

Payment for Services to Legally Responsible Individuals

Developmental Disabilities
Services Division
Proposed Policy




Introduction



- This policy is not final. We are looking for your input.
 - This is about how Vermont will pay people who are Legally Responsible Individuals to care for their adult child.
 - This isn't to replace paid support provided by Direct Support Professionals (DSPs) or by Independent Direct Support Workers (IDSWs).
 - This is for when there are not DSPs or IDSWs to provide support that has been approved.
-

Definitions

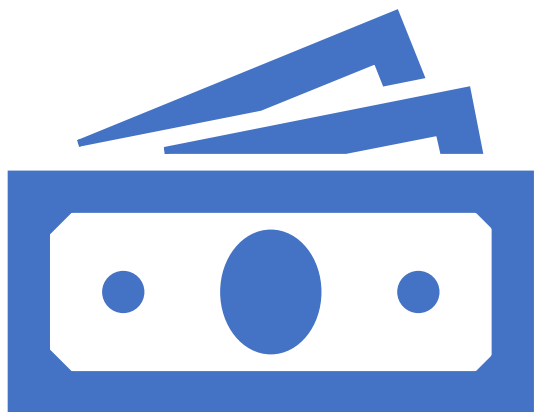
- **“Activities of Daily Living”** is defined as the actions of dressing, bathing, grooming, eating, toileting, mobility and physical transfers.
- **“Adult Child”** means an individual enrolled in Developmental Disabilities Home- and Community-Based Services age 21 and older .
- **Community Support** as defined in the Disability Services –Developmental Disabilities Rule §7.100.2(j). Through this rule, only individual community support is applicable.
- **“Extraordinary Care ”** means care provided to an adult child that exceeds the range of activities that a Legally Responsible Individual would ordinarily perform in the household on behalf of an individual without a disability or chronic illness of the same age, and which are necessary to assure the health and welfare of the individual and avoid institutionalization.
- **In-Home Family Support** is defined as Home Support in the Disability Services –Developmental Disabilities Rule §7.100.2 (v) with the additional distinction that In-home Family Support are regularly scheduled, or intermittent hourly supports provided to an individual who lives in the home of unpaid family caregivers. Supports are provided on a less than full time (not 24/7) schedule.
- **“Instrumental Activities of Daily Living”** means light housework, laundry, meal preparation, transportation, shopping, communication, medication management, and money management.
- **“Legally Responsible Individual”** means an individual’s spouse, or legal guardian, or the biological parent, adoptive parent, or stepparent of a minor child.
 - Legally Responsible Individual does not include an Adult Child’s Power of Attorney.
- **“Personal Care or Similar Services”** means hourly services performed in the home or community provided to acquire, maintain and promote skills related to independent living, including activities of daily, instrumental activities of daily living, navigation and engagement of community, and coordination of and participation in personal appointments. For Vermont Developmental Disabilities Home and Community Based Services, these services are provided within the services “Community Supports” and “Home Supports”.



To make this presentation a little easier to understand, we will refer to “Legally Responsible Individual” as “Parent”. It is important to remember means more than parents though.



When Can a Parent Be Paid?



- A Parent can be paid to provide:
 - Individual Community Supports
 - In-Home Family Supports
- This is known as “Conditions for Payment”.

Conditions of Payment— Continued

Parent can be paid to provide support because of:

- Lack of qualified DSPs or IDSWs when someone does not have any services for 45 or more days, OR
- Complex medical support needs:
 - e.g., 2:1 supports,
 - support by clinically trained workers, OR
- Complex behavioral support needs:
 - e.g., 2:1 supports,
 - support by clinically trained workers, OR
- Communication support needs.

How Does Someone Decide Paying a Parent Is the Right Choice?

- The individual's team comes together to decide if paying the Parent makes sense.
 - Team includes case manager, direct service provider agency staff, individual, guardian (when there is one) and other people invited by the individual.
- Team makes the schedule to review the need for the Parent to be paid.
- If the Team determines that paying the Parent makes sense, the DA/SSA (direct service provider) will tell ARIS (F/EA).

