



Self and Family-Managed Home and Community Based Services (HCBS) Agreement

1. Agreement

\_\_\_\_\_ has chosen to self-manage their HCBS.  
(Individual's Name/Employer of Record)

\_\_\_\_\_ has chosen to family-manage HCBS for \_\_\_\_\_.  
(Employer of Record's Name) (Individual's Name)

The individual or family managing services and serving as Employer of Record must comply with the requirements outlined in this Agreement. Individuals who choose to self or family-manage their services are required to use Transition II, the Supportive Intermediary Service Organization (SISO), to help them understand their role and responsibilities as an employer and in managing HCBS. The Developmental Disabilities Services Division (DDSD) has approved this Agreement form.

This Agreement describes what the individual or family has to do and what the Supportive ISO has to do.

This Agreement will be reviewed and renewed annually.

## 2. Terms

The individual and guardian, as well as the Supportive ISO (Transition II), agree to follow the most current rules and regulations as outlined in the following:

1. Developmental Disabilities Services Regulations
2. Quality Standards for Services and Guidelines for Quality Review Process for DDS
3. Critical Incident Reporting Guidelines
4. Health and Wellness Guidelines
5. Behavior Support Guidelines
6. Individual Support Agreement Guidelines
7. Background Check Policy
8. Vermont State System of Care Plan for Developmental Disabilities Services
9. Vermont Qualified Developmental Disabilities Professional Protocol
10. Guide to Self/Family Management

### 3. Individual or Family Employer of Record Responsibilities

A person who self or family-manages services must comply with the following:

- a) Make sure that the person is Medicaid eligible. Tell Transition II immediately if anything changes about the person's Medicaid.
- b) Complete and submit to Transition II all required paperwork in a timely manner, including:
  1. Individual Support Agreement (ISA) and any required attachments
  2. ISA Review/Change forms
  3. Emergency Fact Sheets
  4. Needs Assessments/Periodic Reviews
  5. Person's Story and all Updates
  6. Annual Rights Notifications
  7. Critical Incident Reporting Notifications
  8. Critical Incident Reports
  9. Employee Training Checklists
  10. Guardianship documentation, if a guardian has been appointed
  11. Initial assessments/evaluations supporting eligibility
  12. New assessments/evaluations related to eligibility or services
  13. Change of address or contact information for person or employer of record.
- c) Participate in Needs Assessments and Periodic Reviews conducted by Transition II and those arranged with DDSD.
- d) Maintain and hold the individual's required minimum record (documents listed above in 3.b, except 6 & 7) for the individual for a minimum of 10 years.
- e) Maintain progress notes and measurable data tracking related to ISA goals/outcomes for a minimum of 10 years.
- f) Make sure that services and supports are provided to the person the way the ISA and budget (Authorized Funding Limit) says they will be provided.
- g) Manage the budget within the Authorized Funding Limit. Review and monitor the spending reports provided by the F/EA (ARIS) to ensure services are being provided and to prevent overspending. Pay workers or non-payroll expenses out of pocket if the budget is overspent.
- h) Report any time you think abuse or neglect of a child might have happened. Make the report to the Department for Children and Families (1-800-649-5285). Report any time you think abuse, neglect, or exploitation of a vulnerable adult might have happened. Report to Adult Protective Services (1-800-564-1612). If any person tells you about any abuse, make sure to report it.

- i) Enroll as an employer with the F/EA (ARIS Solutions) before hiring workers.
- j) When hiring workers, follow all of these steps:
  - 1. Have job descriptions available for all of your workers, and complete reference checks before letting the worker start work.
  - 2. Make sure your workers complete the employee paperwork and you verify your employee's identification (i.e. driver's license, social security card, passport). Return all paperwork to ARIS Solutions, the fiscal/employer agent.
  - 3. Allow a worker to start work only AFTER the background check has been completed, and they passed the background check or a variance has been granted by DDSD.
  - 4. Train, or hire someone to train, your workers the way the Developmental Disabilities Service Regulations (section 7.100.10) require workers to be trained. This can also be found in the employee training checklist provided by Transition II.
  - 5. Supervise and monitor workers to make sure they do the work they have been hired to do. Check all timesheets and ensure accuracy before signing them.
  - 6. Suspend or fire workers if necessary.
  - 7. Follow Department of Labor rules required of employers, including paying overtime when required.
- k) Take part in the Developmental Disabilities Services Division (DDSD) quality review process. Respond to any necessary changes that are identified by the quality review process. Answer surveys about services from the DDSD or from other places about services.
- l) Have a back-up and crisis plan on file that:
  - 1. Describes the back-up plan for when workers are unable to work
  - 2. Outlines what a crisis looks like
  - 3. Identify people willing and able to help
  - 4. List phone numbers of providers and/or team members that will assist you during a crisis. (Transition II does not provide crisis services or back-up workers and it is crucial to be connected with resources that can support you through a crisis.)
- m) Maintain regular contact with your Supportive ISO Advisor.
- n) Only submit requests for payment of non-payroll goods and services that are allowable and ensure requests are accurate.

