

Application for a §1915(c) Home and Community-Based Services Waiver

PURPOSE OF THE HCBS WAIVER PROGRAM

The Medicaid Home and Community-Based Services (HCBS) waiver program is authorized in §1915(c) of the Social Security Act. The program permits a state to furnish an array of home and community-based services that assist Medicaid beneficiaries to live in the community and avoid institutionalization. The State has broad discretion to design its waiver program to address the needs of the waivers target population. Waiver services complement and/or supplement the services that are available to participants through the Medicaid State plan and other federal, state and local public programs as well as the supports that families and communities provide.

The Centers for Medicare & Medicaid Services (CMS) recognizes that the design and operational features of a waiver program will vary depending on the specific needs of the target population, the resources available to the state, service delivery system structure, state goals and objectives, and other factors. A State has the latitude to design a waiver program that is cost-effective and employs a variety of service delivery approaches, including participant direction of services.

Request for a Renewal to a §1915(c) Home and Community-Based Services Waiver

1. Major Changes

Describe any significant changes to the approved waiver that are being made in this renewal application:

Revisions focus on policies being clarified, updated, and enhanced to offer easier interpretation and improved compliance. The purpose of this waiver renewal is to:

Provide more detailed explanation of waiver processes and expectations for responsible parties;

Introduce standards that support individualized service planning approaches; and

Confirm waiver language meets the intent of the sub-section, as per CMS 1915(c) Instructions, Technical Guide and Review Criteria.

Specifically, this waiver renewal contains the following updates:

1. Change patient liability standard from 100% Federal Benefit Rate (FBR) to 300% FBR;

2. Update the definition of Consultative Clinical and Therapeutic (CCT) services by separating the single service into three services:

i. CCT – Positive Behavior Supports

ii. CCT – Psychological Services

iii. CCT – Nutritional Services

3. Update case management standards to align with best practices and introduce new service authorization practices;

4. Introduce a complaints and grievances system specifically for waiver participants;

5. Streamline the critical incident reporting and investigation process;

6. Standardize waiver performance measures; and

7. DMS is clarifying the following policy: Allow waiver services to be provided to waiver participants in acute hospital settings when the hospital cannot meet the participant's immediate health, safety, and welfare needs.

The State Option to Provide HCBS in Acute Care Hospitals in accordance with Section 1902(h)(1) of the Act.

The state will allow waiver providers to deliver adhoc HCBS in acute care hospitals under extraordinary circumstances and the following conditions:

The HCBS must be prior authorized by the Department or its designee;

The HCBS may be provided in extraordinary, adhoc circumstances to meet needs of the individual that are not met through the provision of acute care hospital services and are in addition to, and may not substitute for, the services the acute care hospital is obligated to provide. This may include supervision for extreme behaviors, repeated or continued attempts to commit serious self-harm or elopement, or when a participant is non-verbal and unable to use a communication device; and

The HCBS must be identified in the individual's person-centered service plan (PCSP).

This policy is not intended for continuing the participant's full person-centered service plan while they are hospitalized.

The only waiver services delivered in hospital settings should be those required to address any emergent, non-medical needs and risks and there is not a family member or natural support available to assist.

While the participant is hospitalized, the focus should be on addressing the condition that led to the hospitalization rather than addressing goals and objectives.

8. Decrease in the number of slots reserved for Emergency Needs based on analysis of historic data demonstrating the previous number was too high.

DMS is amending / renewing this waiver to incorporate Appendix K policies that we have selected to retain based on State Medicaid Director Letter 23-004.

The following items from Appendix K are being added to this waiver:

Allowing telehealth for Case Management and Consultative Clinical and Therapeutic Services – Nutrition, Consultative Clinical and Therapeutic Services - Psychological Services, and Consultative Clinical and Therapeutic Services - Positive Behavior Supports.

Allowing participants in Residential Support Level II receive respite services.

Allowing limited waiver services to be provided to participants in acute hospital settings when the hospital cannot meet the participant’s immediate health, safety, and welfare needs. The services must be nonmedical and must address emergent needs and risks. The HCBS are in addition to, and may not substitute for, the services the acute care hospital is obligated to provide. Expanding case management provider qualifications to align with Appendix K flexibilities, including allowing individuals with prior human services work experience (e.g., Certified Nursing Assistant, Certified Home Health Aide, experience as case manager in a related field) to serve as case managers.

Reducing age requirement for Respite, Personal Care, and Residential Staff from 21 to 18.

Refining the Person-Centered Planning service definition to align with CMS guidance and prevent duplication with other services.

Adding language noting requirement for residential and non-residential providers to comply with the federal HCBS settings requirement as defined in 42 CFR 441.301(c)(4)-(5) and associated CMS guidance.

Retaining the temporary rate increase implemented through Appendix K for all services for all services.

The Person-Centered Coaching service was removed as a standalone service and added to the Consultative Clinical and Therapeutic Services - Positive Behavior Supports service.

Application for a §1915(c) Home and Community-Based Services Waiver

1. Request Information (1 of 3)

A. The State of Kentucky requests approval for a Medicaid home and community-based services (HCBS) waiver under the authority of §1915(c) of the Social Security Act (the Act).

B. Program Title (*optional - this title will be used to locate this waiver in the finder*):

Supports for Community Living waiver

C. Type of Request: renewal

Requested Approval Period: (*For new waivers requesting five year approval periods, the waiver must serve individuals who are dually eligible for Medicaid and Medicare.*)

3 years 5 years

Original Base Waiver Number: KY.0314

Waiver Number: KY.0314.R05.00

Draft ID: KY.002.05.00

D. Type of Waiver (*select only one*):

Regular Waiver

E. Proposed Effective Date: (mm/dd/yy)

05/01/24

Approved Effective Date: 05/01/24

PRA Disclosure Statement

The purpose of this application is for states to request a Medicaid Section 1915(c) home and community-based services (HCBS) waiver. Section 1915(c) of the Social Security Act authorizes the Secretary of Health and Human Services to waive certain specific Medicaid statutory requirements so that a state may voluntarily offer HCBS to state-specified target group(s) of Medicaid beneficiaries who need a level of institutional care that is provided under the Medicaid state plan. Under the Privacy Act of 1974 any personally identifying information obtained will be kept private to the extent of the law.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-0449 (Expires: December 31, 2023). The time required to complete this information collection is estimated to average 160 hours per response for a new waiver application and 75 hours per response for a renewal application, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If

you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

1. Request Information (2 of 3)

F. Level(s) of Care. This waiver is requested in order to provide home and community-based waiver services to individuals who, but for the provision of such services, would require the following level(s) of care, the costs of which would be reimbursed under the approved Medicaid state plan (*check each that applies*):

Hospital

Select applicable level of care

Hospital as defined in 42 CFR §440.10

If applicable, specify whether the state additionally limits the waiver to subcategories of the hospital level of care:

Inpatient psychiatric facility for individuals age 21 and under as provided in 42 CFR §440.160

Nursing Facility

Select applicable level of care

Nursing Facility as defined in 42 CFR §440.40 and 42 CFR §440.155

If applicable, specify whether the state additionally limits the waiver to subcategories of the nursing facility level of care:

Institution for Mental Disease for persons with mental illnesses aged 65 and older as provided in 42 CFR §440.140

Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) (as defined in 42 CFR §440.150)

If applicable, specify whether the state additionally limits the waiver to subcategories of the ICF/IID level of care:

1. Request Information (3 of 3)

G. Concurrent Operation with Other Programs. This waiver operates concurrently with another program (or programs) approved under the following authorities

Select one:

Not applicable

Applicable

Check the applicable authority or authorities:

Services furnished under the provisions of §1915(a)(1)(a) of the Act and described in Appendix I

Waiver(s) authorized under §1915(b) of the Act.

Specify the §1915(b) waiver program and indicate whether a §1915(b) waiver application has been submitted or previously approved:

Specify the §1915(b) authorities under which this program operates (*check each that applies*):

§1915(b)(1) (mandated enrollment to managed care)

§1915(b)(2) (central broker)

§1915(b)(3) (employ cost savings to furnish additional services)

§1915(b)(4) (selective contracting/limit number of providers)

A program operated under §1932(a) of the Act.

Specify the nature of the state plan benefit and indicate whether the state plan amendment has been submitted or previously approved:

A program authorized under §1915(i) of the Act.

A program authorized under §1915(j) of the Act.

A program authorized under §1115 of the Act.

Specify the program:

H. Dual Eligibility for Medicaid and Medicare.

Check if applicable:

This waiver provides services for individuals who are eligible for both Medicare and Medicaid.

2. Brief Waiver Description

Brief Waiver Description. *In one page or less*, briefly describe the purpose of the waiver, including its goals, objectives, organizational structure (e.g., the roles of state, local and other entities), and service delivery methods.

The Kentucky Supports for Community Living (SCL) Medicaid Waiver program offers individualized, community-based service to divert individuals who have intellectual disabilities and otherwise need institutional services from an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) and to support individuals who transition from ICF/IID institutional services to the community. Services are delivered with respect and are designed to assure individuals are safe in the community and are afforded choices. These services and supports will create a positive culture that promotes person-centered thinking through communication, respect, and choice.

GOALS

The SCL Program goals:

- 1) People receiving waiver services are healthy, safe, and included in the life of the community.
- 2) People receiving waiver services have the necessary personalized supports to live and thrive as valued members of their community.
- 3) People receiving waiver services lead lives driven by connection to others. The waiver services they receive do not define their lives, but instead build bridges to meaningful connections.

OBJECTIVES

The SCL Program objectives are to

- 1) Identify individual needs utilizing the Supports Intensity Scale (SIS) and a screening tool to measure health risks, to ensure a customized planning process which leads to an effective plan for supports.
- 2) Ensure home and community-based services are comprehensive alternatives to institutional services through proactive and thoughtful planning to prevent crisis situations.
- 3) Improve information, access and utilization of employment and community inclusion services for participants.
- 4) Enhance provider competency and continuity of services by offering training and continuing education.

ORGANIZATIONAL STRUCTURE

The Division of Developmental and Intellectual Disabilities (DDID) within the Department of Behavioral Health, Developmental and Intellectual Disabilities (DBHDID) serves as the operating agency of the waiver through a contract with the Department for Medicaid Services (DMS). DMS exercises administrative discretion in the operation of the waiver and issues policies, rules and regulations related to the waiver.

SERVICE DELIVERY METHODS

The SCL waiver offers statewide availability of traditional services. Participants can choose participant-directed services (PDS) for non-medical services also on a statewide basis. They can also choose either all traditional, all PDS or a combination of traditional and PDS, known as blended services. If a participant chooses PDS for any services, they are informed of the Community Guide service.

The state assures that the settings transition plan included with this waiver amendment will be subject to any provisions or requirements included in the State's approved Statewide Transition Plan. The State will implement any required changes upon approval of the Statewide Transition Plan and will make conforming changes to its waiver when it submits the next amendment or renewal.

Allow waiver services to be provided to waiver participants in acute hospital settings when the hospital cannot meet the participant's immediate health, safety, and welfare needs (i.e. communication or behavioral needs).

The State Option to Provide HCBS in Acute Care Hospitals in accordance with Section 1902(h)(1) of the Act. The state chooses the option to provide HCBS in acute care hospitals under the following conditions:

The HCBS are provided to meet needs of the individual that are not met through the provision of acute care hospital services;
The HCBS are in addition to, and may not substitute for, the services the acute care hospital is obligated to provide;

The HCBS must be identified in the individual's person-centered service plan (PCSP); and

The HCBS should be used to ensure smooth transitions between acute care setting and community-based settings by facilitating communication between the two settings and ensuring continuity of care between the two settings and to preserve the individual's functional abilities.

This would include hands on services, supervision for extreme behaviors or when an individual is at risk for self-harm without constant eyes on supervision or when communication is a barrier and the individual is unable to communicate their needs and wishes.

3. Components of the Waiver Request

The waiver application consists of the following components. *Note: Item 3-E must be completed.*

- A. Waiver Administration and Operation.** Appendix A specifies the administrative and operational structure of this waiver.
- B. Participant Access and Eligibility.** Appendix B specifies the target group(s) of individuals who are served in this waiver, the number of participants that the state expects to serve during each year that the waiver is in effect, applicable Medicaid eligibility and post-eligibility (if applicable) requirements, and procedures for the evaluation and reevaluation of level of care.
- C. Participant Services.** Appendix C specifies the home and community-based waiver services that are furnished through the waiver, including applicable limitations on such services.
- D. Participant-Centered Service Planning and Delivery.** Appendix D specifies the procedures and methods that the state uses to develop, implement and monitor the participant-centered service plan (of care).
- E. Participant-Direction of Services.** When the state provides for participant direction of services, Appendix E specifies the participant direction opportunities that are offered in the waiver and the supports that are available to participants who direct their services. (*Select one*):

Yes. This waiver provides participant direction opportunities. Appendix E is required.

No. This waiver does not provide participant direction opportunities. Appendix E is not required.

- F. Participant Rights.** Appendix F specifies how the state informs participants of their Medicaid Fair Hearing rights and other procedures to address participant grievances and complaints.
- G. Participant Safeguards.** Appendix G describes the safeguards that the state has established to assure the health and welfare of waiver participants in specified areas.
- H. Quality Improvement Strategy.** Appendix H contains the Quality Improvement Strategy for this waiver.
- I. Financial Accountability.** Appendix I describes the methods by which the state makes payments for waiver services, ensures the integrity of these payments, and complies with applicable federal requirements concerning payments and federal financial participation.
- J. Cost-Neutrality Demonstration.** Appendix J contains the state's demonstration that the waiver is cost-neutral.

4. Waiver(s) Requested

- A. Comparability.** The state requests a waiver of the requirements contained in §1902(a)(10)(B) of the Act in order to provide the services specified in Appendix C that are not otherwise available under the approved Medicaid state plan to individuals who: (a) require the level(s) of care specified in Item 1.F and (b) meet the target group criteria specified in Appendix B.
- B. Income and Resources for the Medically Needy.** Indicate whether the state requests a waiver of §1902(a)(10)(C)(i)(III) of the Act in order to use institutional income and resource rules for the medically needy (*select one*):
- Not Applicable**
- No**
- Yes**
- C. Statewide.** Indicate whether the state requests a waiver of the statewide requirements in §1902(a)(1) of the Act (*select one*):
- No**
- Yes**

If yes, specify the waiver of statewideness that is requested (*check each that applies*):

Geographic Limitation. A waiver of statewideness is requested in order to furnish services under this waiver only to individuals who reside in the following geographic areas or political subdivisions of the state. *Specify the areas to which this waiver applies and, as applicable, the phase-in schedule of the waiver by geographic area:*

Limited Implementation of Participant-Direction. A waiver of statewideness is requested in order to make *participant-direction of services* as specified in **Appendix E** available only to individuals who reside in the following geographic areas or political subdivisions of the state. Participants who reside in these areas may elect to direct their services as provided by the state or receive comparable services through the service delivery methods that are in effect elsewhere in the state.

Specify the areas of the state affected by this waiver and, as applicable, the phase-in schedule of the waiver by geographic area:

5. Assurances

In accordance with 42 CFR §441.302, the state provides the following assurances to CMS:

- A. Health & Welfare:** The state assures that necessary safeguards have been taken to protect the health and welfare of persons receiving services under this waiver. These safeguards include:
1. As specified in **Appendix C**, adequate standards for all types of providers that provide services under this waiver;
 2. Assurance that the standards of any state licensure or certification requirements specified in **Appendix C** are met for services or for individuals furnishing services that are provided under the waiver. The state assures that these requirements are met on the date that the services are furnished; and,
 3. Assurance that all facilities subject to §1616(e) of the Act where home and community-based waiver services are provided comply with the applicable state standards for board and care facilities as specified in **Appendix C**.
- B. Financial Accountability.** The state assures financial accountability for funds expended for home and community-based services and maintains and makes available to the Department of Health and Human Services (including the Office of the Inspector General), the Comptroller General, or other designees, appropriate financial records documenting the cost of services provided under the waiver. Methods of financial accountability are specified in **Appendix I**.
- C. Evaluation of Need:** The state assures that it provides for an initial evaluation (and periodic reevaluations, at least annually) of the need for a level of care specified for this waiver, when there is a reasonable indication that an individual might need such services in the near future (one month or less) but for the receipt of home and community-based services under this waiver. The procedures for evaluation and reevaluation of level of care are specified in **Appendix B**.
- D. Choice of Alternatives:** The state assures that when an individual is determined to be likely to require the level of care specified for this waiver and is in a target group specified in **Appendix B**, the individual (or, legal representative, if applicable) is:
1. Informed of any feasible alternatives under the waiver; and,
 2. Given the choice of either institutional or home and community-based waiver services. **Appendix B** specifies the procedures that the state employs to ensure that individuals are informed of feasible alternatives under the waiver and given the choice of institutional or home and community-based waiver services.
- E. Average Per Capita Expenditures:** The state assures that, for any year that the waiver is in effect, the average per capita expenditures under the waiver will not exceed 100 percent of the average per capita expenditures that would have been made under the Medicaid state plan for the level(s) of care specified for this waiver had the waiver not been granted. Cost-

neutrality is demonstrated in **Appendix J**.

- F. Actual Total Expenditures:** The state assures that the actual total expenditures for home and community-based waiver and other Medicaid services and its claim for FFP in expenditures for the services provided to individuals under the waiver will not, in any year of the waiver period, exceed 100 percent of the amount that would be incurred in the absence of the waiver by the state's Medicaid program for these individuals in the institutional setting(s) specified for this waiver.
- G. Institutionalization Absent Waiver:** The state assures that, absent the waiver, individuals served in the waiver would receive the appropriate type of Medicaid-funded institutional care for the level of care specified for this waiver.
- H. Reporting:** The state assures that annually it will provide CMS with information concerning the impact of the waiver on the type, amount and cost of services provided under the Medicaid state plan and on the health and welfare of waiver participants. This information will be consistent with a data collection plan designed by CMS.
- I. Habilitation Services.** The state assures that prevocational, educational, or supported employment services, or a combination of these services, if provided as habilitation services under the waiver are: (1) not otherwise available to the individual through a local educational agency under the Individuals with Disabilities Education Act (IDEA) or the Rehabilitation Act of 1973; and, (2) furnished as part of expanded habilitation services.
- J. Services for Individuals with Chronic Mental Illness.** The state assures that federal financial participation (FFP) will not be claimed in expenditures for waiver services including, but not limited to, day treatment or partial hospitalization, psychosocial rehabilitation services, and clinic services provided as home and community-based services to individuals with chronic mental illnesses if these individuals, in the absence of a waiver, would be placed in an IMD and are: (1) age 22 to 64; (2) age 65 and older and the state has not included the optional Medicaid benefit cited in 42 CFR §440.140; or (3) age 21 and under and the state has not included the optional Medicaid benefit cited in 42 CFR § 440.160.

6. Additional Requirements

Note: Item 6-I must be completed.

- A. Service Plan.** In accordance with 42 CFR §441.301(b)(1)(i), a participant-centered service plan (of care) is developed for each participant employing the procedures specified in **Appendix D**. All waiver services are furnished pursuant to the service plan. The service plan describes: (a) the waiver services that are furnished to the participant, their projected frequency and the type of provider that furnishes each service and (b) the other services (regardless of funding source, including state plan services) and informal supports that complement waiver services in meeting the needs of the participant. The service plan is subject to the approval of the Medicaid agency. Federal financial participation (FFP) is not claimed for waiver services furnished prior to the development of the service plan or for services that are not included in the service plan.
- B. Inpatients.** In accordance with 42 CFR §441.301(b)(1)(ii), waiver services are not furnished to individuals who are inpatients of a hospital, nursing facility or ICF/IID.
- C. Room and Board.** In accordance with 42 CFR §441.310(a)(2), FFP is not claimed for the cost of room and board except when: (a) provided as part of respite services in a facility approved by the state that is not a private residence or (b) claimed as a portion of the rent and food that may be reasonably attributed to an unrelated caregiver who resides in the same household as the participant, as provided in **Appendix I**.
- D. Access to Services.** The state does not limit or restrict participant access to waiver services except as provided in **Appendix C**.
- E. Free Choice of Provider.** In accordance with 42 CFR §431.151, a participant may select any willing and qualified provider to furnish waiver services included in the service plan unless the state has received approval to limit the number of providers under the provisions of §1915(b) or another provision of the Act.
- F. FFP Limitation.** In accordance with 42 CFR §433 Subpart D, FFP is not claimed for services when another third-party (e.g., another third party health insurer or other federal or state program) is legally liable and responsible for the provision and payment of the service. FFP also may not be claimed for services that are available without charge, or as free care to the community. Services will not be considered to be without charge, or free care, when (1) the provider establishes a fee schedule for each service available and (2) collects insurance information from all those served (Medicaid, and non-Medicaid), and bills other legally liable third party insurers. Alternatively, if a provider certifies that a particular legally

liable third party insurer does not pay for the service(s), the provider may not generate further bills for that insurer for that annual period.

