



**CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR MEDICAID SERVICES**

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TO: 1915(c) Home and Community Based Services (HCBS) Waiver Stakeholders

FROM: Pam Smith
Director, Division of Community Alternatives (DCA)

DATE: February 27, 2019

RE: Participant Directed Services (PDS)

The Department for Medicaid Services (DMS) wants to address concerns regarding changes to Participant Directed Services (PDS) for the Acquired Brain Injury (ABI), Acquired Brain Injury Long Term Care (ABI LTC), Home and Community Based (HCB), Michelle P. Waiver (MPW), and Supports for Community Living (SCL) waivers.

We continue to hear from stakeholders who believe waiver participants will no longer be allowed to hire legally responsible individuals, such as parents and spouses. We want to assure waiver stakeholders, for now, the policy of allowing waiver participants to hire legally responsible individuals as PDS employees remains unchanged. The policy will be updated as part of 1915(c) HCBS waiver redesign. **While the criteria legally responsible individuals must meet to be PDS employees will likely change, DMS will still allow waiver participants to hire legally responsible individuals.**

Our initial PDS policy update went out during our first official public comment period from January 7, 2019, to January 18, 2019. We have since paused the public comment period and are working on updates to the PDS policy based on comments we received during that time. You will be able to view the updates when the amended waiver applications are re-released.

You will have another opportunity to send us feedback on the updated PDS policy before it is final. Once the amended waiver applications are released, the official public comment period will resume for a full thirty (30) days. You will be able to review the policy and send your comments to DMS during that time. When the official public comment period ends, we will review the comments and make any further changes we deem necessary before we submit the amended waivers to the Centers for Medicare and Medicaid Services (CMS) for approval. The amended waivers cannot take effect until CMS approves them.

We will notify stakeholders via the Division of Community Alternatives (DCA) website and email once we set a date to release the amended waiver applications and resume the official public comment period. We will also release educational materials to help stakeholders understand all proposed changes.

If you have questions or concerns, please email us at medicaidpubliccomment@ky.gov.

Sincerely,



Pam Smith
Director, Division of Community Alternatives