32.00	18.07	22551.36	
<b>PARTICIPANT EDUCATION, TRAINING AND ADVOCACY SUPPORTS Total:</b>						104910.00
PARTICIPANT EDUCATION, TRAINING AND ADVOCACY SUPPORTS	Training	195	1.00	538.00	104910.00	
<b>TRANSPORTATION Total:</b>						731094.00
TRANSPORTATION	Item	195	260.00	14.42	731094.00	
<b>VEHICLE MODIFICATIONS Total:</b>						40110.00
VEHICLE MODIFICATIONS	Item	3	1.00	13370.00	40110.00	
<b>GRAND TOTAL:</b>						46449157.66
Total Estimated Unduplicated Participants:						1950
Factor D (Divide total by number of participants):						23820.08
Average Length of Stay on the Waiver:						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>DAY HABILITATION Total:</b>						9659340.00

DAY HABILITATION	Hour	500	412.00	46.89	9659340.00	
<b>MEDICAL DAY CARE Total:</b>						362824.00
MEDICAL DAY CARE	Day	25	176.00	82.46	362824.00	
<b>PERSONAL SUPPORTS Total:</b>						36153936.00
PERSONAL SUPPORTS	15 minutes	1550	3744.00	6.23	36153936.00	
<b>RESPIRE CARE SERVICES Total:</b>						365691.36
Daily	Day	83	10.00	328.58	272721.40	
Hourly	Hour	83	4.00	20.53	6815.96	
Camp	Item	83	1.00	1038.00	86154.00	
<b>SUPPORTED EMPLOYMENT Total:</b>						7827360.00
SUPPORTED EMPLOYMENT	Day	500	184.00	85.08	7827360.00	
<b>SUPPORT BROKER SERVICES Total:</b>						186624.00
SUPPORT BROKER SERVICES	Hour	54	96.00	36.00	186624.00	
<b>ASSISTIVE TECHNOLOGY AND SERVICES Total:</b>						7540.32
ASSISTIVE TECHNOLOGY AND SERVICES	Item	8	1.00	942.54	7540.32	
<b>BEHAVIORAL SUPPORT SERVICES Total:</b>						762626.21
Assessment	Assessment	71	1.00	802.68	56990.28	
Plan	Plan	71	1.00	570.79	40526.09	
Consultation	Hour	249	4.00	100.34	99938.64	
Brief Support Implementation	15 minutes	165	192.00	17.84	565171.20	
<b>CAREER EXPLORATION Total:</b>						60793.60
Facility Based	Hour	8	368.00	2.69	7919.36	
Small Group	Hour	8	368.00	13.47	39655.68	
Large Group	Hour	8	368.00	4.49	13218.56	
<b>COMMUNITY DEVELOPMENT SERVICES Total:</b>						1405250.00
COMMUNITY DEVELOPMENT SERVICES	Hour	125	308.00	36.50	1405250.00	
<b>EMPLOYMENT DISCOVERY AND CUSTOMIZATION Total:</b>						11787.05
EMPLOYMENT DISCOVERY AND CUSTOMIZATION	Day	5	29.00	81.29	11787.05	
<b>ENVIRONMENTAL ASSESSMENT Total:</b>						2140.45

ENVIRONMENTAL ASSESSMENT	Assessment	5	1.00	428.09	2140.45	
<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>						183406.25
FAMILY AND PEER MENTORING SUPPORTS	Hour	625	5.00	58.69	183406.25	
<b>FAMILY CAREGIVER TRAINING AND EMPOWERMENT SERVICES Total:</b>						135750.00
FAMILY CAREGIVER TRAINING AND EMPOWERMENT SERVICES	Item	250	1.00	543.00	135750.00	
<b>HOUSING SUPPORT SERVICES Total:</b>						989820.00
HOUSING SUPPORT SERVICES	Hour	250	78.00	50.76	989820.00	
<b>INDIVIDUAL AND FAMILY DIRECTED GOODS AND SERVICES Total:</b>						22600.00
Goods and Services	Item	20	4.00	220.00	17600.00	
Staff Recruitment and Advertising	Items & Services	20	1.00	250.00	5000.00	
<b>NURSE CASE MANAGEMENT AND DELEGATION SERVICES Total:</b>						1345390.00
NURSE CASE MANAGEMENT AND DELEGATION SERVICES	15 minutes	50	1460.00	18.43	1345390.00	
<b>NURSE CONSULTATION Total:</b>						29488.00
NURSE CONSULTATION	15 minutes	50	32.00	18.43	29488.00	
<b>NURSE HEALTH CASE MANAGEMENT Total:</b>						29488.00
NURSE HEALTH CASE MANAGEMENT	15minutes	50	32.00	18.43	29488.00	
<b>PARTICIPANT EDUCATION, TRAINING AND ADVOCACY SUPPORTS Total:</b>						135750.00
PARTICIPANT EDUCATION, TRAINING AND ADVOCACY SUPPORTS	Item	250	1.00	543.00	135750.00	
<b>TRANSPORTATION Total:</b>						937300.00
TRANSPORTATION	Item	250	260.00	14.42	937300.00	
<b>VEHICLE MODIFICATIONS Total:</b>						66850.00
VEHICLE MODIFICATIONS	Item	5	1.00	13370.00	66850.00	
<b>GRAND TOTAL:</b>					60714717.14	
Total Estimated Unduplicated Participants:					2500	
Factor D (Divide total by number of participants):					24285.89	