G. Fair Hearing: The state provides the opportunity to request a Fair Hearing under 42 CFR §431 Subpart E, to individuals: (a) who are not given the choice of home and community-based waiver services as an alternative to institutional level of care specified for this waiver; (b) who are denied the service(s) of their choice or the provider(s) of their choice; or (c) whose services are denied, suspended, reduced or terminated. **Appendix F** specifies the state's procedures to provide individuals the opportunity to request a Fair Hearing, including providing notice of action as required in 42 CFR §431.210.

H. Quality Improvement. The state operates a formal, comprehensive system to ensure that the waiver meets the assurances and other requirements contained in this application. Through an ongoing process of discovery, remediation and improvement, the state assures the health and welfare of participants by monitoring: (a) level of care determinations; (b) individual plans and services delivery; (c) provider qualifications; (d) participant health and welfare; (e) financial oversight and (f) administrative oversight of the waiver. The state further assures that all problems identified through its discovery processes are addressed in an appropriate and timely manner, consistent with the severity and nature of the problem. During the period that the waiver is in effect, the state will implement the Quality Improvement Strategy specified in **Appendix H**.

I. Public Input. Describe how the state secures public input into the development of the waiver:

The Dept. began a review and re-write of its 1915(c) waivers in 2017. To inform stakeholders and collect feedback in the initial assessment, planning, and re-write process, the Dept. used focus groups, a dedicated email box and email repository, an assessment report and formal response, town halls, frequently asked questions, and multiple public periods.

The proposed updates were presented to the public in June 2022 using the following

1. The Dept. informed stakeholders of the renewal and upcoming public comment period in a notice issued on June 17, 2022.
2. The Dept. released the proposed waiver application and a summary document on June 24, 2022. The Dept. issued reminders about the public comment period on July 8 and July 18, 2022.
3. The Dept. collected public comment until July 24, 2022.

The Dept. received 129 comments from 27 unique commenters. The Dept. made the following changes based on public comment.

- Edited b. Medicaid Agency Oversight of Operating Agency Performance to reflect the Dept.'s role and the operating agency's role in the waiver.
- Edited 6. Distribution of Waiver Operational and Administrative Functions to clarify the role the Dept. and the operating agency in developing rules, policies, procedures, and information governing the waiver program.
- Edited the service limit for Consultative Clinical and Therapeutic (CCT) Services – Positive Behavior Supports, CCT – Psychological Services, and CCT Nutritional Services to 160 units per year combined.
- Edited the definition of CCT – Positive Behavior Supports to clarify it does not cover the development of the Positive Behavior Support Plan.
- Edited the definition of CCT – Nutritional Services and CCT – Psychological Services to clarify the role of the Person-Centered Coach.
- Updated the provider qualifications for CCT – Psychological Services.
- Edited the definition of Positive Behavior Supports to clarify the frequency of plan evaluation and review.
- Removed the proposed requirement for Residential Support Level I homes to furnish internet access for participants.
- Changed the timeframe for Community Access providers to complete a Dept.-approved credential.
- Removed the proposed requirement for Supported Employment Specialists to have a bachelor's degree.
- Clarified the IQ requirements in B-1-b. .
- Increased the unduplicated number to account for the addition of 100 slots in Kentucky's 2022-2024 state budget.
- Edited C-2-a. to update the number of registries that must be checked.
- Edited C-2-c. to clarify how the accuracy of time worked as reported by participant-directed services employees should be verified.
- Edited C-2-d. to clarify the expectations of goals and objectives for participants.
- Clarified the requirements of the initial case management visit as described in D-1-d.
- Clarified the case manager's role in notifying providers of changes to the person-centered service plan as described in D-1-g.
- Clarified records retention requirements for case managers as described in D-1-h.
- Clarified where case managers must conduct face-to-face visits as described in D-2-a.

The Dept. received a number of requests to change waiver policy and service names or definitions that cannot be completed at this time as they require an update to the SCL KAR, which is not being amended with this renewal. In its response, the Dept. explained this and informed stakeholders their suggestions will be re-visited when the SCL KAR and waiver application are amended following the completion of the 1915(c) HCBS Rate Study.

The Dept. issued its response to stakeholders on Sept. 1, 2022, via email and by posting the response documents on the Dept.'s Division of Long-Term Services and Supports website for review.

The Dept. issued each of the six waiver applications for public comment from Sept. 27, 2023, to Oct. 28, 2023 for feedback on Appendix K flexibilities being incorporated permanently. To inform stakeholders and collect feedback, the Dept. used the following methods:

1. Stakeholder Webinar: The Dept. held an all stakeholder webinar on Sept. 25, 2023. More than six hundred stakeholders attended the call where the Dept. explained updates being made to the waivers. A recording of the webinar,

along with the webinar presentation, are posted to the Dept.'s Division of Long-Term Services and Supports website and will remain there for stakeholders to reference.

2. Email Updates: The Dept. notified stakeholders of the beginning of the public comment period via email on Sept. 27, 2023. Stakeholders received reminders about the public comment period via email on Oct. 16, 2023, and Oct. 26, 2023.
3. Web and Social Media: The draft waiver application and a summary of updates were posted to the Dept.'s Division of Long-Term Services and Supports website from Sept. 27, 2023, through Oct. 27, 2023. Notices about the start of public comment along with reminders were posted to the Dept.'s social media channels.
4. Dedicated Email Box: The Dept. used a widely publicized email box to receive comments and questions from stakeholders at large.
5. Advocacy Organizations: Several well-known advocacy organizations shared the Dept.'s notices and reminders to ensure as many stakeholders as possible had the opportunity to review and comment on the draft waiver application.

Based on public comment, the Department made the following updates to the applicable waiver applications:

- Updated Home Delivered Meals definition and provider qualifications
- Updated Day Training provider qualifications
- Clarified provider type for Natural Supports Training
- Clarified E-2-h selections
- Incorporated additional telehealth flexibilities
- Clarified definition of a legally responsible individual
- Clarified circumstances for allowing HCBS delivered in acute hospital settings
- Clarified and expanded provider qualifications for Qualified Participant Approved Providers

J. Notice to Tribal Governments. The state assures that it has notified in writing all federally-recognized Tribal Governments that maintain a primary office and/or majority population within the State of the State's intent to submit a Medicaid waiver request or renewal request to CMS at least 60 days before the anticipated submission date is provided by Presidential Executive Order 13175 of November 6, 2000. Evidence of the applicable notice is available through the Medicaid Agency.

K. Limited English Proficient Persons. The state assures that it provides meaningful access to waiver services by Limited English Proficient persons in accordance with: (a) Presidential Executive Order 13166 of August 11, 2000 (65 FR 50121) and (b) Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003). **Appendix B** describes how the state assures meaningful access to waiver services by Limited English Proficient persons.

7. Contact Person(s)

A. The Medicaid agency representative with whom CMS should communicate regarding the waiver is:

Last Name:

Smith

First Name:

Pam

Title:

Division Director

Agency:

Department for Medicaid Services

Address:

275 East Main Street

Address 2:

6W-B

City:

Frankfort

State: **Kentucky**

Zip:

40621

Phone:

(502) 564-7540

Ext: 2121

TTY

Fax:

(502) 564-0249

E-mail:

pam.smith@ky.gov

B. If applicable, the state operating agency representative with whom CMS should communicate regarding the waiver is:

Last Name:

Adams

First Name:

Crystal

Title:

Assistant Division Director, Division of Developmental and Intellectual Disabilities

Agency:

Department for Behavioral Health, Developmental and Intellectual Disabilities

Address:

275 East Main Street

Address 2:

4C-F

City:

Frankfort

State:

Kentucky

Zip:

40621

Phone:

(502) 782-8883

Ext:

TTY

Fax:

(502) 564-8917

E-mail:

crystal.adams@ky.gov

8. Authorizing Signature

This document, together with Appendices A through J, constitutes the state's request for a waiver under §1915(c) of the Social Security Act. The state assures that all materials referenced in this waiver application (including standards, licensure and certification requirements) are *readily* available in print or electronic form upon request to CMS through the Medicaid agency or, if applicable, from the operating agency specified in Appendix A. Any proposed changes to the waiver will be submitted by the Medicaid agency to CMS in the form of waiver amendments.

Upon approval by CMS, the waiver application serves as the state's authority to provide home and community-based waiver services to the specified target groups. The state attests that it will abide by all provisions of the approved waiver and will

04/02/2024

continuously operate the waiver in accordance with the assurances specified in Section 5 and the additional requirements specified in Section 6 of the request.

Signature:

State Medicaid Director or Designee

Submission Date:

Note: The Signature and Submission Date fields will be automatically completed when the State Medicaid Director submits the application.

Last Name:

First Name:

Title:

Agency:

Address:

Address 2:

City:

State: **Kentucky**

Zip:

Phone: Ext: TTY

Fax:

E-mail:

Attachment #1: Transition Plan

Check the box next to any of the following changes from the current approved waiver. Check all boxes that apply.

Replacing an approved waiver with this waiver.

Combining waivers.

Splitting one waiver into two waivers.

Eliminating a service.

Adding or decreasing an individual cost limit pertaining to eligibility.

Adding or decreasing limits to a service or a set of services, as specified in Appendix C.

Reducing the unduplicated count of participants (Factor C).

Adding new, or decreasing, a limitation on the number of participants served at any point in time.

Making any changes that could result in some participants losing eligibility or being transferred to another waiver under 1915(c) or another Medicaid authority.

Making any changes that could result in reduced services to participants.

Specify the transition plan for the waiver:

Attachment #2: Home and Community-Based Settings Waiver Transition Plan

Specify the state's process to bring this waiver into compliance with federal home and community-based (HCB) settings requirements at 42 CFR 441.301(c)(4)-(5), and associated CMS guidance.

Consult with CMS for instructions before completing this item. This field describes the status of a transition process at the point in time of submission. Relevant information in the planning phase will differ from information required to describe attainment of milestones.

To the extent that the state has submitted a statewide HCB settings transition plan to CMS, the description in this field may reference that statewide plan. The narrative in this field must include enough information to demonstrate that this waiver complies with federal HCB settings requirements, including the compliance and transition requirements at 42 CFR 441.301(c)(6), and that this submission is consistent with the portions of the statewide HCB settings transition plan that are germane to this waiver. Quote or summarize germane portions of the statewide HCB settings transition plan as required.

Note that Appendix C-5 HCB Settings describes settings that do not require transition; the settings listed there meet federal HCB setting requirements as of the date of submission. Do not duplicate that information here.

Update this field and Appendix C-5 when submitting a renewal or amendment to this waiver for other purposes. It is not necessary for the state to amend the waiver solely for the purpose of updating this field and Appendix C-5. At the end of the state's HCB settings transition process for this waiver, when all waiver settings meet federal HCB setting requirements, enter "Completed" in this field, and include in Section C-5 the information on all HCB settings in the waiver.

The state assures that this wavier renewal will be subject to any provisions or requirements included in the states most recent and/or approved home and community-based settings Statewide Transition Plan. The state will implement any required changes by the end of the transition period as outlined in the home and community-based settings Statewide Transition Plan.

Additional Needed Information (Optional)

Provide additional needed information for the waiver (optional):

Appendix A: Waiver Administration and Operation

1. State Line of Authority for Waiver Operation. Specify the state line of authority for the operation of the waiver (*select one*):

The waiver is operated by the state Medicaid agency.

Specify the Medicaid agency division/unit that has line authority for the operation of the waiver program (*select one*):

The Medical Assistance Unit.

Specify the unit name:

(Do not complete item A-2)

Another division/unit within the state Medicaid agency that is separate from the Medical Assistance Unit.

Specify the division/unit name. This includes administrations/divisions under the umbrella agency that has been

identified as the Single State Medicaid Agency.

(Complete item A-2-a).

The waiver is operated by a separate agency of the state that is not a division/unit of the Medicaid agency.

Specify the division/unit name:

Department for Behavioral Health, Developmental and Intellectual Disabilities, Division of Developmental and Intellectual Disabilities

In accordance with 42 CFR §431.10, the Medicaid agency exercises administrative discretion in the administration and supervision of the waiver and issues policies, rules and regulations related to the waiver. The interagency agreement or memorandum of understanding that sets forth the authority and arrangements for this policy is available through the Medicaid agency to CMS upon request. (Complete item A-2-b).

Appendix A: Waiver Administration and Operation

2. Oversight of Performance.

a. Medicaid Director Oversight of Performance When the Waiver is Operated by another Division/Unit within the State Medicaid Agency. When the waiver is operated by another division/administration within the umbrella agency designated as the Single State Medicaid Agency. Specify (a) the functions performed by that division/administration (i.e., the Developmental Disabilities Administration within the Single State Medicaid Agency), (b) the document utilized to outline the roles and responsibilities related to waiver operation, and (c) the methods that are employed by the designated State Medicaid Director (in some instances, the head of umbrella agency) in the oversight of these activities:

As indicated in section 1 of this appendix, the waiver is not operated by another division/unit within the State Medicaid agency. Thus this section does not need to be completed.

b. Medicaid Agency Oversight of Operating Agency Performance. When the waiver is not operated by the Medicaid agency, specify the functions that are expressly delegated through a memorandum of understanding (MOU) or other written document, and indicate the frequency of review and update for that document. Specify the methods that the Medicaid agency uses to ensure that the operating agency performs its assigned waiver operational and administrative functions in accordance with waiver requirements. Also specify the frequency of Medicaid agency assessment of operating agency performance:

The Department has a written contract with DDID that is reviewed annually and is updated as needed. DMS has delegated to DDID the following functions through a written contract:

1. Utilization management;
2. Maintenance of waiting list and allocations;
3. Provider development, training, and certification; and
5. Quality assurance and quality improvement activities.

DMS and DDID are jointly responsible for the following functions:

- 1.
2. Developing rules, policies, procedures and information governing the waiver program

DMS uses the following methods to ensure DDID performs its assigned waiver operational and administrative functions in accordance with waiver requirements:

- Policy and clarification are reviewed and approved by DMS;
- DDID submits correspondence and reports to DMS;
- DMS and DDID hold regular meetings;
- DMS conducts an annual review of the contract to ensure DBHDID meets all requirements.

Appendix A: Waiver Administration and Operation

3. Use of Contracted Entities. Specify whether contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable) (*select one*):

Yes. Contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or operating agency (if applicable).

Specify the types of contracted entities and briefly describe the functions that they perform. *Complete Items A-5 and A-6.:*

The Department has a written Memorandum of Agreement (MOA) with its sister agency, the Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID) that is reviewed annually and is updated as needed. The Department may delegate some of the operating functions through the MOA. Functions that may be delegated may include but not limited to:

1. Quality assurance and quality improvement activities. Quality assurance and improvement activities including but not limited to, provider certification and recertification reviews, monitoring of critical incidents and mortality reviews.
2. Technical assistance and training.

The Department uses the following method to monitor delegated functions are in accordance with the written MOA and waiver requirements by:

1. Collecting and reviewing required monitoring reports in accordance with the MOA.
2. Conducting monthly meetings between the Medicaid and contracted agencies.

The Department contracts with Gainwell Technologies as a fiscal agent to pay claims through the Medicaid Management Information System (MMIS). The Department also has MOAs, as noted above, with the sister agencies and an additional MOA, through the Department, with DCBS for review of financial eligibility for the waiver population. The Department contracts with Netsmart to deliver electronic visit verification (EVV) services.

No. Contracted entities do not perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable).

Appendix A: Waiver Administration and Operation

4. Role of Local/Regional Non-State Entities. Indicate whether local or regional non-state entities perform waiver operational and administrative functions and, if so, specify the type of entity (*Select One*):

Not applicable

Applicable - Local/regional non-state agencies perform waiver operational and administrative functions.

Check each that applies:

Local/Regional non-state public agencies perform waiver operational and administrative functions at the local or regional level. There is an **interagency agreement or memorandum of understanding** between the State and these agencies that sets forth responsibilities and performance requirements for these agencies that is available through the Medicaid agency.

Specify the nature of these agencies and complete items A-5 and A-6:

Local/Regional non-governmental non-state entities conduct waiver operational and administrative functions at the local or regional level. There is a contract between the Medicaid agency and/or the operating agency (when authorized by the Medicaid agency) and each local/regional non-state entity that sets forth the responsibilities and performance requirements of the local/regional entity. The **contract(s)** under which private entities conduct waiver operational functions are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Specify the nature of these entities and complete items A-5 and A-6:

Appendix A: Waiver Administration and Operation

5. Responsibility for Assessment of Performance of Contracted and/or Local/Regional Non-State Entities. Specify the state agency or agencies responsible for assessing the performance of contracted and/or local/regional non-state entities in conducting waiver operational and administrative functions:

The Department is responsible for assessing the performance of contracted entities providing the functions described in section 3 of this appendix.

Appendix A: Waiver Administration and Operation

6. Assessment Methods and Frequency. Describe the methods that are used to assess the performance of contracted and/or local/regional non-state entities to ensure that they perform assigned waiver operational and administrative functions in accordance with waiver requirements. Also specify how frequently the performance of contracted and/or local/regional non-state entities is assessed:

The Department assesses the performance of the contracted entities bi-annually through policy clarification and reporting as stipulated in the entities contract.

Appendix A: Waiver Administration and Operation

7. Distribution of Waiver Operational and Administrative Functions. In the following table, specify the entity or entities that have responsibility for conducting each of the waiver operational and administrative functions listed (*check each that applies*):

In accordance with 42 CFR §431.10, when the Medicaid agency does not directly conduct a function, it supervises the performance of the function and establishes and/or approves policies that affect the function. All functions not performed directly by the Medicaid agency must be delegated in writing and monitored by the Medicaid Agency. *Note: More than one box may be checked per item. Ensure that Medicaid is checked when the Single State Medicaid Agency (1) conducts the function directly; (2) supervises the delegated function; and/or (3) establishes and/or approves policies related to the function.*

Function	Medicaid Agency	Other State Operating Agency	Contracted Entity
Participant waiver enrollment			
Waiver enrollment managed against approved limits			
Waiver expenditures managed against approved levels			
Level of care evaluation			
Review of Participant service plans			
Prior authorization of waiver services			
Utilization management			
Qualified provider enrollment			
Execution of Medicaid provider agreements			
Establishment of a statewide rate methodology			
Rules, policies, procedures and information development governing the waiver program			
Quality assurance and quality improvement activities			

Appendix A: Waiver Administration and Operation

Quality Improvement: Administrative Authority of the Single State Medicaid Agency

As a distinct component of the States quality improvement strategy, provide information in the following fields to detail the States methods for discovery and remediation.

a. Methods for Discovery: Administrative Authority

The Medicaid Agency retains ultimate administrative authority and responsibility for the operation of the waiver program by exercising oversight of the performance of waiver functions by other state and local/regional non-state agencies (if appropriate) and contracted entities.

i. Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Performance measures for administrative authority should not duplicate measures found in other appendices of the waiver application. As necessary and applicable, performance measures should focus on:

- Uniformity of development/execution of provider agreements throughout all geographic areas covered by the waiver
- Equitable distribution of waiver openings in all geographic areas covered by the waiver
- Compliance with HCB settings requirements and other new regulatory components (for waiver actions submitted on or after March 17, 2014)

Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Number and Percent of required reports contracted entities provide to Department within required timeframes. N=The number of required reports contracted entities provided to the Department within the required timeframes. D=The number of required reports from contracted entities due to Department within required timeframes.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Reports submitted to the Department

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval =

		<input type="text"/>
Other Specify: <input type="text" value="Contracted Entities"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis(check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

Performance Measure:

Number and Percent of required reports the operating agency provides to Department in required timeframes. N= number of reports the operating agency provided to Department within the required timeframes. D= number of required reports the operating agency was required to provide to Department in the required timeframes.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Reports submitted to the Department

Responsible Party for data collection/generation(<i>check each that applies</i>):	Frequency of data collection/generation(<i>check each that applies</i>):	Sampling Approach(<i>check each that applies</i>):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis(<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify:	Annually

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
<input type="text"/>	
	Continuously and Ongoing
	Other Specify: <input type="text"/>

Performance Measure:

Number and Percent of providers with a current approved provider agreement on file N=
The number of providers with a current approved provider agreement on file D= The number of enrolled providers

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Medicaid Partner Portal System

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>

	Other Specify: <input style="width: 100%; height: 20px;" type="text"/>	
--	---	--

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input style="width: 100%; height: 20px;" type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input style="width: 100%; height: 20px;" type="text"/>

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

Identified problems are researched and addressed by the Department through use of generated monthly reports. The Department monitors to ensure that contract objectives and goals are met as appropriate.

b. Methods for Remediation/Fixing Individual Problems

i. Describe the States method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the state to document these items.

