



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

Larry Hogan, Governor - Boyd Rutherford, Lt. Governor - Van Mitchell, Secretary

Memorandum

To: DDA Licensed Service Providers
DDA Coordination of Community Services Providers
Fiscal Management Service Providers
Support Brokers

From: Bernard Simons, Deputy Secretary, DDA

CC: DDA Headquarters and Regional Offices

Date: April 22, 2015

Re: Waiver Transition Guideline # 1

THIS LETTER IS AVAILABLE IN ACCESSIBLE FORMATS. TO REQUEST ANOTHER FORMAT, PLEASE CONTACT HELPDESK.DDA@MARYLAND.GOV.

Thank you for participating in the Developmental Disabilities Administration (DDA) waiver feedback listening sessions and giving us your input on ways to enhance the Community Pathways program. The listening sessions notes, input from various organizations, and the consultant's recommendations have been posted to the DDA website at <http://dda.dhmh.maryland.gov/SitePages/waiver%20feedback.aspx>.

In the interim, we have to move forward with the merger of the Community Pathways and New Directions waivers based on the current federally approved application. On April 18, 2014, the DDA shared a memo with waiver participants regarding service changes in the Community Pathways renewal application. As noted in the memo, the transition of services and requirements will occur over the course of eighteen months from the time of the approval and must be completed no later than September 2015.

As stated in this initial communication, the DDA will be issuing "guidelines" to assist waiver participants, families, coordinators of community services, service providers, Office of Health Care Quality, and DDA staff with the transition to the newly approved waiver. The guidelines may be specific to a particular service or federal requirement and may apply to a particular stakeholder or the entire service delivery system. Guidelines will share processes that need to and will be changed in order to transition and will identify the entities involved and relevant timeframes. Guidelines should assist waiver participants and other stakeholders in identifying what they need to be working on.

During this transition it is also important to understand the Federal Centers for Medicare and Medicaid Services (CMS) regulations that define person-centered planning requirements and the types of settings in which it is permissible for states to pay for Medicaid Home and Community-Based Services (HCBS).

The regulations, 42 CFR Part 430, 431 et al. titled “Medicaid Program; State Plan Home and Community-Based Services, 5-Year Period for Waivers, Provider Payment Reassignment, and Home and Community-Based Setting Requirements for Community First Choice and Home and Community-Based Services (HCBS) Waivers; Final Rule” were published January 16, 2014.

The purposes of these regulations are to ensure that individuals receive Medicaid HCBS in settings that are integrated and support full access to the greater community. This includes opportunities to seek employment and work in competitive and integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree as individuals who do not receive services from a Medicaid waiver.

These new federal regulations apply to the Community Pathways waiver. The federal government has stated that all States should already be in compliance with person-centered planning requirements. Therefore it is critical for us to assess the current practices and policies. In considering any provider request associated with licensing new or expanding a current setting, the DDA will first apply the new federal setting rules (i.e. the setting is integrated in and supports full access to the greater community).

The DDA is working with Medicaid to assess current services and regulations for compliance and soliciting input from stakeholders for implementation of transition plan strategies to comply with the new CMS rule.

Information on the CMS requirements and transition guidelines will be posted to the DDA Waiver Webpages at <http://dda.dhmh.maryland.gov/SitePages/community%20pathways.aspx>. Please send transition specific questions to communitypathways@maryland.gov.

Please share Waiver Transition guidelines with individuals and family members you support and distribute to appropriate staff within your agency.

Please review the brief chart on the following pages and associated guidelines related to service and system transitions from the historic Community Pathways and New Directions waivers to the current federally approved waiver program.

Topic	Guideline Number	Previous	New
Community Learning Service	#5	Billed under Day Habilitation or Supported Employment	Billed Community Learning Services
Community Supported Living Arrangement (CSLA)	#7	CSLA I and II	Service transitioning to new Personal Supports service
Employment Discovery and Customization	#5	Billed under Day Habilitation or Supported Employment	Billed Employment Discovery and Customization
Family Member, Relative, Legal Guardian, and Legally Responsible Individual as a Service Provider	#6	Under New Directions, participants could utilize family members as direct services workers and support brokers	<p>A. Under both the traditional and self-directed service models participants:</p> <ol style="list-style-type: none"> (1) Can utilize a family member, relative, and legal guardian as a service provider (2) Cannot utilize a "Legally Responsible" individual as a service provider. 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. <p>B. Self-directed services participants can utilize a family member, relative, and legal guardian, as either a direct service worker or a support broker but not both.</p>
Person Centered Planning	#2	Various policies, processes, and standards	Standardized planning guidelines and policies

Topic		Previous	New
Service Alignment	#5	Participants engaging in more than one daytime service (i.e. supported employment, employment discovery and customization, community learning services and day habilitation) were all billed under one waiver service.	Participant can receive various services during the week which must be appropriately indicated in the service plan and billed separately under the appropriate service name.
Unbundling of Supplemental Services and FISS contracts	#4	Assistive technology; adaptive equipment; environmental assessments; environmental accessibility adaptations; live-in rent; respite; transition or start up services; transportation; and vehicle modifications were noted and billed as supplemental services	Each service to be listed individually in the service plan and billed separately
Volunteering	#5	Funded under Supported Employment	Funded under Community Learning Services or Day Habilitation Services

Attachments:

Waiver Transition Guideline #2 – Person-Centered Planning

Waiver Transition Guideline #3 – Health and Welfare – New Services, Equipment, Items, Devices and Treatments

Waiver Transition Guideline #4 – Unbundling of Supplemental Services and FISS contracts

Waiver Transition Guideline #5 – Supported Employment, Employment Discovery and Customization, Community Learning Services, and Day Habilitation – Services, Volunteering, and Regulations

Waiver Transition Guideline #6 – Family Member, Relative, Legal Guardian, and Legally Responsible Individual as a Service Provider

Waiver Transition Guideline #7 – Community Supported Living Arrangement/Personal Supports