### 3. Role of Qualified Developmental Disability Professional (QDDP)

A person who manages HCBS services must hire a DDSD-endorsed Independent QDDP to provide oversight and monitoring of services. You can hire a QDDP yourself or ask Transition II to provide this service.

I have chosen my DDSD-endorsed Independent QDDP to be:

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(Name of QDDP or Transition II)

If I choose Transition II to provide QDDP services, Transition II will bill the F/EA (ARIS) at least every six months, for a total annual fee set by DDSD, currently \$1009.20\*. The fee is funded through the service coordination line of the budget. (\*The fee is set by DDSD and is subject to change. Individuals will be informed of any changes.)

The QDDP will be required to:

- Approve the person's ISA.
- Make sure that the ISA is being carried out the way it is supposed to be and that it meets the needs of the person.
- Make sure that services and supports are delivered the way the DDSD and Medicaid regulations and guidelines say they have to be.
- Participate in the periodic review (needs assessment) of the person's needs conducted by the Supportive ISO. Participate in needs assessments/periodic reviews arranged by DDSD, if requested by individual/guardian.
- Make sure the ISA is updated to show the changes in the person's needs and goals.
- Approve any changes to the ISA.
- Maintain contact and communication with Transition II.
- Conduct face to face visits with the individual receiving services a minimum of every six months.
- Review and sign off on Critical Incident Reports and follow the CIR Guidelines.
- Notify the individual of their rights annually.
- Follow the guidelines and policies for QDDPs as outlined in the Guide to Self/Family Management and the QDDP Protocol.

## 4. Supportive ISO Responsibilities

When a person manages their services, Transition II will:

- a) Give help and support to the person to learn and understand the responsibilities of self-managed services. This includes explaining self and family-managed services and the person's employer role and responsibilities.
- b) Conduct the periodic review (needs assessment) along with the QDDP and the individual and notify the person of his or her rights.
- c) Confirm Medicaid eligibility annually.
- d) Help develop the person's Authorized Funding Limit (AFL) budget and review budget utilization. Provide information regarding allowable uses of funding. Provide ARIS Solutions, the Fiscal/Employer Agent (F/EA), with the person's budget information (authorized funding limit).
- e) Bill Medicaid for HCBS according to procedures provided by DDS and Medicaid.
- f) Review requests for additional funding, assess need and seek additional funding when needed.
- g) Make sure that the person has a current ISA. Make sure the ISA matches the areas of support funded in the budget. Make sure the ISA addresses any known health or safety concerns.
- h) Maintain a required minimum record on file for each individual. (These records must be kept on file for a minimum of 10 years.)
- i) Provide QDDP services when requested.
- j) Provide information regarding crisis resources.
- k) Make sure that the person is able to follow all the necessary parts of self or family-management. If it is determined that the individual/family member is unable to self/family manage services, provide a notice of the decision along with the right to appeal the decision.
- l) Provide required pre-service and in-service trainings as requested. Maintain written verification that required training has been provided.
- m) Have an advisory committee and local funding committee.
- n) Collaborate with service agencies to create a smooth transition between service options.
- o) Coordinate with the Fiscal/Employer Agent (ARIS).
- p) Review and submit Critical Incident Reports to DDS as outlined in the CIR Guidelines.

## 5.Funding Limitations

A person who self or family-manages developmental disabilities services must abide by the following funding limitations as outlined in Vermont's System of Care Plan:

- Transportation funding cannot exceed \$7,002.45\* annually.
- Service-Coordination/Case-Manager cannot be paid more than \$42.05\* an hour (including taxes). (\*These limits are set by DDS and are subject to change. Individuals will be informed of any changes.)
- Administration funds available to the employer of record are limited to 3.5% of the authorized funding limit (AFL).
- Employers are responsible for managing spending within their authorized funding limits (budget). If the budget is overspent, the employer is responsible for paying their employees out-of-pocket.
- Individuals/families may manage up to 12 hours a day of In-home Family Supports or Supervised Living, but may not manage Staffed Living, Group Living or Shared Living.

## 6. Termination

If the person or family is not able to do the tasks outlined in this Agreement, or arrange for them to be completed, they may no longer be found eligible to self or family-manage their services. The person or family will be notified 30 days in advance of a decision to terminate self/family management, along with their appeal rights. If an individual's health or welfare is at risk due to not being able to complete the tasks outlined in the agreement, Transition II (the Supportive ISO) may need to terminate this agreement immediately and refer the individual or family to agency-managed services. If individuals believe another service option would better serve their needs, Transition II will help in providing a smooth transition to a Designated or Specialized Services Agency.

\_\_\_\_\_  
Individual

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Guardian (if applicable)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supportive ISO

\_\_\_\_\_  
Date