Identified problems are researched and addressed by the Department through use of generated monthly reports. The Department monitors to ensure that contract objectives and goals are met as appropriate. Should the delegated entity not meet the requirements then a corrective action plan is required and/or recoupment of funds may occur.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly

Responsible Party <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Administrative Authority that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Administrative Authority, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix B: Participant Access and Eligibility

B-1: Specification of the Waiver Target Group(s)

a. Target Group(s). Under the waiver of Section 1902(a)(10)(B) of the Act, the state limits waiver services to one or more groups or subgroups of individuals. Please see the instruction manual for specifics regarding age limits. *In accordance with 42 CFR §441.301(b)(6), select one or more waiver target groups, check each of the subgroups in the selected target group(s) that may receive services under the waiver, and specify the minimum and maximum (if any) age of individuals served in each subgroup:*

Target Group	Included	Target SubGroup	Minimum Age	Maximum Age	
				Maximum Age Limit	No Maximum Age Limit
Aged or Disabled, or Both - General					
		Aged		<input type="checkbox"/>	<input type="checkbox"/>
		Disabled (Physical)		<input type="checkbox"/>	<input type="checkbox"/>
		Disabled (Other)		<input type="checkbox"/>	<input type="checkbox"/>
Aged or Disabled, or Both - Specific Recognized Subgroups					
		Brain Injury		<input type="checkbox"/>	<input type="checkbox"/>
		HIV/AIDS		<input type="checkbox"/>	<input type="checkbox"/>

Target Group	Included	Target SubGroup	Minimum Age	Maximum Age	
				Maximum Age Limit	No Maximum Age Limit
		Medically Fragile			
		Technology Dependent			
Intellectual Disability or Developmental Disability, or Both					
		Autism			
		Developmental Disability	3		
		Intellectual Disability	3		
Mental Illness					
		Mental Illness			
		Serious Emotional Disturbance			

b. Additional Criteria. The state further specifies its target group(s) as follows:

Developmental disability is defined as: a disability that: (a) Is manifested prior to the age of twenty-two (22);(b) Constitutes a substantial disability to the affected individual; and (c) Is attributable to an Intellectual Disability or related condition that: Results in impairment of general intellectual functioning and adaptive behavior similar to that of a person with an intellectual disability; and are a direct result of, or are influenced by, the person's cognitive deficits.

Adaptive behavior means the person has overall adaptive behavior which is significantly limited in three or more skill areas (self care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, economic self-sufficiency) as measured by an instrument which is standardized, appropriate to the person's living environment, and administered and clinically determined by a qualified professional.

c. Transition of Individuals Affected by Maximum Age Limitation. When there is a maximum age limit that applies to individuals who may be served in the waiver, describe the transition planning procedures that are undertaken on behalf of participants affected by the age limit (*select one*):

Not applicable. There is no maximum age limit

The following transition planning procedures are employed for participants who will reach the waiver's maximum age limit.

Specify:

Appendix B: Participant Access and Eligibility

B-2: Individual Cost Limit (1 of 2)

a. Individual Cost Limit. The following individual cost limit applies when determining whether to deny home and community-based services or entrance to the waiver to an otherwise eligible individual (*select one*). Please note that a state may have only ONE individual cost limit for the purposes of determining eligibility for the waiver:

No Cost Limit. The state does not apply an individual cost limit. *Do not complete Item B-2-b or item B-2-c.*

Cost Limit in Excess of Institutional Costs. The state refuses entrance to the waiver to any otherwise eligible individual when the state reasonably expects that the cost of the home and community-based services furnished to that individual would exceed the cost of a level of care specified for the waiver up to an amount specified by the state. *Complete Items B-2-b and B-2-c.*

The limit specified by the state is *(select one)*

A level higher than 100% of the institutional average.

Specify the percentage:

Other

Specify:

Institutional Cost Limit. Pursuant to 42 CFR 441.301(a)(3), the state refuses entrance to the waiver to any otherwise eligible individual when the state reasonably expects that the cost of the home and community-based services furnished to that individual would exceed 100% of the cost of the level of care specified for the waiver. *Complete Items B-2-b and B-2-c.*

Cost Limit Lower Than Institutional Costs. The state refuses entrance to the waiver to any otherwise qualified individual when the state reasonably expects that the cost of home and community-based services furnished to that individual would exceed the following amount specified by the state that is less than the cost of a level of care specified for the waiver.

Specify the basis of the limit, including evidence that the limit is sufficient to assure the health and welfare of waiver participants. Complete Items B-2-b and B-2-c.

The cost limit specified by the state is *(select one)*:

The following dollar amount:

Specify dollar amount:

The dollar amount *(select one)*

Is adjusted each year that the waiver is in effect by applying the following formula:

Specify the formula:

May be adjusted during the period the waiver is in effect. The state will submit a waiver amendment to CMS to adjust the dollar amount.

The following percentage that is less than 100% of the institutional average:

Specify percent:

Other:

Specify:

Appendix B: Participant Access and Eligibility

B-2: Individual Cost Limit (2 of 2)

Answers provided in Appendix B-2-a indicate that you do not need to complete this section.

b. Method of Implementation of the Individual Cost Limit. When an individual cost limit is specified in Item B-2-a, specify the procedures that are followed to determine in advance of waiver entrance that the individual's health and welfare can be assured within the cost limit:

c. Participant Safeguards. When the state specifies an individual cost limit in Item B-2-a and there is a change in the participant's condition or circumstances post-entrance to the waiver that requires the provision of services in an amount that exceeds the cost limit in order to assure the participant's health and welfare, the state has established the following safeguards to avoid an adverse impact on the participant (*check each that applies*):

The participant is referred to another waiver that can accommodate the individual's needs.

Additional services in excess of the individual cost limit may be authorized.

Specify the procedures for authorizing additional services, including the amount that may be authorized:

Other safeguard(s)

Specify:

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served (1 of 4)

a. Unduplicated Number of Participants. The following table specifies the maximum number of unduplicated participants who are served in each year that the waiver is in effect. The state will submit a waiver amendment to CMS to modify the number of participants specified for any year(s), including when a modification is necessary due to legislative appropriation or another reason. The number of unduplicated participants specified in this table is basis for the cost-neutrality calculations in Appendix J:

Table: B-3-a

Waiver Year	Unduplicated Number of Participants
Year 1	4991
Year 2	5041
Year 3	5041
Year 4	5041

Waiver Year	Unduplicated Number of Participants
Year 5	5041

b. Limitation on the Number of Participants Served at Any Point in Time. Consistent with the unduplicated number of participants specified in Item B-3-a, the state may limit to a lesser number the number of participants who will be served at any point in time during a waiver year. Indicate whether the state limits the number of participants in this way: *(select one)* :

The state does not limit the number of participants that it serves at any point in time during a waiver year.

The state limits the number of participants that it serves at any point in time during a waiver year.

The limit that applies to each year of the waiver period is specified in the following table:

Table: B-3-b

Waiver Year	Maximum Number of Participants Served At Any Point During the Year
Year 1	<input type="text"/>
Year 2	<input type="text"/>
Year 3	<input type="text"/>
Year 4	<input type="text"/>
Year 5	<input type="text"/>

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served (2 of 4)

c. Reserved Waiver Capacity. The state may reserve a portion of the participant capacity of the waiver for specified purposes (e.g., provide for the community transition of institutionalized persons or furnish waiver services to individuals experiencing a crisis) subject to CMS review and approval. The State *(select one)*:

Not applicable. The state does not reserve capacity.

The state reserves capacity for the following purpose(s).

Purpose(s) the state reserves capacity for:

Purposes	
Emergency Need	

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served (2 of 4)

Purpose *(provide a title or short description to use for lookup):*

Emergency Need

Purpose *(describe):*

To assure the availability of slots for those considered in an emergency need status.

Describe how the amount of reserved capacity was determined:

Determined based on allocations over the past five years

The capacity that the State reserves in each waiver year is specified in the following table:

Waiver Year	Capacity Reserved
Year 1	228
Year 2	228
Year 3	228
Year 4	228
Year 5	228

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served (3 of 4)

d. Scheduled Phase-In or Phase-Out. Within a waiver year, the state may make the number of participants who are served subject to a phase-in or phase-out schedule (*select one*):

The waiver is not subject to a phase-in or a phase-out schedule.

The waiver is subject to a phase-in or phase-out schedule that is included in Attachment #1 to Appendix B-3. This schedule constitutes an intra-year limitation on the number of participants who are served in the waiver.

e. Allocation of Waiver Capacity.

Select one:

Waiver capacity is allocated/managed on a statewide basis.

Waiver capacity is allocated to local/regional non-state entities.

Specify: (a) the entities to which waiver capacity is allocated; (b) the methodology that is used to allocate capacity and how often the methodology is reevaluated; and, (c) policies for the reallocation of unused capacity among local/regional non-state entities:

f. Selection of Entrants to the Waiver. Specify the policies that apply to the selection of individuals for entrance to the waiver:

As long as capacity exists, eligible applicants will be selected for waiver entrance based on the date of their waiver application. If waiver capacity is not adequate for all eligible applicants, individuals will be selected for waiver entrance based on the date of their waiver application and their category of need, with individuals in crisis meeting criteria for emergency need receiving preference.

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served - Attachment #1 (4 of 4)

Answers provided in Appendix B-3-d indicate that you do not need to complete this section.

Appendix B: Participant Access and Eligibility

B-4: Eligibility Groups Served in the Waiver

- a. **1. State Classification.** The state is a (*select one*):

§1634 State

SSI Criteria State

209(b) State

- 2. Miller Trust State.**

Indicate whether the state is a Miller Trust State (*select one*):

No

Yes

- b. **Medicaid Eligibility Groups Served in the Waiver.** Individuals who receive services under this waiver are eligible under the following eligibility groups contained in the state plan. The state applies all applicable federal financial participation limits under the plan. *Check all that apply:*

Eligibility Groups Served in the Waiver (excluding the special home and community-based waiver group under 42 CFR §435.217)

Low income families with children as provided in §1931 of the Act

SSI recipients

Aged, blind or disabled in 209(b) states who are eligible under 42 CFR §435.121

Optional state supplement recipients

Optional categorically needy aged and/or disabled individuals who have income at:

Select one:

100% of the Federal poverty level (FPL)

% of FPL, which is lower than 100% of FPL.

Specify percentage:

Working individuals with disabilities who buy into Medicaid (BBA working disabled group as provided in §1902(a)(10)(A)(ii)(XIII) of the Act)

Working individuals with disabilities who buy into Medicaid (TWWIIA Basic Coverage Group as provided in §1902(a)(10)(A)(ii)(XV) of the Act)

Working individuals with disabilities who buy into Medicaid (TWWIIA Medical Improvement Coverage Group as provided in §1902(a)(10)(A)(ii)(XVI) of the Act)

Disabled individuals age 18 or younger who would require an institutional level of care (TEFRA 134 eligibility group as provided in §1902(e)(3) of the Act)

Medically needy in 209(b) States (42 CFR §435.330)

Medically needy in 1634 States and SSI Criteria States (42 CFR §435.320, §435.322 and §435.324)

Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the state plan that may receive services under this waiver)

Specify:

The federal regulatory citation(s) for the eligibility group(s) that are covered under the state's Medicaid plan that the state proposes to include under this waiver amendment request include the following:

42 CFR 435.110, Parents and other caretaker relatives,

42 CFR 435.116, Pregnant women, and

42 CFR 435.118, Children.

Special home and community-based waiver group under 42 CFR §435.217) Note: When the special home and community-based waiver group under 42 CFR §435.217 is included, Appendix B-5 must be completed

No. The state does not furnish waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217. Appendix B-5 is not submitted.

Yes. The state furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217.

Select one and complete Appendix B-5.

All individuals in the special home and community-based waiver group under 42 CFR §435.217

Only the following groups of individuals in the special home and community-based waiver group under 42 CFR §435.217

Check each that applies:

A special income level equal to:

Select one:

300% of the SSI Federal Benefit Rate (FBR)

A percentage of FBR, which is lower than 300% (42 CFR §435.236)

Specify percentage:

A dollar amount which is lower than 300%.

Specify dollar amount:

Aged, blind and disabled individuals who meet requirements that are more restrictive than the SSI program (42 CFR §435.121)

Medically needy without spend down in states which also provide Medicaid to recipients of SSI (42 CFR §435.320, §435.322 and §435.324)

Medically needy without spend down in 209(b) States (42 CFR §435.330)

Aged and disabled individuals who have income at:

Select one:

100% of FPL

% of FPL, which is lower than 100%.

Specify percentage amount:

Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the state plan that may receive services under this waiver)

Specify:

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (1 of 7)

In accordance with 42 CFR §441.303(e), Appendix B-5 must be completed when the state furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217, as indicated in Appendix B-4. Post-eligibility applies only to the 42 CFR §435.217 group.

- a. Use of Spousal Impoverishment Rules.** Indicate whether spousal impoverishment rules are used to determine eligibility for the special home and community-based waiver group under 42 CFR §435.217:

Note: For the period beginning January 1, 2014 and extending through September 30, 2019 (or other date as required by law), the following instructions are mandatory. The following box should be checked for all waivers that furnish waiver services to the 42 CFR §435.217 group effective at any point during this time period.

Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group. In the case of a participant with a community spouse, the state uses spousal post-eligibility rules under §1924 of the Act.

Complete Items B-5-e (if the selection for B-4-a-i is SSI State or §1634) or B-5-f (if the selection for B-4-a-i is 209b State) and Item B-5-g unless the state indicates that it also uses spousal post-eligibility rules for the time periods before January 1, 2014 or after September 30, 2019 (or other date as required by law).

Note: The following selections apply for the time periods before January 1, 2014 or after September 30, 2019 (or other date as required by law) (select one).

Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group.

In the case of a participant with a community spouse, the state elects to (*select one*):

Use spousal post-eligibility rules under §1924 of the Act.

(Complete Item B-5-b (SSI State) and Item B-5-d)

Use regular post-eligibility rules under 42 CFR §435.726 (SSI State) or under §435.735 (209b State)

(Complete Item B-5-b (SSI State). Do not complete Item B-5-d)

Spousal impoverishment rules under §1924 of the Act are not used to determine eligibility of individuals with a community spouse for the special home and community-based waiver group. The state uses regular post-eligibility rules for individuals with a community spouse.

(Complete Item B-5-b (SSI State). Do not complete Item B-5-d)

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (2 of 7)

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.

- b. Regular Post-Eligibility Treatment of Income: SSI State.**

The state uses the post-eligibility rules at 42 CFR 435.726 for individuals who do not have a spouse or have a spouse who is not a community spouse as specified in §1924 of the Act. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following allowances and expenses from the waiver participant's income:

- i. Allowance for the needs of the waiver participant (*select one*):**

The following standard included under the state plan

Select one:

SSI standard

Optional state supplement standard

Medically needy income standard

The special income level for institutionalized persons

(select one):

300% of the SSI Federal Benefit Rate (FBR)

A percentage of the FBR, which is less than 300%

Specify the percentage:

A dollar amount which is less than 300%.

Specify dollar amount:

A percentage of the Federal poverty level

Specify percentage:

Other standard included under the state Plan

Specify:

The following dollar amount

Specify dollar amount: If this amount changes, this item will be revised.

The following formula is used to determine the needs allowance:

Specify:

Other

Specify:

ii. Allowance for the spouse only (select one):

Not Applicable

The state provides an allowance for a spouse who does not meet the definition of a community spouse in §1924 of the Act. Describe the circumstances under which this allowance is provided:

Specify:

Specify the amount of the allowance (*select one*):

SSI standard

Optional state supplement standard

Medically needy income standard

The following dollar amount:

Specify dollar amount: If this amount changes, this item will be revised.

The amount is determined using the following formula:

Specify:

iii. Allowance for the family (*select one*):

Not Applicable (see instructions)

AFDC need standard

Medically needy income standard

The following dollar amount:

Specify dollar amount: The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the state's approved AFDC plan or the medically needy income standard established under 42 CFR §435.811 for a family of the same size. If this amount changes, this item will be revised.

The amount is determined using the following formula:

Specify:

Other

Specify:

iv. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 §CFR 435.726:

- a. Health insurance premiums, deductibles and co-insurance charges
- b. Necessary medical or remedial care expenses recognized under state law but not covered under the state's Medicaid plan, subject to reasonable limits that the state may establish on the amounts of these expenses.

Select one:

Not Applicable (see instructions)*Note: If the state protects the maximum amount for the waiver participant, not applicable must be selected.*

The state does not establish reasonable limits.

The state establishes the following reasonable limits

Specify:

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (3 of 7)

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.

c. Regular Post-Eligibility Treatment of Income: 209(B) State.

Answers provided in Appendix B-4 indicate that you do not need to complete this section and therefore this section is not visible.

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (4 of 7)

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.

d. Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules

The state uses the post-eligibility rules of §1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care if it determines the individual's eligibility under §1924 of the Act. There is deducted from the participant's monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the state Medicaid Plan. The state must also protect amounts for incurred expenses for medical or remedial care (as specified below).

i. Allowance for the personal needs of the waiver participant

(select one):

SSI standard

Optional state supplement standard

Medically needy income standard

The special income level for institutionalized persons

A percentage of the Federal poverty level

Specify percentage:

The following dollar amount:

Specify dollar amount: If this amount changes, this item will be revised

The following formula is used to determine the needs allowance:

Specify formula:

Other

Specify:

- ii. If the allowance for the personal needs of a waiver participant with a community spouse is different from the amount used for the individual's maintenance allowance under 42 CFR §435.726 or 42 CFR §435.735, explain why this amount is reasonable to meet the individual's maintenance needs in the community.

Select one:

Allowance is the same

Allowance is different.

Explanation of difference:

- iii. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 CFR §435.726:

- a. Health insurance premiums, deductibles and co-insurance charges
- b. Necessary medical or remedial care expenses recognized under state law but not covered under the state's Medicaid plan, subject to reasonable limits that the state may establish on the amounts of these expenses.

Select one:

Not Applicable (see instructions)*Note: If the state protects the maximum amount for the waiver participant, not applicable must be selected.*

The state does not establish reasonable limits.

The state uses the same reasonable limits as are used for regular (non-spousal) post-eligibility.

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (5 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

- e. Regular Post-Eligibility Treatment of Income: §1634 State - 2014 through 2018.**

Answers provided in Appendix B-5-a indicate the selections in B-5-b also apply to B-5-e.

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (6 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

- f. Regular Post-Eligibility Treatment of Income: 209(B) State - 2014 through 2018.**

Answers provided in Appendix B-4 indicate that you do not need to complete this section and therefore this section is not visible.

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (7 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

g. Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules - 2014 through 2018.