Things That Need to Go Into Making the Decision

Honoring the individual's choice,

Providing a confidential outlet for the individual to voice preference,

Ensuring the individual's health and safety is being appropriately met,

Lack of or limited availability of qualified staff,

Culturally and linguistically appropriate care,

Maintenance of unpaid family time,

Involvement of the person's circle of support, and

Process to review the efficacy of the arrangement and ongoing need to continue to have Parents as paid caregiver.

What Is Required as Part of the Plan?

01

Just like every other Direct Service Provider (DSP), the Parent must work on ISA goals and keep notes on progress.

02

The case manager will review the notes before the Parent can be paid. Services must be accounted for and be related to the ISA for the Parent to be able to be paid.

03

The case manager will confirm with the individual the services provided by the Parent.

Thoughts About Developing the
Plan and How to Make the
Decision?

How Parents Are Paid



Payment is based on:

Current Collective Bargaining Agreement (CBA)
minimum rate (including the employer tax rate)
Number of hours of service provided by the
Parent



There is maximum number of hours and parents will not be paid for more than 40 hours per week no matter how many hours they work.



Payments will not be considered tax-exempt. Will receive a 1099-from ARIS for any payment that exceeds \$600 in a calendar (tax) year.

Thoughts on payment
model?

Services That Aren't Included

Parents cannot be paid to provide:

Service Coordination/Case Management

Clinical Services

Crisis Services

Employment Supports

Respite

Supportive Services

Parents will not be paid to replace Shared Living, Shared Living Hourly, Supervised Living, or Staffed Living supports.

Only one Parent (or guardian) per individual can be designated for the paid arrangement at a time.

Input on Services That
Aren't Included?

Oversight and Review—Part 1

The arrangement will be reviewed on the schedule that was determined at the time it was agreed to. This is to make sure that it continues to meet the desires and best interests of the individual.

The timing of reviews are individualized. They may be as frequent as monthly (30-days) but no less frequent than bi-annually (6-months).

Reviews will be completed by members of the individual's support team, including:

- Case Manager Entity—through monthly in-home/in-person visits, including unannounced home visits. More frequent visits may be provided when needed.
- DDSD Quality Management Team—through an in-person/in-home visit as part of the agency's onsite quality services review process, if the arrangement is in place during the Agency's scheduled annual onsite quality review.
- Direct Service Provider Agency—through monthly in-home/in-person visits, including unannounced home visits and the agency's internal quality services review process.
- Provide the individual opportunities to speak privately with the Case Manager, representative of the Direct Service Provider Agency and DDSD Quality Management Team (as applicable).

Monthly in-home/in-person visits by team members should occur independently to allow maximum opportunity to assess the arrangement.

Oversight and Review—Part 2

Parents must follow all state and federal rules and regulations to be paid for care provided.

Parents must meet the “Worker Qualifications” as described in Medicaid Manual for Developmental Disabilities Services (§1.8).

During the periodic review of the arrangement, the team should document efforts made to move away from Parents as paid support. This includes recruitment of direct support workers, community integration activities, expansion of the individual’s circle of support, discussions with the individual about the decision, and desire to have it continue, and alternative options.

Periodic review will consist of the individual, the Parent, individual’s Case Manager, a representative of the Direct Service Agency and any person of the individual’s choosing to support them.

The individual, with the support of their Case Manager, and any person of their choosing, will direct the periodic review of the arrangement and be afforded the opportunity to speak privately about their preferences.

Documentation of the periodic review must include how the family maintains unpaid family time, how the team supports the individual and how the individual’s voice is heard and respected, how the Parent is supported, and the next steps for the team for the next review period.

Refusal to accept available workers to provide direct services does not support continued payment of a Parent

What else should be included in
the oversight of this option?

Other thoughts on quality oversight?