

# SELF WAIVER

## An Overview

(Self Empowered Life Funding)

December 2011

**Ohio** | Department of  
Developmental Disabilities

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## SELF Waiver Status

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### Current Status

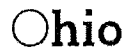
**THE SELF Waiver HAS BEEN APPROVED BY CMS\*!!**

- Waiver will become effective **July 2012**
  - Timeframe is due to IT and other operational work that needs to be done prior to 'go-live'
  - Notification will be given when SELF waiver updates are put into IT Systems

*\*CMS = Federal Center for Medicare and Medicaid Services*

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## SELF Waiver Overview



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- SSAs would have continued responsibility with role of Level of Care, ISP, single point of accountability
- Support Broker available as “agent of the individual”
- Waiver will offer participant direction, budget authority and employer authority
- Overall cost limit: \$25,000/year for children; \$40,000/year for adults
- Children are generally defined as under 22 years of age

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## SELF Waiver Overview



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### Capacity:

- Waiver Capacity: Currently predicting to serve up to 500 individuals for the first year, 1000 in year 2, and 2000 by year 3.
- 100 Children with Intensive Behavioral Needs will be determined using criteria on a checklist for identifying intensive behaviors. (Checklist was developed in conjunction with Nisonger Center at OSU.)

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## SELF Waiver Overview

### Eligibility:

- ICF/MR Level of Care
- A pre-screen tool has been drafted and will require completion prior to enrollment.
- To be eligible for the waiver, an individual or representative must be willing and able to perform the duties associated with participant direction. (This will be determined as part of the pre-screen tool.)

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## SELF Waiver Overview

### Services available:\*

- |  |  |
|--|--|
| • <i>Support Brokerage</i>                 | • <i>Participant/Family Stability Assistance</i>                   |
| • <i>Functional Behavioral Assessment</i>  | • <i>Community Inclusion (Personal Assistance, Transportation)</i> |
| • <i>Clinical/Therapeutic Intervention</i> | • <i>Participant-Directed Goods and Services</i>                   |
| • Remote Monitoring & Equipment            | • Adult Day Supports   |
| • Respite: Community & Residential         | • Vocational Habilitation  |
| • <i>Integrated Employment</i>             | • Supported Employment - Enclave                                   |
|  | • Non-Medical Transportation                                       |

\*Services in bold italics are new to our DD system

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## SELF Waiver Service Package and Financial Limitations

<u>Children*</u>	<u>Adults</u>
<p><u>\$25,000/year Individual Cost Cap</u></p> <p><u>Annual Service Limitation of \$8,000</u></p> <ul style="list-style-type: none"> <li>➤ Support Brokerage</li> </ul> <p><u>Annual Service Limitation of \$1,500</u></p> <ul style="list-style-type: none"> <li>➤ Functional Behavioral Assessment</li> </ul> <p><u>Annual Service Limitation of \$5,000</u></p> <ul style="list-style-type: none"> <li>➤ Remote Monitoring Equipment</li> </ul> <p><u>Remaining Services with no annual service limitations (other than the \$25,000 Cost Cap)</u></p> <ul style="list-style-type: none"> <li>➤ Community Inclusion</li> <li>➤ Participant-Directed Goods and Services</li> <li>➤ Participant/Family Stability Assistance</li> <li>➤ Clinical/Therapeutic Intervention</li> <li>➤ Residential Respite</li> <li>➤ Community Respite</li> <li>➤ Remote Monitoring</li> </ul> <p><small>*Children are defined as individuals who are 22 years of age or younger, unless eligible for Adult Day Services or Integrated Employment</small></p> <p><i>Annual service limitations will be re-evaluated after the waiver becomes operational to determine appropriateness</i></p>	<p><u>\$40,000/year Individual Cost Cap</u></p> <p><u>Annual Service Limitation of \$8,000</u></p> <ul style="list-style-type: none"> <li>➤ Support Brokerage</li> </ul> <p><u>Annual Service Limitation of \$1,500</u></p> <ul style="list-style-type: none"> <li>➤ Functional Behavioral Assessment</li> </ul> <p><u>Annual Service Limitation of \$5,000</u></p> <ul style="list-style-type: none"> <li>➤ Remote Monitoring Equipment</li> </ul> <p><u>Any combination of the below services may not exceed \$25,000 annually</u></p> <ul style="list-style-type: none"> <li>➤ Community Inclusion</li> <li>➤ Residential Respite</li> <li>➤ Community Respite</li> <li>➤ Remote Monitoring</li> </ul> <p><u>Remaining Services with no annual service limitations (other than the \$40,000 Cost Cap)</u></p> <ul style="list-style-type: none"> <li>➤ Participant-Directed Goods and Services</li> <li>➤ Integrated Employment</li> <li>➤ Clinical/Therapeutic Intervention</li> <li>➤ Adult Day Support</li> <li>➤ Vocational Habilitation</li> <li>➤ Supported Employment-Enclave</li> <li>➤ Non-Medical Transportation</li> <li>➤ Participant/Family Stability Assistance</li> </ul>