The state uses the post-eligibility rules of §1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care. There is deducted from the participant's monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the state Medicaid Plan. The state must also protect amounts for incurred expenses for medical or remedial care (as specified below).

Answers provided in Appendix B-5-a indicate the selections in B-5-d also apply to B-5-g.

Appendix B: Participant Access and Eligibility

B-6: Evaluation/Reevaluation of Level of Care

As specified in 42 CFR §441.302(c), the state provides for an evaluation (and periodic reevaluations) of the need for the level(s) of care specified for this waiver, when there is a reasonable indication that an individual may need such services in the near future (one month or less), but for the availability of home and community-based waiver services.

a. Reasonable Indication of Need for Services. In order for an individual to be determined to need waiver services, an individual must require: (a) the provision of at least one waiver service, as documented in the service plan, and (b) the provision of waiver services at least monthly or, if the need for services is less than monthly, the participant requires regular monthly monitoring which must be documented in the service plan. Specify the state's policies concerning the reasonable indication of the need for services:

i. Minimum number of services.

The minimum number of waiver services (one or more) that an individual must require in order to be determined to need waiver services is:

ii. Frequency of services. The state requires (select one):

The provision of waiver services at least monthly

Monthly monitoring of the individual when services are furnished on a less than monthly basis

If the state also requires a minimum frequency for the provision of waiver services other than monthly (e.g., quarterly), specify the frequency:

b. Responsibility for Performing Evaluations and Reevaluations. Level of care evaluations and reevaluations are performed (*select one*):

Directly by the Medicaid agency

By the operating agency specified in Appendix A

By a government agency under contract with the Medicaid agency.

Specify the entity:

Other

Specify:

c. Qualifications of Individuals Performing Initial Evaluation: Per 42 CFR §441.303(c)(1), specify the

educational/professional qualifications of individuals who perform the initial evaluation of level of care for waiver applicants:

Bachelor's Degree, or higher, in human service field, from an accredited college or university; OR
 Bachelor's degree in any other field from an accredited college or university, with at least one (1) year experience in the field of intellectual disability; OR
 Registered Nurse currently licensed as defined in KRS 314.011(5), and who has one (1) year or more experience as a professional nurse in the field of intellectual disability.
 DDID staff that are trained and qualified by the American Association on Intellectual and Developmental Disabilities (AAIDD) conduct the SIS assessments with participation from the case manager and other respondents.

- d. Level of Care Criteria.** Fully specify the level of care criteria that are used to evaluate and reevaluate whether an individual needs services through the waiver and that serve as the basis of the state's level of care instrument/tool. Specify the level of care instrument/tool that is employed. State laws, regulations, and policies concerning level of care criteria and the level of care instrument/tool are available to CMS upon request through the Medicaid agency or the operating agency (if applicable), including the instrument/tool utilized.

An individual shall be considered to meet the level of care criteria for ICF-IID if the individual meets criteria for a diagnosis of an intellectual disability as defined by the current Diagnostic and Statistical Manual of Mental Diseases (DSM) with onset of condition prior to age eighteen (18) or meets criteria for a person with a related condition as defined by 42 C.F.R. 435.1010 with onset of condition prior to age twenty-two (22) and meets the following criteria: (a) Requires physical or environmental management or habilitation; (b) Requires a planned program of active treatment; (c) Requires a protected environment; and (d) Unrelated to age appropriate dependencies with respect to a minor, has substantial deficits in adaptive functioning that, without ongoing support, limit functioning in one (1) or more activities of daily life such as communication, social participation, and independent living across multiple environments, such as home, school, work, and community. (6) An individual who does not require a planned program of active treatment to attain or maintain the individual's optimal level of functioning shall not meet ICF-IID patient status. (7) An individual shall not be denied for ICF-IID services solely due to advanced age, length of stay in an institution, or history of previous institutionalization, if the individual qualifies for ICF-IID services on the basis of all other factors. The applicant's initial Level of Care (LOC) is determined using a complete psychological evaluation that includes an IQ test and a current adaptive behavior assessment.
 Annual Reassessment of Level of Care is determined using information from the Supports Intensity Scale (SIS) assessment or SIS annual review.

- e. Level of Care Instrument(s).** Per 42 CFR §441.303(c)(2), indicate whether the instrument/tool used to evaluate level of care for the waiver differs from the instrument/tool used to evaluate institutional level of care (*select one*):

The same instrument is used in determining the level of care for the waiver and for institutional care under the state Plan.

A different instrument is used to determine the level of care for the waiver than for institutional care under the state plan.

Describe how and why this instrument differs from the form used to evaluate institutional level of care and explain how the outcome of the determination is reliable, valid, and fully comparable.

Level of Care for the waiver uses the same criteria specified in 907 KAR 1:022, the determination is made through a review of clinical documentation including a psychological evaluation, a life history, a medical assessment and results of a supports intensity scale assessment to identify support needs. The Department compares outcome data from the waiver level of care instrument to the institutional level of care instrument. The data shows the instruments are reliable, valid, and fully comparable.

- f. Process for Level of Care Evaluation/Reevaluation:** Per 42 CFR §441.303(c)(1), describe the process for evaluating waiver applicants for their need for the level of care under the waiver. If the reevaluation process differs from the evaluation process, describe the differences:

The evaluation process utilizes a psychological evaluation, a life history, a medical assessment, results of a supports intensity scale assessment and any relevant additional documentation. The reevaluation process utilizes the SIS Assessment or the SIS Annual Review and an updated life story. An additional psychological evaluation or other supporting documentation is not required. The SIS includes information about the participant's support needs in the areas of home living, community living, learning, employment, health and safety, advocacy, behavioral, and medical needs. DDID staff that are trained and qualified by the American Association on Intellectual and Developmental Disabilities (AAIDD) conduct the SIS assessments with participation from the case manager and other respondents. These staff conduct the evaluation/re-evaluation using the SIS Assessment or SIS Annual Review (SIS-A) with engagement from the case manager and other respondents.

- g. Reevaluation Schedule.** Per 42 CFR §441.303(c)(4), reevaluations of the level of care required by a participant are conducted no less frequently than annually according to the following schedule (*select one*):

Every three months

Every six months

Every twelve months

Other schedule

Specify the other schedule:

- h. Qualifications of Individuals Who Perform Reevaluations.** Specify the qualifications of individuals who perform reevaluations (*select one*):

The qualifications of individuals who perform reevaluations are the same as individuals who perform initial evaluations.

The qualifications are different.

Specify the qualifications:

- i. Procedures to Ensure Timely Reevaluations.** Per 42 CFR §441.303(c)(4), specify the procedures that the state employs to ensure timely reevaluations of level of care (*specify*):

The state of Kentucky requires that re-evaluations be performed at least every 12 months. The Case Manager is responsible for tracking renewal dates and submitting required documentation prior to the LOC expiration date. If the person meets the LOC then a waiver segment with a date range of one year is entered into the Medicaid Management Information System (MMIS). The provider's responsibility is to ensure that the recertification is received in a timely manner. If the recertification packet is not received before the end date of the current LOC dates, then the Case Manager, nor any other provider will be able to bill and be paid for services rendered during the time that a LOC date was not active.

- j. Maintenance of Evaluation/Reevaluation Records.** Per 42 CFR §441.303(c)(3), the state assures that written and/or electronically retrievable documentation of all evaluations and reevaluations are maintained for a minimum period of 3 years as required in 45 CFR §92.42. Specify the location(s) where records of evaluations and reevaluations of level of care are maintained:

Copies of evaluations are retained in MWMA until after the participant's termination and then maintained electronically for five (5) years.

Appendix B: Evaluation/Reevaluation of Level of Care

Quality Improvement: Level of Care

As a distinct component of the States quality improvement strategy, provide information in the following fields to detail the States methods for discovery and remediation.

a. Methods for Discovery: Level of Care Assurance/Sub-assurances

The state demonstrates that it implements the processes and instrument(s) specified in its approved waiver for evaluating/reevaluating an applicant's/waiver participant's level of care consistent with level of care provided in a hospital, NF or ICF/IID.

i. Sub-Assurances:

a. Sub-assurance: *An evaluation for LOC is provided to all applicants for whom there is reasonable indication that services may be needed in the future.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Number and Percent of applicants whose LOC review was conducted within 60 days of capacity reserved in the waiver. N= Number of applicants whose LOC review was conducted within 60 days of capacity reserved in the waiver D= Number of applicants with capacity reserved in the waiver.

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>

	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis(check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

Performance Measure:

and % of individuals who have been on a waitlist for over 365 days who had a level of care re eval prior being enrolled & receiving services. N= The # of individuals who have been on a waitlist for over 365 days who had a level of care re eval prior to being enrolled and receiving service D= The # of individuals who have been on a waitlist for over 365 days who are enrolled & receiving services.

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Responsible Party for data	Frequency of data collection/generation	Sampling Approach (check each that applies):

collection/generation <i>(check each that applies):</i>	<i>(check each that applies):</i>	
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
	Continuously and Ongoing
	Other Specify: <input type="text"/>

b. Sub-assurance: *The levels of care of enrolled participants are reevaluated at least annually or as specified in the approved waiver.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

c. Sub-assurance: *The processes and instruments described in the approved waiver are applied appropriately and according to the approved description to determine participant level of care.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

and % of waiver participants whose initial or subsequent LOC was approp determined using the SIS and supporting doco based on criteria outlined in reg and waiver req by the State. N=# waiver participants whose initial or subsequent LOC was approp determined using the SIS and supporting doco based on the criteria outlined in reg and waiver req by the State. D=Tot # of LOC determinations reviewed

Data Source (Select one):

Other

If 'Other' is selected, specify:

Level of Care Documentation

Responsible Party for data	Frequency of data collection/generation	Sampling Approach (<i>check each that applies</i>):
-----------------------------------	--	---

collection/generation <i>(check each that applies):</i>	<i>(check each that applies):</i>	
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = 95% confidence level with a +/- 5% margin of error
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify:	Annually

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
<input type="text"/>	
	Continuously and Ongoing
	Other Specify: <input type="text"/>

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

Assessment services include a comprehensive initial SIS assessment which shall be conducted by a trained SIS evaluator from DDID. The Department receives monthly reports that note when waiver participants are transitioning into the State’s Managed Care Option. This would indicate to the Department that the participant’s waiver information may be incorrect or incomplete. The Department will also receive a monthly report of reassessments that were not completed within the appropriate period to allow for identification of issues.

These applications will be in process and will be part of the performance measure as soon as the evaluation has been completed.

b. Methods for Remediation/Fixing Individual Problems

i. Describe the States method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the state to document these items.

The Department addresses problems as discovered through the generated reports noted above. The Division of Long-Term Services and Supports (formerly the Division of Community Alternatives) will review the reports and provide remediation activities as needed.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing

Responsible Party <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
	Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Level of Care that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Level of Care, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix B: Participant Access and Eligibility

B-7: Freedom of Choice

Freedom of Choice. *As provided in 42 CFR §441.302(d), when an individual is determined to be likely to require a level of care for this waiver, the individual or his or her legal representative is:*

- i. informed of any feasible alternatives under the waiver; and*
- ii. given the choice of either institutional or home and community-based services.*

a. Procedures. Specify the state's procedures for informing eligible individuals (or their legal representatives) of the feasible alternatives available under the waiver and allowing these individuals to choose either institutional or waiver services. Identify the form(s) that are employed to document freedom of choice. The form or forms are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

All waiver participants are informed of their choice of institutional care or waiver programs and available services, including all available waiver providers by participating Case Management waiver providers. This information is provided at the initial evaluation and at each reevaluation and documented in the MWMA annually or when a participant changes case management providers.

Waiver participants are also assured freedom of choice as defined by the experience of independence, individual initiative, or autonomy in making life choices, both in small everyday matters (what to eat or what to wear), and in large, life-defining matters (where and with whom to live and work);

The service, provider and setting are selected by the participant from among setting options including non-disability specific settings;

The participant must be provided with the choice of where to live with as much independence as possible, and in the most community-integrated environment;

The setting options are identified and documented in the person-centered service plan and are based on the participant's needs and preferences, and, for residential settings, resources available for room and board.

b. Maintenance of Forms. Per 45 CFR §92.42, written copies or electronically retrievable facsimiles of Freedom of Choice forms are maintained for a minimum of three years. Specify the locations where copies of these forms are maintained.

Copies of forms are retained in MWMA until after the participant's termination and then maintained electronically for five (5) years.

Appendix B: Participant Access and Eligibility

B-8: Access to Services by Limited English Proficiency Persons

Access to Services by Limited English Proficient Persons. Specify the methods that the state uses to provide meaningful access to the waiver by Limited English Proficient persons in accordance with the Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003):

All Kentucky Medicaid providers are required to provide effective language access services to Medicaid participants who are limited in their English proficiency (LEP). Specific procedures for assuring LEP access may vary by provider but are required to address assessment of the language needs of participants served by the provider, provision of interpreter services at no cost to the participants, and staff training. Provider procedures for assuring LEP access are ensured through routine interaction and monitoring by the Department. When the State learns of a participant needing assistance, staff consult with the participant, case manager and the service provider to determine the type of assistance needed and may require additional activities on the part of the provider to ensure the appropriate translation services are available to the participant.

As indicated in Appendix A, Waiver Administration and Operation, of this application, the Department contracts with several entities to perform some waiver functions. All of these entities are required, through contract, to comply with Federal standards regarding the provision of language services to improve access to their programs and activities for participants who are limited in their English proficiency. Contractors' language services must be consistent with Federal requirements, include a method of identifying LEP participants, and provide language assistance measures including interpretation and translation, staff training, providing notice to LEP participants, and monitoring compliance and updating procedures.

The Cabinet for Health and Family Services (Cabinet) has established a Language Access Section to assist all Cabinet organizational units, including the Department, in effectively communicating with LEP participants, as well as complying with Federal requirements. The Language Access Section has qualified interpreters on staff, maintains a listing of qualified interpreters for use by Cabinet units and contractors throughout the State, contracts with a telephone interpretation service for use by Cabinet units and contractors when appropriate, provides translation services for essential program forms and documents, establishes policies and procedures applicable to Cabinet, and provides technical assistance to Cabinet units as needed. Procedures employed by individual departments and units (i.e. the Department) include posting multi-lingual signs in waiting areas to explain that interpreters will be provided at no cost; using "I Speak" cards or a telephone language identification service to help identify the primary language of LEP participants at first contact; recording the primary language of each LEP individual served; providing interpretation services at no cost to the participant served; staff training; and monitoring of staff offices and contractors.

Appendix C: Participant Services

C-1: Summary of Services Covered (1 of 2)

a. Waiver Services Summary. List the services that are furnished under the waiver in the following table. If case management is not a service under the waiver, complete items C-1-b and C-1-c:

Service Type	Service
Statutory Service	Case Management
Statutory Service	Consultative Clinical and Therapeutic - Nutritional Services
Statutory Service	Consultative Clinical and Therapeutic - Psychological Services
Statutory Service	Consultative Clinical and Therapeutic Services - Positive Behavior Supports
Statutory Service	Day Training
Statutory Service	Personal Assistance
Statutory Service	Residential Support Level I
Statutory Service	Respite
Statutory Service	Shared Living
Statutory Service	Supported Employment
Supports for Participant Direction	Financial Management Services

Service Type	Service
Other Service	Community Access
Other Service	Community Guide
Other Service	Community Transition
Other Service	Environmental Accessibility Adaptation Services
Other Service	Goods and Services
Other Service	Natural Supports Training
Other Service	Positive Behavior Supports
Other Service	Residential Support Level II
Other Service	Specialized Medical Equipment and Supplies
Other Service	Technology Assisted Residential
Other Service	Transportation
Other Service	Vehicle Adaptations

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Statutory Service

Service:

Case Management

Alternate Service Title (if any):

HCBS Taxonomy:

Category 1:

01 Case Management

Sub-Category 1:

01010 case management

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (*Scope*):

Case management activities include assisting participants in gaining access to waiver services and other needed services through the Medicaid State Plan and other non-Medicaid funded community-based programs to support the participant's home and community-based needs.

Case management involves working with the participant, the participant's legal guardian, and/or their authorized representative and others who the participant identifies, such as immediate family member(s), in developing a PCSP. Using a person-centered planning process, case managers assist in identifying and implementing support strategies to enable the PCSP to advance the participant's identified goals while meeting assessed community-based needs, using waiver-funded and non-waiver funded services. Support strategies incorporate: the principles of empowerment, community inclusion, health and safety assurances, and the use of formal, informal, and community supports. Case managers adhere to person-centered principles during all planning, coordination, and monitoring activities.

Case managers work closely with the participant to assess the participant's needs, outcomes, services, available resources, and overall satisfaction with SCL services and processes. Case managers assure that participants have freedom of choice of providers in a conflict-free environment. Case management must be conflict-free and the case manager or its agency cannot provide other waiver services to the participant while also providing case management.

Case management activities include face-to-face, virtual, telephonic, and other methods of communication to provide coordination and oversight, which assure the following:

- Provision of education to support participant's service delivery model selection between traditional, PDS, and blended services;
- Conflict-free options counseling to select appropriate services to meet identified needs and HCBS goals, along with education about available HCBS service providers;
- The desires and needs of the participant are determined through a person-centered planning process;
- The development and/or review of the PCSP, including monitoring of the effectiveness of the PCSP to advance person-centered goals and objectives and respond to changes in participant goals and objectives;
- The coordination of multiple services and/or among multiple providers;
- Linking waiver participants to services that support their home and community-based needs;
- Monitoring the implementation of the PCSP, participant health and welfare, and corrective action plans (CAP);
- Addressing problems in service provision;
- Implementing participant crisis mitigation plans and making appropriate referrals to address active or potential crisis;
- Detecting, reporting, and mitigating suspected abuse, neglect, and exploitation of participants, including adherence to mandatory reporter laws, and monitoring the quality of the supports and services; and,
- Assisting participant in developing and coordinating access to social networks to promote community inclusion as requested by the participant.
- Assess the quality of services, safety of services, and cost effectiveness of services being provided to a participant in order to ensure that implementation of the participant's person-centered service plan is successful and done so in a way that is efficient regarding the participant's financial assets and benefits.

Activities are documented, and plans for supports and services are reviewed by the case manager at least annually and more often as needed using the person-centered planning processes described in Appendix D.

Case managers have a role in monitoring and assisting participants who choose to self-direct their services.

Appendix E describes the waiver's participant self-direction program. Case managers with participants who use the PDS option have the following responsibilities, in addition to those listed above in this definition:

- Facilitate self-assessment of participant's support needs related to employer authority;
- Arrange or provide necessary support to participants as identified in the self-assessment, to offer needed assistance to execute employer authority;
- Monitor the participant's execution of employer authority and document any identified risks, challenges, and outcomes;
- The development and/or review of the PCSP, including monitoring of the effectiveness of the PCSP to advance person-centered goals and objectives and respond to changes in participant goals and objectives;
- Support selection and provide on-going coordination between the participant and the chosen FMA; and,
- Monitoring of corrective action plans (CAP).

This service may be provided in person or virtually via telehealth. Telehealth services may be provided under specific circumstances as described in regulation. In person services must be provided whenever possible and at minimum at least every other month. Participation in services via telehealth should be wanted by the participant, person-centered, meaningful and advance established goals. Participants who are offered telehealth by the provider

have the right to request in-person services instead. DMS will support individuals who need assistance with technology required for telehealth services through the case manager. Case managers will use the Person-Centered Service Plan to determine appropriate use of technology for the participant and when appropriate will connect participants with trainings. Based on the Person-Centered Service Plan, telehealth use will be driven by participant needs and desires.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

This service is limited to one unit per participant, per calendar month.