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>DAY HABILITATION Total:</b>						12020635.60
DAY HABILITATION	Hour	610	412.00	47.83	12020635.60	
<b>MEDICAL DAY CARE Total:</b>						458849.60
MEDICAL DAY CARE	Day	31	176.00	84.10	458849.60	
<b>PERSONAL SUPPORTS Total:</b>						45028189.44
PERSONAL SUPPORTS	15 minutes	1891	3744.00	6.36	45028189.44	
<b>RESPIRE CARE SERVICES Total:</b>						453212.52
Daily	Day	102	10.00	332.15	338793.00	
Hourly	Hour	102	4.00	20.94	8543.52	
Camp	Item	102	1.00	1038.00	105876.00	
<b>SUPPORTED EMPLOYMENT Total:</b>						9740187.20
SUPPORTED EMPLOYMENT	Day	610	184.00	86.78	9740187.20	
<b>SUPPORT BROKER SERVICES Total:</b>						224640.00
SUPPORT BROKER SERVICES	Hour	65	96.00	36.00	224640.00	
<b>ASSISTIVE TECHNOLOGY AND SERVICES Total:</b>						9425.40
ASSISTIVE TECHNOLOGY AND SERVICES	Item	10	1.00	942.54	9425.40	
<b>BEHAVIORAL SUPPORT SERVICES Total:</b>						948292.26
Assessment	Assessment	87	1.00	818.73	71229.51	
Plan	Plan	87	1.00	582.21	50652.27	
Consultation	Hour	303	4.00	102.34	124036.08	

Brief Support Implementation	15 minutes	201	192.00	18.20	702374.40	
<b>CAREER EXPLORATION Total:</b>						77537.60
Facility Based	Hour	10	368.00	2.75	10120.00	
Small Group	Hour	10	368.00	13.74	50563.20	
Large Group	Hour	10	368.00	4.58	16854.40	
<b>COMMUNITY DEVELOPMENT SERVICES Total:</b>						1754426.52
COMMUNITY DEVELOPMENT SERVICES	Hour	153	308.00	37.23	1754426.52	
<b>EMPLOYMENT DISCOVERY AND CUSTOMIZATION Total:</b>						16832.76
EMPLOYMENT DISCOVERY AND CUSTOMIZATION	Day	7	29.00	82.92	16832.76	
<b>ENVIRONMENTAL ASSESSMENT Total:</b>						3056.62
ENVIRONMENTAL ASSESSMENT	Assessment	7	1.00	436.66	3056.62	
<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>						228365.90
FAMILY AND PEER MENTORING SUPPORTS	Hour	763	5.00	59.86	228365.90	
<b>FAMILY CAREGIVER TRAINING AND EMPOWERMENT SERVICES Total:</b>						167445.00
FAMILY CAREGIVER TRAINING AND EMPOWERMENT SERVICES	Training	305	1.00	549.00	167445.00	
<b>HOUSING SUPPORT SERVICES Total:</b>						1231608.30
HOUSING SUPPORT SERVICES	Hour	305	78.00	51.77	1231608.30	
<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 Total:</b>						1674328.00
NURSE CASE MANAGEMENT AND DELEGATION SERVICES	15 minutes	61	1460.00	18.80	1674328.00	
<b>NURSE CONSULTATION Total:</b>						36697.60
NURSE CONSULTATION	15 minutes	61	32.00	18.80	36697.60	

<b>NURSE HEALTH CASE MANAGEMENT Total:</b>						<b>36697.60</b>
NURSE HEALTH CASE MANAGEMENT	15minutes	61	32.00	18.80	36697.60	
<b>PARTICIPANT EDUCATION, TRAINING AND ADVOCACY SUPPORTS Total:</b>						<b>167445.00</b>
PARTICIPANT EDUCATION, TRAINING AND ADVOCACY SUPPORTS	Training	305	1.00	549.00	167445.00	
<b>TRANSPORTATION Total:</b>						<b>1143506.00</b>
TRANSPORTATION	Item	305	260.00	14.42	1143506.00	
<b>VEHICLE MODIFICATIONS Total:</b>						<b>93590.00</b>
VEHICLE MODIFICATIONS	Item	7	1.00	13370.00	93590.00	
<b>GRAND TOTAL:</b>						<b>75595015.58</b>
Total Estimated Unduplicated Participants:						<b>3050</b>
Factor D (Divide total by number of participants):						<b>24785.25</b>
Average Length of Stay on the Waiver:						<b>355</b>