




MEMORANDUM

To: DDA Stakeholders
From: Bernard Simons, Deputy Secretary 
Re: DDA Amendment #3 2020 - Guidance #5 – Changes to Personal Supports
Release Date: February 16, 2021
Effective: January 19, 2021

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

BACKGROUND

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

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

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

OVERVIEW

Changes set forth in Amendment #3 2020 of the DDA Waiver program applications permits authorization of additional funding for 2:1 (staff to participant) supports based on the participant's assessed needs.

In addition, as part of the required transition to LTSS *Maryland*, Personal Supports now includes transportation as a cost component within the established rate. Therefore, a participant cannot be authorized to receive stand-alone transportation services at the same time as Personal Supports.

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

Applicable Services Reference Table

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

Standards and Requirements

A. Personal Supports includes provision of:

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

B. Level of Supports

1. The level of support and meaningful activities provided to the participant under Personal Supports under a DDA Waiver program must be based on the participant's level of service need.
 - a. Based on the participant's assessed need, the DDA may authorize a 1:1 or 2:1 staff-to-participant ratio.
 - b. An enhanced rate will be used to support participant with significant needs.
 - c. DDA will use the following criteria to authorize the enhanced rate:
 - 1) The participant has an approved Behavioral Plan; or
 - 2) The participant has a Health Risk Screening Tool (HRST) Score of 4 or higher.
 - d. In *LTSS Maryland*, the enhanced rate will be reflected in the Person-Centered Plan (PCP) as "Personal Supports – Enhanced."
2. Personal Supports may include 2:1 staffing supports as necessary to meet the participant's assessed behavioral or medical risk, which is documented in the participant's current PCP and approved Nursing Care Plan or Behavior Plan.
 - a. 2:1 staffing support must be documented in the PCP Risks section as one of the mitigation efforts in addressing applicable behavior or medical risks.
 - b. Justification for increased staffing and associated information must be documented within the PCP and either the Nursing Care Plan or Behavior Plan, as applicable, including information related to the following.
 - 1) What is the need/risk? When describing the needs steer away from talking about tangible items. Instead, describe what is happening or not happening such that 2:1 staffing supports are essential to ensure health,

safety, or community integration. Consider how the need is currently being met and what has changed.

- 2) Specifying when 2:1 support services are needed.
- 3) A description of all other applicable resources (*e.g.*, natural, community, school, DORS, Community First Choice, medical insurance, Medicaid State Plan) explored and exhausted by the PCP team to meet participant's behavior/medical risk need prior to requesting authorization for 2:1 staffing supports. The following information must be provided or addressed in such description.
 - a) Why were these resources unable to meet the need?
 - b) Description of natural supports in place that can help out, particularly when the 2:1 need is around transition time (*e.g.*, eating, bathing)
 - c) Assistive Technology, Adaptive equipment, or other environmental modifications, including the use of assistive technology, must have been assessed and determined not to be an effective alternative to meet the participant's needs.
 - i) Examples of adaptive equipment, assistive technology, and environmental modifications include, but not limited to, wheelchairs, lifts, standing frames, gait trainers, bath chairs, and aides for daily living such as weighted utensils, adapted writing implements, dressing aids.
 - ii) When adaptive equipment, assistive technology, or other environmental modifications can address the need, DDA may authorize temporarily 2:1 staffing supports while these adaptive equipment, assistive technology, or environmental modifications are put into place.
 - iii) If DDA does temporarily authorize 2:1 staffing supports, the adaptive equipment, assistive technology, or environmental modifications must be in place within 90 calendar days of the initial request for 2:1 staffing.
 - iv) If the assistive technology, adaptive equipment, or environmental modifications provided are later determined to not be able to mitigate the need for 2:1 staffing support, then submit a new PCP and it will be reviewed by DDA to determine if the 2:1 should continue and if this is the appropriate level of service.

- c. The request for 2:1 staffing supports must include a fading plan that can include natural supports, assistive technology, adaptive equipment, or environmental modifications.
- d. All 1:1 staffing supports, 2:1 staffing supports, and Personal Supports - Enhanced Rate, must be approved by the DDA prior to implementation.
 - 1) If the DDA authorizes 2:1 staffing supports, then they will be approved for an initial three (3) month period.
 - 2) During this initial approval timeframe, and any subsequent approvals, the participant's PCP team shall:
 - a) Implement the fading plan and assess the effectiveness; and
 - b) If needed, submit a Revised PCP based on the participant's assessed need to extend the time of the supports and update the fading plan.
 - 3) After the initial approval, 2:1 staffing supports can then be approved for additional months up to an annual approval based on assessed needs and extenuating circumstances.

C. Transportation

1. The rate for Personal Supports includes transportation services as a component of this service.
2. Therefore, the participant enrolled in the self-directed services delivery model and DDA providers serving participants enrolled in the traditional services delivery model *may not* request authorization, and bill, for stand-alone Transportation services at the same time as Personal Supports.
3. Participants using the self-directed service delivery model, shall work with their CCS, to revise their Person-Centered Plan and Self Directed Services Budget Sheet as per the [DDA Memo - Self-Directed Services Person-Centered Plan Process and Rate Increase dated December 31, 2020](#).

D. Service Utilization and Audit

The State has mechanisms in place to prevent duplicate billing home and community-based services including:

1. Electronic Visit Verification;
2. Service utilization reviews; and
3. Audits.

Applicable Resources:

[Community Pathways Waiver](#)

[Community Supports Waiver](#)

[Family Supports Waiver](#)