Service Delivery Method *(check each that applies):*

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by *(check each that applies):*

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Certified Waiver Case Management Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Case Management

Provider Category:

Agency

Provider Type:

Certified Waiver Case Management Provider

Provider Qualifications

License *(specify):*

Certificate *(specify):*

Certified by the Department or its designee

Other Standard *(specify):*

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency case management staff who come into direct contact with waiver participants must have been hired before November 11, 2023 or meet the following qualifications:

- Bachelor's degree in Social Work/Human Services or related field; OR
- Bachelor's degree in any field not closely related AND one year of human services related experience; OR
- *An associate degree in a behavioral science, social science, or a closely related field AND two years human services related experience*; OR
- Three years of human services related experience

Relevant fields of study may include:

- Social Work
- Psychology
- Rehabilitation
- Nursing
- Counseling
- Education
- Gerontology
- Human Services
- Sociology

Relevant experience may include:

- Experience as a case manager or in a related human services field
- Certified Nursing Assistant experience
- Certified Medical Assistant experience
- Certified Home Health Aide experience
- Personal Care Assistant experience
- Paid professional experience with aging and/or disabled populations or programs as a Case Manager, a Rehabilitation Specialist or Health Specialist, and/or Social Services Coordinator
- Assessment and care planning experience with clients
- Experience in working directly with persons with intellectual, developmental, or other types of disabilities or mental illness.

Work providing assistance to individuals and groups with issue such as economically disadvantaged, employment, abuse and neglect, substance abuse, aging, disabilities, prevention, health, cultural

o A licensed clinical social worker, licensed family and marriage therapist, licensed professional clinical counselor, a certified psychologist, licensed psychological associate, licensed psychological practitioner, or certified psychologist with autonomous functioning who has at least two years of experience working with individuals with an intellectual or developmental disability; or

- Is a registered nurse; or
- Is a licensed clinical social worker, licensed marriage and family therapist, licensed professional clinical counselor, licensed psychologist, or licensed psychological practitioner.
- Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Completes Department-approved case management training.

• Has the ability to:

- o Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's family;
- o Read, understand, and implement written and oral instructions;
- o Perform required documentation;
- o Facilitate the participant's person-centered team; and
- o Demonstrates competence and knowledge of topics required to safely support the participant as described in the participant's PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.

If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently if necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Statutory Service

Service:

Education

Alternate Service Title (if any):

Consultative Clinical and Therapeutic - Nutritional Services

HCBS Taxonomy:

Category 1:

17 Other Services

Sub-Category 1:

17990 other

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Nutrition services means a nutritional assessment and intervention for participants who are identified as being at nutritional risk and includes development of a nutrition care plan, including appropriate means of nutrition intervention (i.e., nutrition required, feeding modality, nutrition education, and nutrition counseling). Service provides expertise, training, and technical assistance to improve the ability of paid and unpaid caregivers to carry out nutritional interventions. Through this service, a professional may complete an assessment of the participant, the environment, and the system of supports, develop a home treatment plan to facilitate improvement, maintain skills or to prevent decline, provide recommendations and participate in development/revision of components of a participant's person-centered service plan.

This service is provided by licensed or certified professionals in nutrition or dietary services, The service may include consultation, training, and technical assistance to carry out the plan and monitoring of the participant and the provider in the implementation of the plan. This service may be delivered in the participant's home and in the community as described in the service plan. Participation is expected at Person-centered service plan meeting which is not a separate billable service. This service may also include direct monitoring of implementation of the home treatment/support plan.

The person-centered service plan shall specify the scope of nutrition services that are needed and shall identify the type of professional(s) required. These services are limited to additional services not otherwise covered under the state plan, including EPSDT, but consistent with waiver objectives of avoiding institutionalization. These services may not supplant educational services available under the IDEA (20 U.S.C. 1401 et seq.)

This service may be provided in person or virtually via telehealth. Telehealth services may be provided under specific circumstances as described in regulation. In person services must be provided whenever possible and at minimum at least every other month. Participation in services via telehealth should be wanted by the participant, person-centered, meaningful and advance established goals. Participants who are offered telehealth by the provider have the right to request in-person services instead. DMS will support individuals who need assistance with technology required for telehealth services through the case manager. Case managers will use the Person-Centered Service Plan to determine appropriate use of technology for the participant and when appropriate will connect participants with trainings. Based on the Person-Centered Service Plan, telehealth use will be driven by participant needs and desires.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Unit is 15 minutes
 Limited to 160 units per year in combination with Consultative Clinical and Therapeutic Services – Psychological Services and Consultative Clinical and Therapeutic Services – Positive Behavior Supports

Service Delivery Method *(check each that applies):*

- Participant-directed as specified in Appendix E**
- Provider managed**

Specify whether the service may be provided by *(check each that applies):*

- Legally Responsible Person**
- Relative**
- Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	Certified Waiver Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Consultative Clinical and Therapeutic - Nutritional Services

Provider Category:

Agency

Provider Type:

Certified Waiver Provider

Provider Qualifications

License (specify):

Certificate (specify):

Certified by the Department or its designee

Other Standard (specify):

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency staff who come into direct contact with waiver participants must meet the following qualifications:

- Individuals providing Consultative and Clinical Therapeutic – Nutritional Services must be one of the following:
 - o Certified nutritionist as defined in KRS 310.005(12); or
 - o Licensed dietitian as defined in KRS 310.005(11).
- Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant in the participant’s preferred manner of communication and with the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Facilitate the participant’s person-centered team; and
- Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant’s PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.
- If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently if necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Statutory Service

Service:

Clinic Services

Alternate Service Title (if any):

Consultative Clinical and Therapeutic - Psychological Services

HCBS Taxonomy:

Category 1:

11 Other Health and Therapeutic Services

Sub-Category 1:

11130 other therapies

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Consultative Clinical and Therapeutic - Psychological Services include evaluation, psychotherapy, consultation, and behavioral treatment. This service provides expertise, training, and technical assistance to improve the ability of paid and unpaid caregivers to carry out therapeutic interventions. Through this service, a professional may complete an assessment of the participant, the environment and the system of supports, develop a home treatment plan to facilitate improvement, maintain skills or to prevent decline, provide recommendations and participate in development/revision of components of a participant's person-centered service plan. Participants may need this service to coordinate program wide support addressing assessed needs, conditions or symptoms affecting their ability to fully participate in their community.

This service is provided by licensed or certified professionals in psychology or counseling.

This service may be delivered in the participant's home and in the community as described in the service plan.

Participation is expected at person-centered service plan meeting which is not a separate billable service.

The person-centered service plan shall specify the scope of psychological services that are needed and shall identify the type of professional(s) required.

These services are limited to additional services not otherwise covered under the state plan, including EPSDT, but consistent with waiver objectives of avoiding institutionalization.

These services may not supplant educational services available under the IDEA (20 U.S.C. 1401 et seq.)

This service may be provided in person or virtually via telehealth. Telehealth services may be provided under specific circumstances as described in regulation. In person services must be provided whenever possible and at minimum at least every other month. Participation in services via telehealth should be wanted by the participant, person-centered, meaningful and advance established goals. Participants who are offered telehealth by the provider have the right to request in-person services instead. DMS will support individuals who need assistance with technology required for telehealth services through the case manager. Case managers will use the Person-Centered Service Plan to determine appropriate use of technology for the participant and when appropriate will connect participants with trainings. Based on the Person-Centered Service Plan, telehealth use will be driven by participant needs and desires.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Unit is 15 minutes

Limited to 160 units per year in combination with Consultative Clinical and Therapeutic Services – Positive Behavior Supports and Consultative Clinical and Therapeutic Services – Nutritional Services

Service Delivery Method *(check each that applies):*

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by *(check each that applies):*

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Certified Waiver Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Consultative Clinical and Therapeutic - Psychological Services

Provider Category:

Agency

Provider Type:

Certified Waiver Provider

Provider Qualifications

License (specify):

Certificate (specify):

Certified by the Department or its designee

Other Standard (specify):

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency staff who come into direct contact with waiver participants must meet the following qualifications:

- Individuals providing Consultative and Clinical Therapeutic Services – Psychological Services must be one of the following:
 - o Certified psychologist as defined in 201 KAR Chapter 26;
 - o Certified psychologist with autonomous functioning as defined in KRS 319.056;
 - o Certified school psychologist as defined in 16 KAR 2:090;
 - o Licensed psychological practitioner as defined in KRS 319.053;
 - o Licensed clinical social worker as defined in KRS 335.100;
 - o Licensed marriage and family therapist as defined in KRS 335.300(2);
 - o Licensed professional clinical counselor as defined in KRS 335.500(3);
 - o Licensed psychological associate in accordance with KRS 319.010(6), and 201 KAR Chapter 26; or
 - o Licensed psychologist as defined in KRA 319.010(6) and 201 KAR Chapter 206
- Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant in the participant’s preferred manner of communication and with the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Facilitate the participant’s person-centered team; and
- Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant’s PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.
- If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently if necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Statutory Service

Service:

Psychosocial Rehabilitation

Alternate Service Title (if any):

Consultative Clinical and Therapeutic Services - Positive Behavior Supports

HCBS Taxonomy:

Category 1:

17 Other Services

Sub-Category 1:

17990 other

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Consultative Clinical and Therapeutic Services – Positive Behavior Supports provides expertise, training and technical assistance to improve the ability of paid and unpaid caregivers to carry out therapeutic interventions. Through this service, a professional may complete a functional assessment of the participant, the environment and the system of supports, provide recommendations and participate in development/revision of components of a participant's person-centered service plan. Participants may need this service to coordinate program wide support addressing assessed needs, conditions or symptoms affecting their ability to fully participate in their community. This service is provided by licensed or certified professionals in psychology, behavior analysis or counseling, or a positive behavior specialist.

This service may also include direct monitoring of individual and provider in the implementation of the home treatment/positive behavior support plan.

The person-centered service plan shall specify the scope of Consultative Clinical and Therapeutic Services - Positive Behavior Support services that are needed and shall identify the type of professional(s) required.

These services are limited to additional services not otherwise covered under the state plan, including EPSDT, but consistent with waiver objectives of avoiding institutionalization.

These services may not supplant educational services available under the IDEA (20 U.S.C. 1401 et seq.)

This service may be provided in person or virtually via telehealth. Telehealth services may be provided under specific circumstances as described in regulation. In person services must be provided whenever possible and at minimum at least every other month. Participation in services via telehealth should be wanted by the participant, person-centered, meaningful and advance established goals. Participants who are offered telehealth by the provider have the right to request in-person services instead. DMS will support individuals who need assistance with technology required for telehealth services through the case manager. Case managers will use the Person-Centered Service Plan to determine appropriate use of technology for the participant and when appropriate will connect participants with trainings. Based on the Person-Centered Service Plan, telehealth use will be driven by participant needs and desires.

Person Centered Coach

Person-Centered coach means a person who:

- (a) Is responsible for coaching paid and unpaid natural supports to carry out therapeutic interventions established by the licensed or certified professional within the Consultative, Clinical and Therapeutic services (CCT). This coach will be utilized when barriers challenge the success of the participant in achieving his or her person centered service plan goals.
- (b) Models person-centered thinking
- (c) Assists the Positive Behavior Support Specialist or other licensed professional and participant in setting new CCT goals and guides the individual and their team through the steps to achieve the goal by implementing interventions and applying skills learned in a clinical setting.
- (d) Has a high school diploma or GED and two years of experience in the ID/DD field or 12 hours of college coursework in a human services field
- (e) Meets all personnel and training requirements
- (f) Performs documentation necessary to facilitate compliance with documentation requirements

Person-centered coaching shall:

1. Be provided by a person-centered coach who shall:

- a. Work under the direction of a positive behavior support specialist or other licensed professional and in the settings where the person-centered service plan is implemented; and
- b. Meet the personnel and training requirements specified in Section 3 of this administrative regulation.

3. Include:

- a. The provision of training developed in conjunction with the Positive Behavior Support Specialist or other licensed professional from the Consultative, Clinical and Therapeutic services, to the paid and unpaid natural supports on implementation of therapeutic interventions and applying skills to achieve goals identified in the participant's person-centered service plan;
- b. Monitoring the effectiveness of progress toward clinical and therapeutic goals as demonstrated by the support system's implementation of the interventions and individuals use of skills across the array of service settings and reporting of required and pertinent data; and
- c. Data collection that shall be utilized by the CCT and participant's person-centered team to modify the environment, clinical and therapeutic goals and person-centered service plan as needed;

- 4. Not duplicate case management or any other service
- 5. Not supplant an educational service available under the Individuals with Disabilities Education Act (20 U.S.C. 101 et seq.); and
- 6. Be limited to 1,320 fifteen (15) minute units per year.
 - (b) Person-centered coaching shall be outcome-based with a plan for the gradual withdrawal of the services.
 - (c) A person-centered coach shall not be considered as part of a staffing ratio, plan, or pattern.
 - (d) Documentation of a person-centered coaching service shall be entered in the MWMA and shall include:
 - 1. A note documenting each contact, which shall include:
 - a. A full description of each service rendered;
 - b. The date of the service;
 - c. The location of the service;
 - d. The beginning and ending time of the service;
 - e. The signature and title of the person-centered coach providing the service; and
 - f. The date the entry was made in the record; and
 - 2. A completed monthly summary note, which shall include:
 - a. The month and year for the time period the note covers;
 - b. A summary of the service provided including recommendations and identification of additional support needs if any exist;
 - c. The signature and title of the individual completing the note;
 - d. The date the note was written; and
 - e. The signature, title, and date of review of documentation by the positive behavior specialist or other licensed professional directing the work of the person-centered coach

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Unit is 15 minutes
 Limited to 160 units per year in combination with Consultative Clinical and Therapeutic Services – Psychological Services and Consultative Clinical and Therapeutic Services – Nutritional Services

Person Centered Coach

Person Centered Coach is limited to one hundred sixty (160) units per week in combination with other services. One unit of service is fifteen (15) minutes.

Service Delivery Method *(check each that applies):*

- Participant-directed as specified in Appendix E**
- Provider managed**

Specify whether the service may be provided by *(check each that applies):*

- Legally Responsible Person**
- Relative**
- Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	Certified Waiver Provider
Agency	Person Centered Coach

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Consultative Clinical and Therapeutic Services - Positive Behavior Supports

Provider Category:

Agency

Provider Type:

Certified Waiver Provider

Provider Qualifications

License (specify):

Certificate (specify):

Certified by the Department or its designee

Other Standard (specify):

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency staff who come into direct contact with waiver participants must meet the following qualifications:

- Individuals providing Consultative and Clinical Therapeutic Services – Positive Behavior Supports must be one of the following:
 - o Licensed behavior analyst as defined in KRS 319C.101(6);
 - o Certified psychologist as defined in 207 KAR Chapter 26;
 - o Certified psychologist with autonomous functioning as defined in KRS 319.056;
 - o Certified school psychologist as defined in 16 KAR 2:090;
 - o Licensed clinical social worker as defined in KRS 335.100;
 - o Licensed marriage and family therapist as defined in KRS 335.300(2);
 - o Licensed professional clinical counselor as defined in KRS 335.500(3);
 - o Licensed psychological practitioner as defined in KRS 319.053;
 - o Licensed psychologist as defined in KRS 319.101(6) and 201 KAR Chapter 206; or
 - o Positive Behavior Specialist as defined in 907 KAR 12:010.
- Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant in the participant’s preferred manner of communication and with the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Facilitate the participant’s person-centered team; and
- Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant’s PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.
- If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently if necessary

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Consultative Clinical and Therapeutic Services - Positive Behavior Supports

Provider Category:

Agency

Provider Type:

Person Centered Coach

Provider Qualifications

License (*specify*):

Certificate (*specify*):

Certified by the Department or its designee

Other Standard (*specify*):

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency staff who come into direct contact with waiver participants must meet the following qualifications:

- Be at least eighteen (18) years of age; and
- Has high school diploma or GED; and
 - o Two (2) years of experience in the field of intellectual or developmental disabilities; or
 - o Completed twelve (12) hours of college coursework in a human services field;
- Complete Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant and the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Participate as a member of the participant’s person-centered team if requested by the participant; and
 - o Demonstrate competence and knowledge of topics required to safely support the participant as described in the PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.

If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two (2) years or more frequently if necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Statutory Service

Service:

Day Habilitation

Alternate Service Title (if any):

Day Training

HCBS Taxonomy:

Category 1:

Sub-Category 1:

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Day Training (DT) services are intended to support the participation of people in daily, meaningful, routines of the community, which for adults may include work-like settings that do not meet the definition of supported employment. DT services stress training in the activities of daily living, self-advocacy, adaptive and social skills and are age and culturally appropriate. The training, activities, and routines established shall not be diversional in nature but rather, shall be meaningful to the person, shall provide an appropriate level of variation and interest, and shall assist the person to achieve personally chosen outcomes which are documented in the person-centered service plan (PCSP).

DT services can be provided at a fixed location, or in community settings. Services lead to the acquisition, improvement, and/or retention of skills and abilities to prepare the person for work and/or community building or transition from school to adult responsibilities and community integration.

These services are limited to additional services not otherwise covered under the state plan, including EPSDT, but consistent with waiver objectives of avoiding institutionalization. These services may not supplant educational services available under the IDEA (20 U.S.C. 1401 et seq.).

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

15 minute units. Day Training is limited to 160 units per week alone or in combination with Supported Employment.

Any combination of day training, community access, personal assistance, or any hours of paid community employment or on-site supported employment service, shall not exceed sixteen (16) hours per day.

Service Delivery Method (check each that applies):

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by (check each that applies):

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Certified Waiver Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Day Training

Provider Category:

Agency

Provider Type:

Certified Waiver Provider

Provider Qualifications

License (specify):

Certificate (specify):

Certified by the Department or its designee

Other Standard (specify):

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency staff who come into direct contact with waiver participants must meet the following qualifications:

- Eighteen (18) years old and has a high school diploma or GED;
- Complete Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant and the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Participate as a member of the participant’s person-centered team if requested by the participant; and
 - o Demonstrate competence and knowledge of topics required to safely support the participant as described in the PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.
- If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently if necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Statutory Service

Service:

Personal Care

Alternate Service Title (if any):

Personal Assistance

HCBS Taxonomy:

Category 1:

08 Home-Based Services

Sub-Category 1:

08030 personal care

Category 2:

Sub-Category 2:

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Category 3:

Sub-Category 3:

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Category 4:

Sub-Category 4:

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Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Personal assistance services enable waiver participants to accomplish tasks that they normally would do for themselves if they did not have a disability. This assistance may include hands-on assistance (actually performing a task for the person), reminding, observing, guiding, and/or training a waiver participant in ADLs (such as bathing, dressing, toileting, transferring, maintaining continence) and IADLs (more complex life activities such as personal hygiene, light housework, laundry, meal planning and preparation, transportation, grocery shopping, using the telephone, money management, and medication administration). This service may also include assisting the waiver participant in managing his/her medical care including making medical appointments, and accompanying the waiver participant during medical appointments. Transportation to access community services, activities and appointments shall not duplicate State plan transportation services.

Personal assistance services take place in the waiver participant’s home, and in the community as appropriate to the participant’s need.

Personal assistance services are provided to a person with a one-to-one staff to participant ratio provided, and are available only to a waiver participant who lives in his /her own residence or in his/her family residence. Personal assistance supports are not available to any waiver participant receiving paid residential supports.

Personal assistance services are not available to participants under the age of 21 when medically necessary personal assistance services are covered by EPSDT. These services are limited to additional services not otherwise covered under the state plan, including EPSDT, but consistent with waiver objectives of avoiding institutionalization.

Personal assistance services may not supplant educational services available under the IDEA (20 U.S.C. 1401 et seq.).

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Unit of service: 15 minutes
 Any combination of day training, community access, personal assistance, or any hours of paid community employment or on-site supported employment service, shall not exceed sixteen (16) hours per day.

Service Delivery Method (check each that applies):

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by (check each that applies):

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Certified Waiver Provider
Individual	Qualified Participant Approved Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service
Service Name: Personal Assistance

Provider Category:

Agency

Provider Type:

Certified Waiver Provider

Provider Qualifications

License (specify):

Certificate (specify):

Certified by the Department or its designee

Other Standard (specify):

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency staff who come into direct contact with waiver participants must meet the following qualifications:

- Be at least eighteen (18) years of age; and
- Complete Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant and the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Participate as a member of the participant’s person-centered team if requested by the participant; and
 - o Demonstrate competence and knowledge of topics required to safely support the participant as described in the PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.