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## SELF Waiver Overview

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### Rules:

- Rules for IO or Level 1 services already in existence will include reference to the SELF Waiver as appropriate.
- We expect to have an ODJFS authorizing rule and DODD will have administrative and service-specific rules for this waiver.
- Draft rules for the new services under the SELF waiver were sent to stakeholders in late October.

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## SELF Waiver Overview

### Rates:

- Services carried forward from Level 1 or IO would keep rates currently in existence
- For the new services, rates will differ if the service is provided through an Agency/Agency with Choice or an independent provider
- For certain services (Community Inclusion, Integrated Employment & the middle and bottom tiers of Clinical/Therapeutic Intervention), rates for “independent providers” will be negotiable within a range.
  - The rates will be negotiated by the individual with assistance from their Support Broker.
- Support Brokerage will have a set hourly rate

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## SELF Waiver Overview

### New Aspects to this Waiver:

- **Employment First** – This waiver will institute an Employment First policy, which means:
- An explanation must be provided when an individual chooses an Adult Day Service that is not an Employment service.
  - The Adult Day Services that are not Employment Services are Adult Day Support and Vocational Habilitation.

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# SELF Waiver Overview

## Sharing of Services

- Initially, DODD stated that due to the complexities around figuring out how to 'blend rates', individuals who utilize Community Inclusion would not be able to share staff with individuals utilizing HPC under IO or Level One.
- **However**, DODD is working on determining a way in which sharing services could work from an operational standpoint. We believe we will have a way to accommodate this when the waiver goes-live.

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# SELF Waiver Overview

## Two new entities:

- This waiver will add 2 primary components of participant-direction:
  - **Support Brokerage** and
  - **Financial Management Services**
- Both of these entities would exist to assist an individual in directing their own services as well as their budget

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# SELF Waiver Overview

## Support Broker

- Responsible for providing the individual with representation, advocacy, advice and assistance related to the day-to-day coordination of services (particularly those associated with participant direction) in accordance with the ISP.
- The Support Broker assists the individual with the individual's responsibilities around participant direction, including understanding Employer Authority and Budget Authority, and keeping the focus of the services and support delivery on the individual and his/her desired outcomes.
- Other duties: Negotiating rates; helping select providers; communication and coordination with individual, SSA, FMS

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# SELF Waiver Overview

**Support Brokerage (SB)** would be a waiver service (and would be subject to Free Choice of Provider).

- Service Limit for SB: \$8,000/year. Can be provided on an unpaid basis (e.g., provided by a family member or volunteer)
- Whether paid or unpaid, before becoming a Support Broker, must attend training established by DODD
  - ***For this service, all Support Broker agency employees who are Support Brokers must meet the qualifications and must be trained.***
- The following **cannot** be a Support Broker: County Boards; CB employees; SELF waiver providers (and their related entities); employees of SELF waiver providers
- In addition, legal guardians, as well as family members who reside with the individual, cannot be paid to provide this service

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## Participant Direction

### **OVERVIEW of the Financial Management Services (FMS)**

- What is the purpose of the FMS/why is one needed?
  - CMS' definition of Participant-Direction (i.e., Budget Authority and Employer Authority) consists of more than determining a budget and choosing providers.
  - Data suggests that, when given the choice, individuals often prefer that someone other than themselves ensure that all financial obligations are met (e.g., taxes & insurances are paid in accordance with regulations)
  - FMS entities have experience providing this function, which thereby allows for individuals to focus on directing their services.