If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently if necessary

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Personal Assistance

Provider Category:

Individual

Provider Type:

Qualified Participant Approved Provider

Provider Qualifications

License (*specify*):

Certificate (*specify*):

Other Standard (*specify*):

Individuals who come into direct contact with waiver participants must meet the following qualifications:

- Be at least eighteen (18) years of age; and
- Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant in the participant’s preferred manner of communication and with the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Participate as a member of the participant’s person-centered team if requested by the participant;
 - o Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant’s PCSP; and
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

Case Manager

Frequency of Verification:

Prior to Service Delivery

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Statutory Service

Service:

Residential Habilitation

Alternate Service Title (if any):

Residential Support Level I

HCBS Taxonomy:

Category 1:

02 Round-the-Clock Services

Sub-Category 1:

02011 group living, residential habilitation

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Level I Residential Supports are targeted for people who require 24-hour intense level of support and are individually tailored supports that assist with the acquisition, retention, or improvement in skills related to living in the community. These supports include adaptive skill development, assistance with activities of daily living, community inclusion, adult educational supports, social and leisure skill development, that assist the participant to reside in the most integrated setting appropriate to his/her needs. Residential services also include protective oversight and supervision, transportation, personal assistance and the provision of medical and health care services that are integral to meeting the daily needs of residents.

Residential support may include the provision of up to five (5) unsupervised hours per day per person as identified in the person- centered service plan (PCSP) to promote increased independence which shall be based on the individual needs of a person as determined with the person-centered team and reflected in the PCSP. Unsupervised hours are based upon the PCSP developed in the person-centered planning process. Those who cannot safely be unsupervised would not be unsupervised. The supports required for each participant will be outlined in their PCSP, which includes a Crisis Prevention Plan.

For each participant approved for any unsupervised time, a safety plan will be created based upon their assessed needs. The case manager, as well as other team members, will ensure the participant is able to implement the safety plan. On-going monitoring of the safety plan, procedures or assistive devices required would be conducted by the case manager to ensure relevance, ability to implement and functionality of devices if required.

If a participant experiences a change in support needs or status, adjustments in Residential Services shall be made to meet the support needs. If changes are anticipated to be chronic (lasting more than 3 months), the residential provider may request reassessment to determine if needs have changed. Any increase in funding based on assessed needs shall be used for provision of additional supports as outlined in a revised PCSP. The residential provider is responsible for informing DDID once the person has returned to previous status so that Residential Service Level can return to previous status. When Residential services are authorized for a participant, the determination of the level is based on information from the participant’s Supports Intensity Scale (SIS), a screening tool to measure health risk, and approved PCSP.

The agency providing residential supports is responsible to arrange for or provide transportation between the participant's place of residence and other service sites and community locations.

Payment is not made for the cost of room and board, including the cost of building maintenance, upkeep and improvement. The method by which the costs of room and board are excluded from payment for Residential Services is specified in Appendix J.

Level I Residential supports are furnished in a provider owned residence with variable rates based on three or fewer persons in the residence; vs. four or more persons in the residence. Cameras are prohibited in bedrooms and bathrooms. Provider owned or leased residences where residential services are furnished must be compliant with the Americans with Disabilities Act based on the needs of the persons supported.

These services are limited to additional services not otherwise covered under the state plan, including EPSDT, but consistent with waiver objectives of avoiding institutionalization.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

There is a separate rate for residential provided to more than 3 persons in one location.

Service Delivery Method *(check each that applies):*

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by *(check each that applies):*

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Licensed Group Home Provider

Provider Category	Provider Type Title
Agency	Certified Residential Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service
Service Name: Residential Support Level I

Provider Category:

Agency

Provider Type:

Licensed Group Home Provider

Provider Qualifications

License (specify):

By OIG 902 KAR 20:078

Certificate (specify):

Certified by the Department or its designee

Other Standard (specify):

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency staff who come into direct contact with waiver participants must meet the following qualifications:

- Be at least eighteen (18) years of age; and
- Complete Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant and the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Participate as a member of the participant’s person-centered team if requested by the participant; and
 - o Demonstrate competence and knowledge of topics required to safely support the participant as described in the PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.

If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

OIG
 The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently if necessary

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Residential Support Level I

Provider Category:

Agency

Provider Type:

Certified Residential Provider

Provider Qualifications

License (*specify*):

Certificate (*specify*):

Certified by the Department or its designee

Other Standard (*specify*):

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency staff who come into direct contact with waiver participants must meet the following qualifications:

- Be at least eighteen (18) years of age; and
- Complete Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant and the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Participate as a member of the participant’s person-centered team if requested by the participant; and
 - o Demonstrate competence and knowledge of topics required to safely support the participant as described in the PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.

If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently if necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Statutory Service

Service:

Respite

Alternate Service Title (if any):

HCBS Taxonomy:

Category 1:

09 Caregiver Support

Sub-Category 1:

09011 respite, out-of-home

Category 2:

09 Caregiver Support

Sub-Category 2:

09012 respite, in-home

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Respite Services are provided to waiver participants who are unable to independently care for themselves. Respite services are provided on a short-term basis due to the absence of or need for relief of the primary caregiver.

Respite may be provided in a variety of settings including the participant’s own home, a private residence or other SCL certified residential setting. Receipt of respite care does not preclude a participant from receiving other services on the same day. For example, a participant may receive day services (such as supported employment, day training, personal assistance, community access, etc.) on the same day as he/she receives respite care as long as the services are not provided at the same time.

A provider may not use another person’s bedroom or another person’s belongings in order to provide respite for a different person. Respite care may not be furnished for the purpose of compensating relief or substitute staff for a waiver residential level 1 service. The costs of such staff are met from payments for the waiver residential level 1 service.

These services may not supplant educational services available under the IDEA (20 U.S.C. 1401 et seq.).

Respite services are available to participants accessing Residential services through a Family Home Provider (FHP) or an Adult Foster Care (AFC).

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Unit of service: 15 minutes
 Limited to 830 hours per year
 Service is not available to participants receiving Residential Support Level I.

Service Delivery Method *(check each that applies):*

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by *(check each that applies):*

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Individual	Qualified Participant Approved Provider
Agency	Certified Waiver Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Respite

Provider Category:

Individual

Provider Type:

Qualified Participant Approved Provider

Provider Qualifications

License *(specify):*

[Empty text box]

Certificate (specify):

[Empty text box]

Other Standard (specify):

Individuals who come into direct contact with waiver participants must meet the following qualifications:

- Be at least eighteen (18) years of age; and
- Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant in the participant’s preferred manner of communication and with the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Participate as a member of the participant’s person-centered team if requested by the participant;
 - o Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant’s PCSP; and
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle

Verification of Provider Qualifications

Entity Responsible for Verification:

Case Manager

Frequency of Verification:

Prior to Service Delivery

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Respite

Provider Category:

Agency

Provider Type:

Certified Waiver Provider

Provider Qualifications

License (specify):

[Empty text box]

Certificate (specify):

Certified by the Department or its designee

Other Standard (specify):

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency staff who come into direct contact with waiver participants must meet the following qualifications:

- Be at least eighteen (18) years of age; and
- Complete Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant and the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Participate as a member of the participant’s person-centered team if requested by the participant; and
 - o Demonstrate competence and knowledge of topics required to safely support the participant as described in the PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.

If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently if necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Statutory Service

Service:

Live-in Caregiver (42 CFR §441.303(f)(8))

Alternate Service Title (if any):

Shared Living

HCBS Taxonomy:

Category 1:

Sub-Category 1:

02 Round-the-Clock Services

02023 shared living, other

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

This service is designed as an alternative to residential services and allows a person to live in their own home with a housemate/live-in caregiver to provide some of their supports. The caregiver may provide overnight supervision and necessary personal assistance or may provide assistance during waking hours depending on the need of the person. Persons receiving shared living service may also receive other approved waiver services.

Caregiver living expenses are the portion of the room and board that may be reasonably attributed to a live-in caregiver who also provides some unpaid assistance with the acquisition, retention, or improvement in skills related to activities of daily living, such as personal grooming and cleanliness, and household chores, eating and the preparation of food, supervision required for safety and the social and adaptive skills necessary to enable the participant to reside safely and comfortably in his or her own home. The service must be provided to an enrollee, living in his or her own home and the live-in caregiver must reside in the same home. For purposes of this service, "food" includes three meals a day. If two waiver recipients choose to live together in a home, they may share a live in caregiver.

Allowable Activities:

- Under Medicaid and § 1634 and SSI criteria rules, in order for the payment not to be considered income to the recipient, payment for the portion of the costs of rent and food attributable to an unrelated live-in personal caregiver must be routed through the provider specifically for the reimbursement of the waiver participant
- Room and board for the unrelated live-in caregiver (who is not receiving any other financial reimbursement for the provision of this service)
- Room: shelter type expenses including all property related costs such as rental or purchase of real estate and furnishings, maintenance, utilities and related administrative services
- Board: three meals a day or other full nutritional regimen
- Unrelated: unrelated by blood or marriage to any degree including a parent, grandparent, spouse, child, stepchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, sibling, brother-in-law, sister-in-law, or grandchild.
 - Caregiver: An individual providing service determined by a person-centered process and documented in the person-centered service plan to meet the physical, social or emotional needs of the participant receiving services.

Service Standards:

- Room and board for an Unrelated Live-in Caregiver should be reflected in the prior approved person-centered service plan for the participants, or in the case of a live-in caregiver providing support to two participants, the person-centered service plan for each will be taken into consideration in determining the total amount of room and board.
- Services must address needs identified in the person-centered planning process and be outlined in the person-centered service plan and specified in contractual agreement between the waiver recipient(s) and the live-in caregiver.
- Services must complement other services the participant receives and enhance increasing independence for the participant
- The person-centered planning team will decide and assure that the individual who will serve as a live-in caregiver has the experience, skills, training and knowledge appropriate to the participant and the type of support needed

Documentation Standards:

Room and board documentation for the Unrelated Live-in Caregiver must:

- Be identified in the Service Plan and specified in contractual agreement between the waiver recipient and live-in caregiver.
- Include documentation of how amount of Room and board expenditure was determined
- Show receipt that funds were paid to the live-in caregiver
- Include a monthly summary note that indicates services were provided according to the person-centered service plan.

Payment will not be made when the SCL participant lives in the caregiver's home or in a residence that is owned or leased by the provider of Medicaid services.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Not exceed \$726.00 per month

Service Delivery Method (*check each that applies*):

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by (*check each that applies*):

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Individual	Qualified Participant Approved Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Shared Living

Provider Category:

Individual

Provider Type:

Qualified Participant Approved Provider

Provider Qualifications

License (specify):

Certificate (specify):

Other Standard (specify):

Individuals who come into direct contact with waiver participants must meet the following qualifications:

- Be at least eighteen (18) years of age; and
- Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant in the participant’s preferred manner of communication and with the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Participate as a member of the participant’s person-centered team if requested by the participant;
 - o Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant’s PCSP; and
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

Case Manager

Frequency of Verification:

Prior to Service Delivery

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Statutory Service

Service:

Supported Employment

Alternate Service Title (if any):

HCBS Taxonomy:

Category 1:

03 Supported Employment

Sub-Category 1:

03010 job development

Category 2:

03 Supported Employment

Sub-Category 2:

03021 ongoing supported employment, individual

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Supported employment is paid, competitive employment at or above minimum wage for an SCL recipient who has demonstrated an inability to gain and maintain traditional employment. Supported Employment occurs in a variety of integrated business environments. Phases of Supported Employment include: Person-Centered Job Selection, Job Development, Job Acquisition with support and stabilization, Successful Placement, and Long Term Follow up.

Supported employment is a one-to-one service that shall be person specific.

Supported Employment must begin with Discovery (Person-Centered Job Selection), where job goal/features of desired employment are selected based on spending time with the person in non-standardized/non-testing situations to learn about the person's gifts, talents and support needs.

Person Centered Job Selection concludes with the completion of a "Person Centered Employment Plan" (PCEP).

Job development - job planning meetings and job analysis. The job planning meetings involve convening and networking with trusted people; matching job characteristics with job tasks and then with types of employers and finally with specific employers - mapping a way for effective job development. Job analysis is conducted to determine the culture of the business, possibilities for customized employment, how people typically learn their jobs, who teaches them and how long training typically takes. Job development may also focus on interviewing skills/interview support, resume development and assistance with filling out applications. Customized employment is essential to individualize the employment relationship between the employer and the supported employee in ways that meet the needs for both.

Job acquisition with Support and Stabilization begins with the actual acceptance of a position by the participant.

During this phase, the participant will receive training on how to perform the job tasks. Natural Supports available in the workplace should be developed and utilized from the beginning. Other training could include, but is not limited to the following: social interaction, medication scheduling, chain of command, documentation of time (timesheets, clocks) hygiene issues, mobility, conflict resolution, when and from whom it is appropriate to seek assistance, and personnel policies. Additional training in exploring transportation options, utilization and schedule may also be needed. These trainings can occur both on and off the job site. The training is beyond what is typically provided as part of supervision or training to employees. The expectation is for systemic fading of the Employment Specialist to begin as soon as possible without jeopardizing the person's job. Successful employment shall be when natural supports are relied on more fully and fading of the employment specialist from the worksite makes the person substantially responsible for their own performance in the workplace. Additionally, before successful employment can be determined there must be confirmation that the employee is functioning well at the job. Consideration should include not only the person's general satisfaction, but also the number of hours worked, performance of job duties and other basics, comfort level on the job, and interaction with coworkers and supervisors. Other less visual, but essential aspects of the job, which if unattended, could jeopardize the employee's future must also be considered.

The development of natural supports in the work environment is a critical role of the Employment Specialist during this phase and it may be necessary to write Impairment Related Work Expense (IRWE) plans or Plans for Achieving Self Support (PASS) for the employee or access other waiver services to address individualized needs. The expectation is for systemic fading of the Employment Specialist to begin as soon as possible without jeopardizing the job. The outcome of this service is sustained paid employment at or above the minimum wage in an integrated setting in the general workforce, in a job that meets personal and career goals.

Long Term Follow-up is support provided to maintain the job and continued success after the person is fully integrated into the workplace and the Employment Specialist is no longer needed at the job site on a regular basis.

The Employment Specialist must continue to be available, if and when needed for support or assistance with job changes/job advancements. Activities could include, but are not limited to the following: problem-solving, retraining, regular contact with employer, employee, family, co-workers, other SCL staff and reassessment of an employee with regard to career changes or position upgrades. During this phase the Employment Specialist is required to make the number of contacts per month necessary for the person to maintain employment.

Services do not include services that are available under Section 110 of the Rehabilitation Act of 1973 (or, in the case of youth, under the provisions of IDEA, (20 U.S.C.1401 et seq.). The state will determine that such services are not available to the participant before authorizing their provision as a waiver service. Documentation that services are not otherwise available is maintained in the file of each participant receiving this service.

Waiver funding is not available for the provision of Supported Employment services (e.g., sheltered work performed in a facility) where participants are supervised in producing goods or performing services under contract to third parties.

Transportation provided through Supported Employment service is included in the cost of doing business and incorporated in the administrative overhead cost.

These services may not supplant educational services available under the IDEA (20 U.S.C. 1401 et seq.).

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Unit of service:15 minutes
 For SCL Person Centered Job Selection funding, the participant may access up to 120 units
 For SCL Job Development Services, the participant and their employment specialist may access up to 90 units.
 For SCL Job Acquisition and Stabilization Services, the participant and their SE Specialist may access up to 800 units
 For SCL Long-Term Employment Supports, the participant and their SE Specialist may access up to twenty-four (24) units of SE per month
 Any combination of day training, community access, personal assistance, or any hours of paid community employment or on-site supported employment service, shall not exceed sixteen (16) hours per day.

Service Delivery Method (check each that applies):

- Participant-directed as specified in Appendix E
- Provider managed

Specify whether the service may be provided by (check each that applies):

- Legally Responsible Person
- Relative
- Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Individual	Qualified Participant Approved Provider
Agency	Certified Waiver Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service
Service Name: Supported Employment

Provider Category:

Individual

Provider Type:

Qualified Participant Approved Provider

Provider Qualifications

License (specify):

[Empty text box for license specification]

Certificate (specify):

[Empty text box for certificate specification]

Other Standard (specify):

Individuals who come into direct contact with waiver participants must meet the following qualifications:

- Be at least eighteen (18) years of age;
- and
- Be previously qualified or credentialed to provide supported employment services; or
- Have at least a bachelor’s degree from an accredited college or university and one (1) year of experience in the field of developmental disabilities; or
- Have at least one (1) year of experience in the field of intellectual or developmental disabilities; and
- Has completed a department approved credential within one (1) year of application while providing supported employment services under the direct supervision of a qualified supported employment specialist; and
- Sequentially completes the Kentucky Supported Employment Training Project curriculum from the Human Development Institute at the University of Kentucky within eight (8) months of the date of employment as an employment specialist.
- Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant in the participant’s preferred manner of communication and with the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Participate as a member of the participant’s person-centered team if requested by the participant;
 - o Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant’s PCSP; and
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

Case Manager

Frequency of Verification:

Prior to Service Delivery

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Supported Employment

Provider Category:

Agency

Provider Type:

Certified Waiver Provider

Provider Qualifications

License (specify):

Certificate (specify):

Certified by the Department or its designee

Other Standard (specify):

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency staff who come into direct contact with waiver participants must meet the following qualifications:

- Be at least eighteen (18) years of age; and
- Have at least one (1) year of experience in the field of intellectual or developmental disabilities; and
- Has completed a department approved credential within one (1) year of application while providing supported employment services under the direct supervision of a qualified supported employment specialist; and
- Sequentially completes the Kentucky Supported Employment Training Project curriculum from the Human Development Institute at the University of Kentucky within eight (8) months of the date of employment as an employment specialist.
- Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant in the participant’s preferred manner of communication and with the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Participate as a member of the participant’s person-centered team if requested by the participant;
 - o Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant’s PCSP; and
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently is necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Supports for Participant Direction

The waiver provides for participant direction of services as specified in Appendix E. Indicate whether the waiver includes the following supports or other supports for participant direction.

Support for Participant Direction:

Financial Management Services

Alternate Service Title (if any):

HCBS Taxonomy:

Category 1:

12 Services Supporting Self-Direction

Sub-Category 1:

12010 financial management services in support of self-direction

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Management and direction of funds in the participant's approved person-centered service plan. The provider shall perform the employer responsibilities of payroll processing which includes issuance of paychecks, withholding federal, state and local tax, making tax payments to the appropriate tax authorities, and issuance of W-2 forms. The provider shall be responsible for performing all fiscal accounting procedures including issuance of expenditure reports to the participant, their representative, the case manager and the Department for Medicaid Services. The provider shall maintain a separate account for each participant while continually tracking and reporting funds and the service limits used. The provider shall process and pay for invoices for all participant-directed services approved in the participant's person-centered service plan. FMS is a required service for participants that elect to direct any service.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Fiscal Management is defined as a fifteen (15) minute unit and limited to eight (8) units per participant per calendar month. Financial management services are limited to participants who opt to participant direct some or all of their non-medical services and apply only to participant-directed services.

Service Delivery Method (check each that applies):

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by (check each that applies):

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Certified Waiver Provider
Agency	Community Mental Health Center
Agency	Area Development District

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Supports for Participant Direction

Service Name: Financial Management Services

Provider Category:

Agency

Provider Type:

Certified Waiver Provider

Provider Qualifications

License (specify):

Certificate (specify):

Certified by the Department or its designee

Other Standard (specify):

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency staff who come into direct contact with waiver participants must meet the following qualifications:

- Be at least eighteen (18) years of age.
- Have a high school diploma or GED.
- Has at least one (1) year experience with fiscal accounting, tax withholding, and/or expenditure reports

Complete Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma informed care, and person-centered thinking.

Has the ability to:

- Communicate effectively with a participant and the participant’s family;
 - Read, understand, and implement written and oral instructions;
 - Perform required documentation;
 - Participate as a member of the participant’s person-centered team if requested by the participant; and
 - Demonstrate competence and knowledge of topics required to safely support the participant as described in the PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
Is certified in CPR and First Aid.
If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

DMS or its designee

Frequency of Verification:

Initially and every two (2) years or more frequently if necessary

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Supports for Participant Direction

Service Name: Financial Management Services

Provider Category:

Agency

Provider Type:

Community Mental Health Center

Provider Qualifications

License (specify):

By OIG 902 KAR 20:091

Certificate (specify):

Certified by the Department or its designee

Other Standard (specify):

Community Mental Health Centers are quasi-governmental agencies operating throughout the Commonwealth of Kentucky. These organizations were established by state law, specifying the manner of governance, organization, staffing and areas of responsibility
 KRS 210.370 to 210.480 CMHCs
 CMHCs have a designated region within the state to which their services are mandated and limited.

To provide Medicaid waiver services, quasi-governmental agencies must be enrolled as a Kentucky Medicaid provider in accordance with Kentucky regulations, receive training approved by the Department for Medicaid Services on financial management responsibilities and be subject to regular oversight and monitoring, including on-site monitoring, by the Department for Medicaid Services.
 All standards are identified in program regulations and services manual.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two (2) years or more frequently if necessary

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Supports for Participant Direction

Service Name: Financial Management Services

Provider Category:

Agency

Provider Type:

Area Development District

Provider Qualifications

License (specify):

Certificate (specify):

Certified by the Department or its designee

Other Standard (specify):

Area Development Districts are quasi-governmental agencies operating throughout the Commonwealth of Kentucky. These organizations were established by state law, specifying the manner of governance, organization, staffing and areas of responsibility
 KRS 147A.050 to 147A.110 Area Development Districts
 Area Development Districts have a designated region within the state to which their services are mandated and limited.

To provide Medicaid waiver services, quasi-governmental agencies must be enrolled as a Kentucky Medicaid provider in accordance with Kentucky regulations, receive training approved by the Department for Medicaid Services on financial management responsibilities and be subject to regular oversight and monitoring, including on-site monitoring, by the Department for Medicaid Services.

All standards are identified in program regulations and services manual.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two (2) years or more frequently if necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Community Access

HCBS Taxonomy:

Category 1:

04 Day Services

Sub-Category 1:

04070 community integration

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Community Access services are designed to support a person to participate in an active community life. This services stresses providing supports to assist the person in acquiring, retaining, and improving skills related to building a strong community driven life, through interdependence with community members and friends. Community Access services should strive to build supportive relationships with unpaid natural community supports in order to support the person to be fully involved in the life of the community, and in order to reduce their dependence on paid service driven relationships.

They are provided outside the person’s home or family home. These services may occur during the day, in the evenings and on weekends. Community Access services may not duplicate residential or other day habilitation services or authorized therapies. Considering the preferences of the person/family, the planning team recommends the content, location(s), and mode(s) of learning that will best meet the needs of each person.

Community Access services are provided to a person with a one-to-one staff to participant ratio and shall take place in an integrated community setting. Community Access is an impact service and should decrease in need as the person becomes more independent in accessing and becoming a part of the community.

While the service is typically provided 1:1, planning team may authorize 1 staff for a small group of no more than 2 on case-by-case basis.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Unit of service: 15 minutes
 Any combination of day training, community access, personal assistance, or any hours of paid community employment or on-site supported employment service, shall not exceed sixteen (16) hours per day.

Service Delivery Method *(check each that applies):*

- Participant-directed as specified in Appendix E**
- Provider managed**

Specify whether the service may be provided by *(check each that applies):*

- Legally Responsible Person**
- Relative**
- Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Individual	Qualified Participant Approved Provider
Agency	Certified Waiver Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Community Access

Provider Category:

Individual

Provider Type:

Qualified Participant Approved Provider

Provider Qualifications

License *(specify):*

Certificate *(specify):*

Other Standard *(specify):*

Individuals who come into direct contact with waiver participants must meet the following qualifications:

- Be at least eighteen (18) years of age; and
- Has completed a department approved credential within one (1) year of application while providing community access services under the direct supervision of a qualified community access specialist.
- Complete Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant and the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Participate as a member of the participant’s person-centered team if requested by the participant; and
 - o Demonstrate competence and knowledge of topics required to safely support the participant as described in the PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.

If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

Case Manager

Frequency of Verification:

Prior to Service Delivery

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service

Service Name: Community Access

Provider Category:

Agency

Provider Type:

Certified Waiver Provider

Provider Qualifications

License *(specify):*

Certificate *(specify):*

Certified by the Department or its designee

Other Standard *(specify):*

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency staff who come into direct contact with waiver participants must meet the following qualifications:

- Be at least eighteen (18) years of age; and
- Has completed a department approved credential within one (1) year of application while providing community access services under the direct supervision of a qualified community access specialist.
- Complete Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant and the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Participate as a member of the participant’s person-centered team if requested by the participant; and
 - o Demonstrate competence and knowledge of topics required to safely support the participant as described in the PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.

If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently is necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Community Guide

HCBS Taxonomy:

Category 1:

12 Services Supporting Self-Direction

Sub-Category 1:

12020 information and assistance in support of self-direction

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Community Guide services are designed to empower participants to define and direct their own services and supports. These services are only for participants who select the participant-directed service delivery model for some or all of their services. The participant determines the amount of Community Guide services, if any, and the specific services that the Community Guide will provide. Community Guide Services include direct assistance to persons in brokering community resources and in meeting their participant-directed responsibilities. Community Guides provide information and assistance that help the person in problem-solving and decision-making and in developing supportive community relationships and other resources that promote the implementation of the person-centered service plan (PCSP).

The Community Guide service includes providing information to ensure the participant understands the responsibilities of directing his or her services. The exact direct assistance provided by the Community Guide in meeting participant-directed responsibilities depends on the participant's needs of the person and may include assistance with recruiting, hiring, training, managing, evaluating, and changing employees, scheduling and outlining the duties of employees, participating in development of the person-centered service plan, understanding provider qualifications, record keeping, and other requirements.

Community Guide services do not duplicate Case Management services. The specific Community Guide services to be received by a participant are specified in the PCSP. Community Guide services must be authorized prior to service delivery and at least annually in conjunction with the PCSP and with any PCSP revisions. Community Guide services may be delivered by any qualified, willing, and able provider of participant-directed services.

Limitations:

- Community Guides may not provide other direct waiver services to any waiver participant.
- Community Guides may not be employed by an agency that provides other direct waiver services including Case Management.
- Community Guide agencies cannot provide Case Management services.
- A person serving as a representative for a waiver participant receiving participant-directed services is not eligible to be a Community Guide for that person.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Unit of service: 15 minutes
 Limit: 576 units per year
 Community Guides may not provide other direct waiver services, including Case Management, to the same waiver participant.
 A person serving as a representative for a waiver participant receiving participant-directed services is not eligible to be a Community Guide for that person.

Service Delivery Method *(check each that applies):*

- Participant-directed as specified in Appendix E**
- Provider managed**

Specify whether the service may be provided by *(check each that applies):*

- Legally Responsible Person**
- Relative**
- Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Individual	Qualified Participant Approved Provider
Agency	Certified Waiver Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Community Guide

Provider Category:

Individual

Provider Type:

Qualified Participant Approved Provider

Provider Qualifications

License *(specify):*

Certificate *(specify):*

Other Standard *(specify):*

Individuals who come into direct contact with waiver participants must meet the following qualifications:

- Has a bachelor’s degree in a human services field from an accredited college or university; or
- A bachelor’s degree in any other field from an accredited college or university plus at least one (1) year of experience in the field of intellectual or developmental disability; or
- Experience in the field of intellectual or developmental disabilities that will substitute for the educational requirements stated in 907 KAR 12:010.
- Completes a community guide training curriculum approved by DDID within six (6) months of being employed by the first participant supported
- Complete Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking
- Has the ability to:
 - o Communicate effectively with a participant in the participant’s preferred manner of communication and with the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Facilitate the participant’s person-centered team; and
 - o Demonstrates competence and knowledge of topics required to safely support the participant as described in the participant’s PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.

If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

Case Manager

Frequency of Verification:

Prior to Service Delivery

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service

Service Name: Community Guide

Provider Category:

Agency

Provider Type:

Certified Waiver Provider

Provider Qualifications

License (specify):

Certificate (specify):

Certified by the Department or its designee

Other Standard (specify):

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency staff who come into direct contact with waiver participants must meet the following qualifications:

Individuals who come into direct contact with waiver participants must meet the following qualifications:

- Has a bachelor’s degree in a human services field from an accredited college or university; or
- A bachelor’s degree in any other field from an accredited college or university plus at least one (1) year of experience in the field of intellectual or developmental disability; or
- Experience in the field of intellectual or developmental disabilities that will substitute for the educational requirements stated in 907 KAR 12:010.
- Completes a community guide training curriculum approved by DDID within six (6) months of being employed by the first participant supported
- Complete Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking
- Has the ability to:
 - o Communicate effectively with a participant in the participant’s preferred manner of communication and with the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Facilitate the participant’s person-centered team; and
 - o Demonstrates competence and knowledge of topics required to safely support the participant as described in the participant’s PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.

If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently is necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Community Transition

HCBS Taxonomy:

Category 1:

16 Community Transition Services

Sub-Category 1:

16010 community transition services

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Community Transitions Services are non-recurring set-up expenses for individuals who are transitioning from an institutional or another provider-operated living arrangement to a living arrangement in a private residence where the person is directly responsible for his or her own living expenses. Allowable expenses are those necessary to enable a person to establish a basic household that do not constitute room and board and may include: (a) security deposits that are required to obtain a lease on an apartment or home; (b) essential household furnishings and moving expense required to occupy and use a community domicile, including furniture, window coverings, food preparation items, and bed/bath linens; (c) set-up fees or deposits for utility or service access, including telephone, electricity, heating and water; (d) services necessary for the individuals health and safety such as pest eradication and one-time cleaning prior to occupancy; (e) moving expenses; (f) necessary home accessibility adaptations; (g) activities to assess need, arrange for and procure needed resources; and (h) caregiver training. Community Transition Services are furnished only to the extent that they are reasonable and necessary as determined through the person centered plan of care development process, clearly identified in the person centered plan of care and the person is unable to meet such expense or when the services cannot be obtained from other sources. Community Transition Services do not include monthly rental or mortgage expense; food, regular utility charges; and/or household appliances or items that are intended for purely diversional/recreational purposes.

When Community Transition Services are furnished to individuals returning to the community from a Medicaid institutional setting through entrance to the waiver, the costs of such services are considered to be incurred and billable when the person leaves the institutional setting and enters the waiver. The individual must be reasonably expected to be eligible for and to enroll in the waiver. If for any unforeseen reason, the individual does not enroll in the waiver (e.g., due to death or a significant change in condition), transitional services may be billed to Medicaid as an administrative cost.

Community Transition Services may not be used to pay for furnishing living arrangements that are owned or leased by a waiver provider where the provision of these items and services are inherent to the service they are already providing.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Community Transition Services are limited to one time set-up expenses. Shall not exceed \$2,420 per qualified transition.

Service Delivery Method *(check each that applies):*

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by *(check each that applies):*

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Certified Waiver Case Management Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service

Service Name: Community Transition

Provider Category:

Agency

Provider Type:

Certified Waiver Case Management Provider

Provider Qualifications

License *(specify):*

Certificate *(specify):*

Certified by the Department or its designee

Other Standard *(specify):*

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency case management staff who come into direct contact with waiver participants must have been hired before November 11, 2023 or meet the following qualifications:

- Bachelor's degree in Social Work/Human Services or related field; OR
- Bachelor's degree in any field not closely related AND one year of human services related experience; OR
- *An associate degree in a behavioral science, social science, or a closely related field AND two years human services related experience*; OR
- Three years of human services related experience

Relevant fields of study may include:

- Social Work
- Psychology
- Rehabilitation
- Nursing
- Counseling
- Education
- Gerontology
- Human Services
- Sociology

Relevant experience may include:

- Experience as a case manager or in a related human services field
- Certified Nursing Assistant experience
- Certified Medical Assistant experience
- Certified Home Health Aide experience
- Personal Care Assistant experience
- Paid professional experience with aging and/or disabled populations or programs as a Case Manager, a Rehabilitation Specialist or Health Specialist, and/or Social Services Coordinator
- Assessment and care planning experience with clients
- Experience in working directly with persons with intellectual, developmental, or other types of disabilities or mental illness.

Work providing assistance to individuals and groups with issue such as economically disadvantaged, employment, abuse and neglect, substance abuse, aging, disabilities, prevention, health, cultural

o A licensed clinical social worker, licensed family and marriage therapist, licensed professional clinical counselor, a certified psychologist, licensed psychological associate, licensed psychological practitioner, or certified psychologist with autonomous functioning who has at least two years of experience working with individuals with an intellectual or developmental disability; or

- Is a registered nurse; or
- Is a licensed clinical social worker, licensed marriage and family therapist, licensed professional clinical counselor, licensed psychologist, or licensed psychological practitioner.
- Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Completes Department-approved case management training.
- Has the ability to:
 - o Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Facilitate the participant's person-centered team; and
 - o Demonstrates competence and knowledge of topics required to safely support the participant as described in the participant's PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.

If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently is necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Environmental Accessibility Adaptation Services

HCBS Taxonomy:

Category 1:

14 Equipment, Technology, and Modifications

Sub-Category 1:

14020 home and/or vehicle accessibility adaptations

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Environmental Accessibility Adaptation services consist of adaptations which are designed to enable participants to interact more independently with their environment thus enhancing their quality of life and reducing their dependence on physical support from others. Environmental Accessibility Adaptation Services consist of physical adaptations to a home rented, leased, or owned by the waiver participant or the participant’s family which are necessary to ensure the health, welfare and safety of the participant, or which enable the participant to function with greater independence in the home. Such adaptations consist of the installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, or installation of specialized electric and plumbing systems which are necessary to accommodate the medical equipment and supplies necessary for the welfare of the waiver participant, but exclude those adaptations or improvements to the home which are not of direct medical or remedial benefit to the participant, such as carpeting, roof repair, central air conditioning, etc. Adaptations that add to the total square footage of the home are excluded from this benefit except when necessary to complete an adaptation (e.g., in order to improve entrance/egress to a residence or to configure a bathroom to accommodate a wheelchair). All services shall be provided in accordance with applicable state and local building codes.

Environmental Accessibility Adaptation services will not be approved for homes that are provider owned. Environmental Accessibility Adaptation services must be authorized prior to service delivery by the operating agency at least annually in conjunction with the Service Plan development and with any revisions. These services are limited to additional services not otherwise covered under the state plan, including EPSDT, but consistent with waiver objectives of avoiding institutionalization.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Lifetime limit of \$9,680.00

Service Delivery Method (check each that applies):

- Participant-directed as specified in Appendix E
- Provider managed

Specify whether the service may be provided by (check each that applies):

- Legally Responsible Person
- Relative
- Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Certified Waiver Case Management Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service

Service Name: Environmental Accessibility Adaptation Services

Provider Category:

Agency

Provider Type:

Certified Waiver Case Management Provider

Provider Qualifications

License (specify):

Certificate (specify):

Certified by the Department or its designee

Other Standard (*specify*):

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency case management staff who come into direct contact with waiver participants must have been hired before November 11, 2023 or meet the following qualifications:

- Bachelor's degree in Social Work/Human Services or related field; OR
- Bachelor's degree in any field not closely related AND one year of human services related experience; OR
- *An associate degree in a behavioral science, social science, or a closely related field AND two years human services related experience*; OR
- Three years of human services related experience

Relevant fields of study may include:

- Social Work
- Psychology
- Rehabilitation
- Nursing
- Counseling
- Education
- Gerontology
- Human Services
- Sociology

Relevant experience may include:

- Experience as a case manager or in a related human services field
- Certified Nursing Assistant experience
- Certified Medical Assistant experience
- Certified Home Health Aide experience
- Personal Care Assistant experience
- Paid professional experience with aging and/or disabled populations or programs as a Case Manager, a Rehabilitation Specialist or Health Specialist, and/or Social Services Coordinator
- Assessment and care planning experience with clients
- Experience in working directly with persons with intellectual, developmental, or other types of disabilities or mental illness.

Work providing assistance to individuals and groups with issue such as economically disadvantaged, employment, abuse and neglect, substance abuse, aging, disabilities, prevention, health, cultural

o A licensed clinical social worker, licensed family and marriage therapist, licensed professional clinical counselor, a certified psychologist, licensed psychological associate, licensed psychological practitioner, or certified psychologist with autonomous functioning who has at least two years of experience working with individuals with an intellectual or developmental disability; or

- Is a registered nurse; or
- Is a licensed clinical social worker, licensed marriage and family therapist, licensed professional clinical counselor, licensed psychologist, or licensed psychological practitioner.
- Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Completes Department-approved case management training.
- Has the ability to:
 - o Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Facilitate the participant's person-centered team; and
 - o Demonstrates competence and knowledge of topics required to safely support the participant as described in the participant's PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.

If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently if necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Goods and Services

HCBS Taxonomy:

Category 1:

14 Equipment, Technology, and Modifications

Sub-Category 1:

14031 equipment and technology

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Goods and Services are services, equipment or supplies that are individualized to the person who chooses to self-direct their services. Goods and services may be utilized to reduce the need for personal care or to enhance independence within the home or community of the person. These services are not otherwise provided through the Medicaid State Plan but address an identified need in the person-centered service plan (including improving and maintaining the participant’s opportunities for full membership in the community) and meet the following requirements: the item or service would decrease the need for other Medicaid services; AND/OR promote inclusion in the community; AND/OR increase the participant’s safety in the home environment; AND, the participant does not have the funds to purchase the item or service or the item or service is not available through another source. Goods and Services must be prior authorized. Experimental or prohibited treatments are excluded. The specific goods and services provided under Goods and Services must be clearly linked to a participant need that has been identified through Supports Intensity Scale (SIS) assessment and documented in the participant’s PCSP. Goods and services purchased under this coverage may not circumvent other restrictions on waiver services, including the prohibition against claiming for the costs of room and board. The person/representative must submit a request to the Case Manager for the goods or service to be purchased that will include the supplier/vendor name and identifying information and the cost of the service/goods. A paid invoice or receipts that provide clear evidence of the purchase must be on file in the participant’s records to support all goods and services purchased. Authorization for these services requires case manager documentation that specifies how the Goods and Services meet the above-specified criteria for these services. An individual serving as the representative of a waiver participant for whom the goods and service are being purchased is not eligible to be a provider of Goods and Services. The Financial Manager, a Medicaid enrolled provider, makes direct payments to the specified vendor. These services are limited to additional services not otherwise covered under the state plan, including EPSDT, but consistent with waiver objectives of avoiding institutionalization.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

\$2,178 per one (1) year authorized PCSP period

Service Delivery Method (check each that applies):

- Participant-directed as specified in Appendix E
- Provider managed

Specify whether the service may be provided by (check each that applies):

- Legally Responsible Person
- Relative
- Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Individual	Individual Vendor
Agency	Qualified service provider and/or subcontracting for Individual Goods and Services

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Goods and Services

Provider Category:

Individual

Provider Type:

Individual Vendor

Provider Qualifications

License (specify):

Applicable business license as required by the local, city, or county government in which the service is provided.

Certificate (specify):

Other Standard (specify):

An individual who works for a member or a representative of the member self-directing the service with common law authority.

Must have employees providing services that:

Have an applicable business license for goods or services provided

Understands and agrees to comply with the participant directed services and goods delivery requirements.

Verification of Provider Qualifications

Entity Responsible for Verification:

Case Manager

Frequency of Verification:

Prior to Service Delivery

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service

Service Name: Goods and Services

Provider Category:

Agency

Provider Type:

Qualified service provider and/or subcontracting for Individual Goods and Services

Provider Qualifications

License (specify):

Applicable business license as required by the local, city, or county government in which the service is provided.

Certificate (specify):

Other Standard (specify):

A qualified provider designated to either reimburse the individual for the procurement of individual goods and services, or for providing the requested goods and services is responsible for meeting the qualified provider requirements.