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## Participant Direction

### **Financial Management Services (FMS)**

FMS' purpose is to assist the individual with managing their budget & to take out the necessary taxes/withholding to ensure that the employment meets State and Federal requirements.

- In Self-Directed Waivers, use of a Financial Management Service is the accepted best practice by CMS
- To start the waiver, DODD plans to have 1 statewide contract with an entity with experience providing FMS services
- The SELF Waiver will include two FMS Options:

**Vendor Fiscal/Employer Agent, and Agency with Choice**

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## Participant Direction

### Financial Management Services (FMS) – cont'd

- FMS will be paid for as an administrative activity (not as a waiver service) and will have a contract with DODD/ODJFS
- The FMS will allow the individual's budget to be contained in one place. If approved, the FMS is also expected to be able to execute Medicaid Provider Agreements on behalf of JFS
- We have proposed to CMS that the tracking of individual budgets, payments, claims and utilization for ALL services for this waiver will occur with the FMS
- The FMS will require an approved ISP/service summary to pay claims

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## Participant Direction

### Participant Direction

- Everyone on this waiver will be required to engage in participant direction.

Two components will be offered in the SELF waiver:

- Budget Authority
- Employer Authority

The individual may choose one or both of these.

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## SELF Waiver



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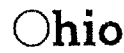
### Participant Direction

#### Budget Authority

- Allows the individual (or representative) to allocate their budget to waiver services however they choose, and to manage their budget accordingly
- An individual must choose Budget Authority for **at least one** of the applicable services they select.
- Nearly all services offered within the SELF waiver will have the option of budget authority.
- Adult Day Supports, Vocational Habilitation, Supported Employment - Enclave and Non Medical Transportation *do not have* the option of Budget Authority or Employer Authority applied to them.

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## SELF Waiver



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### Participant Direction

**Employer Authority** - Allows the individual to hire, fire, direct, manage, etc., their workers. There are two Employer Authority options:

- **Common Law Employer**, where the individual is the Employer of Record (meaning the individual that holds the liability for wrongful termination lawsuits and ensuring taxes, unemployment, workers' comp, etc. are deducted). *[This is the 'Vendor Fiscal/Employer Agent' FMS Model]*
- **Co-Employer**, where the individual enters into an arrangement whereby a 3<sup>rd</sup> party is the Employer of Record on the individual's behalf. *[This is the 'Agency with Choice' FMS Model]*

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## SELF Waiver



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### Participant Direction

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#### Employer Authority

- Employer Authority option is **not** mandatory for an individual to select under this waiver.
- Would only be applicable to the following services:
  - Support Brokerage
  - Community Inclusion
  - Participant/Family Stability Assistance
  - Integrated Employment
  - Participant-Directed Goods and Services

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## SELF Waiver



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### Participant Direction

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#### Employer Authority

- While we believe that Co-Employer is the option that is in the best interest of the individual (and research shows that it is the preferred option), both will be available
  - A private agency would act as the Employer of Record as part of the Co-Employer model
- Under the Common Law model (where the individual is the Employer of Record), the FMS will act as the agent for payroll, withholdings, etc.

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## SELF Waiver - Services

### Service Package Details

*(NOTE: The following slides are synopses of the services proposed under the SELF waiver. The definitions seen in these slides are not the complete waiver service definitions.)*

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## SELF Waiver - Services

### Community Inclusion:

Supports that promote the individual's participation in his/her community. The service includes opportunities and experiences that focus on socialization and/or therapeutic recreational activities, as well as personal growth in his/her home and/or community.

- Community Inclusion can also include peer support activities and organization of self-advocacy events.
- It is not meant to cover employment-related services
- The following components define the scope of this service:
  - Personal Assistance
  - Transportation

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## SELF Waiver - Services

### Integrated Employment:

Supports needed by a participant to acquire and maintain a job in the general workforce at or above the state's minimum wage. The service can also provide supports needed by an individual to acquire and maintain an internship or apprenticeship of limited duration.

- Broken into 2 components:
  - **Initial supports** to gain employment &
  - **Retention supports** to keep it.
- Proposed rates for both components have been increased per comments received via clearance feedback.
- May include supports for an individual to achieve self-employment through the operation of a business, but will not provide funding for start-up or business operation expenses.
- Not subject to the Acuity Assessment Instrument.

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## SELF Waiver - Services

### Respite:

Generally, services provided to individuals unable to care for themselves, furnished on a short-term basis because of the absence or need for relief of those persons normally providing the care.

### 2 types:

- **Residential** (similar to existing IO & Level One Respite service; incorporated service changes currently in the IO Amendment) - 90 day limitation
- **Community** (taken from the IO Amendment – aka 'camp') - 60 day limitation

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## SELF Waiver - Services

### Clinical/Therapeutic Intervention:

Services that assist unpaid caregivers and/or paid support staff in carrying out individual treatment/support plans, and that are not covered by the Medicaid State Plan, and are necessary to improve the individual's independence and inclusion in their community.

Service includes:

- Consultation activities that are provided by professionals in psychology, counseling and behavior management.
- Development of a home treatment/support plan, training and technical assistance to carry out the plan, delivery of the services
- Monitoring of the individual and the provider in the implementation of the plan.

**Service Limitation:** Must be deemed necessary to reduce an individual's intensive behaviors based on the results of a Functional Behavioral Assessment.

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## SELF Waiver - Services

### Functional Behavioral Assessment

The process of determining why an individual engages in challenging behavior and how the individual's behavior relates to the environment. These assessments describe the relationship between a skill or performance problem and variables that contribute to its occurrence. Functional behavioral assessments can provide information to develop a hypothesis as to:

- why the individual engages in the behavior;
- when the individual is most likely to demonstrate the behavior;
- situations in which the behavior is least likely to occur.

\* Limited to 1 assessment/year; capped at \$1,500/year

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## SELF Waiver - Services

### Participant-Directed Goods and Services:

Services, equipment, or supplies not otherwise provided through this waiver or through the Medicaid State Plan that address an identified need on the ISP (including improving and maintaining the individual's opportunity for membership in the community)

- The item or service would:
  - decrease the need for other Medicaid services;
  - promote inclusion in the community;
  - increase the participant's safety in the home environment.
- *Providers of this service do not need to become Medicaid certified.*

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## SELF Waiver - Services

### Participant/Family Stability Assistance:

Service that enables the participant/family to understand how best to support the individual in their home and/or to enhance the individual's ability to direct their own services. The service can only be utilized by the individual or by family members who reside with the individual.

- Participant/Family Stability Assistance may include counseling and/or training services to the participant/family to accommodate the participant's disability in the home and to access supports offered in the community.

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## SELF Waiver - Services

**Remote Monitoring:** The monitoring of an individual in his or her residence by staff using one or more of the following systems: live video feed, live audio feed, motion sensing system, RFID, web-based monitoring system, or other device approved by DODD.

- Must ensure health and safety.
- Individuals in the residence must give informed consent for the service to be used in the home whether directly receiving the service or not.
- Two rate models: \$6.47 per hr/per site (with unpaid backup support) or \$9.83 per hr/per site (with paid backup support)

**RM Equipment** – billed as a monthly amount; total not to exceed \$5,000 annually

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## SELF Waiver - Services

### **Adult Day Waiver Services:**

Existing services will be available under this waiver with the *exception* of Supported Employment - Community.

- Acuity Assessment will still apply to Adult Day Supports, Vocational Habilitation and Supported Employment - Enclave
- An individual cannot be on this waiver and only receive ADWS
- There will be an “Employment First” requirement whereby justification must be given for an individual to use Adult Day Support or Vocational Habilitation

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**Thank you**