Verification of Provider Qualifications

Entity Responsible for Verification:

Case Manager

Frequency of Verification:

Prior to Service Delivery

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Natural Supports Training

HCBS Taxonomy:

Category 1:

09 Caregiver Support

Sub-Category 1:

09020 caregiver counseling and/or training

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Natural Supports Training Services (NST) provides training and education to individuals who provide unpaid support, training, companionship or supervision to participants for the purpose of accomplishing or improving provision of supports. For purposes of this service, individual is defined as any person, family member, neighbor, friend, companion, or co-worker who provides uncompensated care, training, guidance, companionship or support to a person served on the waiver. This service may not be provided in order to train paid caregivers. Training includes instruction about treatment regimens and other services specified in the person-centered Service Plan (PCSP) and includes updates as necessary to support the participant. NST Services include the costs of registration and training fees associated with formal instruction in areas relevant to participant needs identified in the PCSP. Natural Supports Training Services do not include the costs of travel, meals and overnight lodging to attend a training event or conference. All training for individuals who provide unpaid support to the participant must be included in the participant’s PCSP.

Natural Supports Training Services do not include services reimbursable by any other source. NST Services must not be duplicative of any education or training provided through Adult Physical Therapy Services, Adult Occupational Therapy Services, Adult Speech and Language Therapy Services, or Behavioral Supports Consultation Services. Natural Supports Training Services may not occur simultaneously with Adult Physical Therapy Services, Adult Occupational Therapy Services, Adult Speech and Language Therapy Services, or Behavioral Supports Consultation Services. An individual serving as a representative for a waiver participant in self-directed services is not eligible to be a participant-directed individual provider of Natural Supports Training Services.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

\$1,210 per year

Service Delivery Method *(check each that applies):*

- Participant-directed as specified in Appendix E
- Provider managed

Specify whether the service may be provided by *(check each that applies):*

- Legally Responsible Person
- Relative
- Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Individual	Independent Contractor

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Natural Supports Training

Provider Category:

Individual

Provider Type:

Independent Contractor

Provider Qualifications

License *(specify):*

Certificate (*specify*):

Other Standard (*specify*):

Verification of Provider Qualifications

Entity Responsible for Verification:

Frequency of Verification:

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

HCBS Taxonomy:

Category 1:

Sub-Category 1:

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (*Scope*):

Positive Behavior Supports is a service to assist the participant with significant, intensive challenges that interfere with activities of daily living, social interaction, work, or volunteer situations. These services provide for the utilization of data collected during the functional assessment of behavior: this is the basis for development of a positive behavior support plan for the acquisition or maintenance of skills for community living and behavioral intervention for the reduction of maladaptive behaviors. The plan is intended to be implemented across service settings and by individuals assisting the participant in meeting their dreams and goals. Intervention modalities described in plans must relate to the identified behavioral needs of the participant, and specific criteria for remediation of the behavior must be established and specified in the plan. The need for the plan shall be evaluated at least annually and revisions made as needed. It is expected that need for this service will be reduced over time as a participant’s skills develop.

Prior authorization is required prior to the commencement of services. Revisions to the positive behavior support plan may be covered through the service consultative clinical and therapeutic services when recommended by the planning team and approved by the prior authorization authority.

These services are provided by professionals with at least a Master’s degree in behavioral science and one (1) year of experience in behavioral programming in addition to one (1) years of direct experience with individuals with intellectual or developmental disabilities. Completion of state approved trainings is also mandatory.

These services are limited to additional services not otherwise covered under the state plan, including EPSDT, but consistent with waiver objectives of avoiding institutionalization.

These services may not supplant educational services available under the IDEA (20 U.S.C. 1401 et seq.).

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Unit of service is one item (Positive Behavior Support Plan) and is reimbursed at a standard fixed rate.

Service Delivery Method (*check each that applies*):

- Participant-directed as specified in Appendix E**
- Provider managed**

Specify whether the service may be provided by (*check each that applies*):

- Legally Responsible Person**
- Relative**
- Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	Certified Waiver Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Positive Behavior Supports

Provider Category:

Agency

Provider Type:

Certified Waiver Provider

Provider Qualifications

License *(specify):*

Certificate *(specify):*

Certified by the Department or its designee

Other Standard *(specify):*

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency staff who come into direct contact with waiver participants must meet the following qualifications:

Individuals providing Positive Behavior Supports must:

- Have at least a Master's degree in a behavioral science and one (1) year experience in behavioral programming; and
- Have one (1) year of direct service experience with individuals with intellectual or developmental disabilities; and completes at least six (6) hours per year of professional development or continuing education in the areas of psychology, behavioral supports, applied behavioral science, or school psychology
- Complete Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant and the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Participate as a member of the participant’s person-centered team if requested by the participant; and
 - o Demonstrate competence and knowledge of topics required to safely support the participant as described in the PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.

If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently is necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Residential Support Level II

HCBS Taxonomy:

Category 1:

02 Round-the-Clock Services

Sub-Category 1:

02011 group living, residential habilitation

Category 2:

02 Round-the-Clock Services

Sub-Category 2:

02031 in-home residential habilitation

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Level II Residential supports are furnished in a non-provider owned residence with variable rates based on required hours of support. Level II Residential Supports are targeted for people who require up to twenty-four (24) hours a day of support and are individually tailored supports that assist with the acquisition, retention, or improvement in skills related to living in the community. These supports include adaptive skill development, assistance with activities of daily living, community inclusion, adult educational supports, social and leisure skill development, that assist the person to reside in the most integrated setting appropriate to his/her needs. Residential services also include protective oversight and supervision, transportation, personal assistance and the provision of medical and health care services that are integral to meeting the daily needs of the recipients. Residential Level II provides support up to twenty-four (24) hours a day service; therefore, if a participant experiences a change in support needs or status, adjustments in Residential Services shall be made to meet the support needs. If changes are anticipated to be chronic (lasting more than 3 months), the residential provider may request reassessment to determine if needs have changed as reflected in a revised PCSP. Any increase in funding based on assessed needs shall be used for provision of additional supports. The residential provider is responsible for informing DDID once the person has returned to previous status so that Residential Level can return to previous status. When Residential services are authorized for a participant, the determination of the level is based on information from the participant's Supports Intensity Scale (SIS), health screen, and approved PCSP.

Limited to three or fewer people receiving public funding residing in the home.
 All adult individuals in the home are required to complete first aid, CPR, crisis, and medication administration training, and meet background check requirements in order to be alone with a waiver participant.
 The agency providing residential supports is responsible to arrange for or provide transportation between the participant's place of residence and other service sites and community locations.
 Payment is not made for the cost of room and board, including the cost of building maintenance, upkeep and improvement. The method by which the costs of room and board are excluded from payment for Residential Services is specified in Appendix J.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Service Delivery Method *(check each that applies):*

- Participant-directed as specified in Appendix E**
- Provider managed**

Specify whether the service may be provided by *(check each that applies):*

- Legally Responsible Person**
- Relative**
- Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	Certified Waiver Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Residential Support Level II

Provider Category:

Agency

Provider Type:

Certified Waiver Provider

Provider Qualifications

License *(specify):*

Certificate *(specify):*

Certified by the Department or its designee

Other Standard *(specify):*

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency staff who come into direct contact with waiver participants must meet the following qualifications:

- Be at least eighteen (18) years of age; and has a high school diploma or GED; or
- Twenty-one (21) years old; and
- Complete Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant and the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Participate as a member of the participant’s person-centered team if requested by the participant; and
 - o Demonstrate competence and knowledge of topics required to safely support the participant as described in the PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.

If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and at least every two years or more frequently if necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Specialized Medical Equipment and Supplies

HCBS Taxonomy:

Category 1:

14 Equipment, Technology, and Modifications

Sub-Category 1:

14031 equipment and technology

Category 2:

14 Equipment, Technology, and Modifications

Sub-Category 2:

14032 supplies

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Specialized Medical Equipment and Supplies consists of devices, controls or appliances specified in the person-centered service plan, which are necessary to ensure the health, welfare and safety of the participant or which enable the person to function with greater independence in the home. Services may also consist of assessment or training needed to assist waiver participants with mobility, seating, bathing, transferring, security or other skills such as operating a wheelchair, locks, doors openers or side lyres. Equipment consists of computers necessary for operating communication devices, scanning communicators, speech amplifiers, control switches, electronic control units, wheelchairs, locks, door openers, or side lyres. These services also consist of customizing a device to meet a waiver participant’s needs.

Supplies consist of food supplements, special clothing, adult protective briefs, bed wetting protective chucks, and other authorized supplies that are specified in the person-centered service plan. Ancillary supplies necessary for the proper functioning of approved devices are also included in this service.

When equipment and supply needs are covered under State Plan services such as but not limited to Durable Medical Equipment (DME), EPSDT, Orthotics and Prosthetics and Hearing Services programs, the equipment and supplies must be accessed through these programs to the extent the need can be met. All items covered through these programs must be requested through the respective programs.

The need for specialized medical equipment and supplies must be identified in the PCSP and must be recommended by a qualified rehabilitation technician or engineer, occupational therapist, physical therapist, augmented communication therapist or other qualified therapist whose signature also verifies the type of specialized equipment or supply that is necessary to meet the participant’s need. Specialized Medical Equipment and Supplies must be authorized prior to service delivery by the operating agency in conjunction with the annual PCSP or an amended PCSP.

These services are limited to additional services not otherwise covered under the state plan, including EPSDT, but consistent with waiver objectives of avoiding institutionalization.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

No Limit

Service Delivery Method (check each that applies):

- Participant-directed as specified in Appendix E
- Provider managed

Specify whether the service may be provided by (check each that applies):

- Legally Responsible Person
- Relative
- Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Certified Waiver Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service

Service Name: Specialized Medical Equipment and Supplies

Provider Category:

Agency

Provider Type:

Certified Waiver Provider

Provider Qualifications

License (specify):

[Empty text box for license specification]

Certificate (specify):

Certified by the Department or its designee

Other Standard (specify):

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency case management staff who come into direct contact with waiver participants must meet the following qualifications:

- Is an individual who has a bachelor’s in a human services field such as psychology, sociology, social work, rehabilitation counseling, or occupational therapy, meets all applicable requirements of his or her particular field, and is supervised by:
 - o An SCL intellectual disability professional;
 - o A licensed clinical social worker, licensed family and marriage therapist, licensed professional clinical counselor, a certified psychologist, licensed psychological associate, licensed psychological practitioner, or certified psychologist with autonomous functioning who has at least two years of experience working with individuals with an intellectual or developmental disability; or
- Is a registered nurse; or
- Is a licensed clinical social worker, licensed marriage and family therapist, licensed professional clinical counselor, licensed psychologist, or licensed psychological practitioner.
- Completes Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Completes Department-approved case management training.
- Has the ability to:
 - o Communicate effectively with a participant in the participant’s preferred manner of communication and with the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Facilitate the participant’s person-centered team; and
 - o Demonstrates competence and knowledge of topics required to safely support the participant as described in the participant’s PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.

If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently if necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Technology Assisted Residential

HCBS Taxonomy:

Category 1:

02 Round-the-Clock Services

Sub-Category 1:

02011 group living, residential habilitation

Category 2:

02 Round-the-Clock Services

Sub-Category 2:

02031 in-home residential habilitation

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Technology assisted (TA) residential supports are targeted for people who require up to twenty-four (24) hour support but are able to increase their independence with reduced need for onsite staff. The use of technology is to assist the participant to reside in the most integrated setting appropriate to his/her needs as determined with the team in the PCSP. TA Residential support must also include, to the extent required, protective oversight and supervision, transportation, personal assistance, and the provision for or arrangement for necessary medical and health care services that are integral to meeting the daily needs of recipient. The intent of this service is to increase independence without undue risk to a person's health and safety. Careful consideration must be given regarding a person's medical, behavioral and psychiatric condition(s) when considering this service.

Use of available technology to reduce the need for residential staff support in the home may be utilized if there is an individualized plan developed to promote increased independence based on the individual needs as determined by the Supports Intensity Scale (SIS), A Screening Tool to measure health risk, and the participant's circle of supports. The SIS would indicate how often the monitoring may be needed and an estimate of how much time during a 24 hour would be devoted to the monitoring. Because the SIS is designed to review life domains, typical of most folks living in the community, the tool would be able to validate whether the support needed is an actual person or technology. It would further offer information on frequency and daily support time required. A support team would have valuable information from the SIS to determine if a support could be provided via technology.

A screening tool to measure health risk is used to determine where a participant is likely to be most vulnerable in terms of the potential for health risks. It is understood that the greatest vulnerability to health risk is exhibited or experienced among those participants whose services are periodic or less intense than for someone who needs daily nursing care.

Technology assisted residential supports includes a communication system linking the waiver recipients home to a centralized monitoring station. This may include the use of electronic sensors, speakers and microphones, video cameras (not in bedrooms or bathrooms), smoke detectors, temperature detectors, and personal emergency response systems. These devices link each participant's home to remote staff that provides electronic support. The participant's privacy will be ensured through planning by the person-centered team and incorporated into their PCSP.

The residential provider must have a plan in place to ensure staff are available to be on site if needed twenty-four (24) hours a day seven (7) days a week and demonstrate the ability to respond timely to emergencies, and to assess the situation, and ensure health, safety and welfare. In the case of a true emergency the monitoring staff would utilize the 911 response system. A recipient who is able to live in a technology assisted environment shall be capable of calling 911 in an emergency. Provider staff should be able to respond on site for any situation that requires an on-site response. Technology supported assistance is not intended for a recipient who requires one to one hands-on assistance. This is intended for someone who may need reminders related to activities of daily living, or the security of staff either on site or remotely and have the ability to either call or use the computer button to alert staff to their needs.

Technology assisted Residential support is available up to 24 hours a day based on the participant's individual needs; therefore, if a participant experiences a change in support needs or status, the provider shall immediately adjust supervision (up to and including going on-site to the residence) to meet acute needs and shall reassess the appropriateness of these supports and adjustments shall be made to meet chronic support needs. If a participant receiving technology assisted residential has a change in support where they no longer require this communication system and are able to live more independently, the person-centered team should consider other service options including residential level II provided in the recipients own home or shared living.

The agency providing residential supports is responsible to ensure that all staff including remote monitoring staff are trained on each participant's individual programmatic and medical needs prior to providing the support. The supporting provider agency is responsible for monitoring remote supports. This varies depending on the individual and determined in the person-centered planning process. The residential supports provider agency is responsible for monitoring remote supports. The amount is determined by and varies depending on the individual and is determined in the person centered planning process. The agency is also required to arrange for or provide transportation between the participant's place of residence and other service sites and community locations.

Technology assisted residential supports are furnished in a provider owned residence or a person's home with no more than three persons receiving these supports in a residence. If this service is used for multiple participants in a home, it will be individualized based on their identified needs. Provider owned or leased residences where residential services are furnished must be compliant with the Americans with Disabilities Act based on the needs of the person supported.

Payment is not made for the cost of room and board, including the cost of building maintenance, upkeep and improvement. The method by which the costs of room and board are excluded from payment for Residential Services is specified in Appendix J. Payment is based on a per day rate that incorporates both remote and on-site monitoring as detailed in the person's service plan. Telehealth services are provided as part of this service. The

amount and frequency are determined by the person-centered plan. Staff conduct routine visits to the home to ensure the technology is functioning correctly and that the individual understands its operation. Use of technology enables the participant to be a part of the community in a more independent way, often without staff present but still readily available for support. All technology used is required to be HIPAA compliant.

Remote monitoring is a part of this service, the frequency and intensity is based on the person's needs and the person-centered service plan. This allows for individuals to be supported in the least restrictive setting while still ensuring health safety and welfare are monitored. The agency providing the technology assisted residential service works with the individual to learn the use of the technology used and is available for assistance as needed.

The participant/guardian works with the team to ensure expectations of privacy are met, through agreements regarding when the devices are turned on, where the devices are placed in the home etc. This agreement should be part of the person centered planning which occurs prior to implementation of the service. The amount and type of remote monitoring is determined based on the individual and their needs and their privacy. Some people will require more monitoring than others.

All technology assisted residential plans include an emergency back-up plan. This includes battery back-up, 24-hour staff availability, severe weather planning, a plan to go to a neighbor's home, or other types of intervention to ensure seamless monitoring in the event of an emergency. Initial planning and agreements prior to using the service will outline the monitoring system and detail the hours, or frequency the technology would be used. The participant (and guardian if applicable) and the agency providing the service would agree to the level of supervision the agency would provide. If the levels of supervision were to change the team would meet to discuss those changes and develop a new safety plan to address. This may be to decrease or increase the supervision provided. Over time, the participant may request additional alone (non-monitored) time, and the team would continue to provide support to meet those needs while ensuring safety.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Service Delivery Method *(check each that applies):*

- Participant-directed as specified in Appendix E**
- Provider managed**

Specify whether the service may be provided by *(check each that applies):*

- Legally Responsible Person**
- Relative**
- Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	Certified Waiver Provider

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Technology Assisted Residential

Provider Category:

Agency

Provider Type:

Certified Waiver Provider

Provider Qualifications

License *(specify):*

[Empty box]

Certificate (specify):

Certified by the Department or its designee

Other Standard (specify):

The agency must meet certified waiver provider qualifications as defined in 907 KAR 7:005 and 907 KAR 12:010.

Agency staff who come into direct contact with waiver participants must meet the following qualifications:

- Be at least eighteen (18) years of age; and has a high school diploma or GED; or
- Twenty-one (21) years old; and
- Complete Department-approved, waiver-specific training and is monitored for competency on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.
- Has the ability to:
 - o Communicate effectively with a participant and the participant’s family;
 - o Read, understand, and implement written and oral instructions;
 - o Perform required documentation;
 - o Participate as a member of the participant’s person-centered team if requested by the participant; and
 - o Demonstrate competence and knowledge of topics required to safely support the participant as described in the PCSP.
- Undergoes pre-employment screenings as described in C-2.a and b of this appendix.
- Is certified in CPR and First Aid.

If the employee provides transportation, the employee must be legally licensed to operate the transporting vehicle and obeys all applicable State laws while operating the vehicle.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department or its designee

Frequency of Verification:

Initially and every two years or more frequently is necessary

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Transportation

HCBS Taxonomy:

Category 1:

15 Non-Medical Transportation

Sub-Category 1:

15010 non-medical transportation

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Transportation Services enable waiver participants who choose to self-direct their services to gain access to waiver and other community services, activities, resources, and organizations typically utilized by the general population. Transportation services are only provided as independent waiver services when transportation is not otherwise available as an element of another waiver service. Whenever possible, family, neighbors, friends or community agencies, which can provide this service without charge, are to be utilized. Transportation services are not intended to replace available formal or informal transit options for participants. The need for Transportation services and the unavailability of other resources for transportation must be documented in the person-centered service plan (PCSP). Transportation Services exclude transportation to and from Community Access Services that entail activities and settings primarily utilized by people with disabilities. Persons receiving Residential Services are not eligible to receive participant-directed Transportation Services. Transportation services must be authorized prior to service delivery by the operating agency at least annually in conjunction with the service plan development and with any PCSP revisions.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

maximum of \$320.65 per month

Service Delivery Method (check each that applies):

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by (check each that applies):

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Individual	Licensed driver

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Transportation

Provider Category:

Individual

Provider Type:

Licensed driver

Provider Qualifications

License (specify):

Certificate (specify):

Other Standard (specify):

Driver must be at least 18 years of age and legally licensed to operate the transporting vehicle to which the individual is assigned or owns, and has proof of current liability insurance for the transporting vehicle.
 Driver must agree to or provide required documentation of criminal background check, and have the training or skills necessary to meet the participant's needs as demonstrated by documented prior experience or training on providing services to individuals with I/DD and in addressing any disability specific needs of the participant.

Verification of Provider Qualifications

Entity Responsible for Verification:

Case Manager

Frequency of Verification:

Prior to Service Delivery

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not

specified in statute.

Service Title:

Vehicle Adaptations

HCBS Taxonomy:

Category 1:

14 Equipment, Technology, and Modifications

Sub-Category 1:

14020 home and/or vehicle accessibility adaptations

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one :

Service is included in approved waiver. There is no change in service specifications.

Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

Service Definition (Scope):

Vehicle Adaptation services enable participants to interact more independently with their environment thus enhancing their quality of life and reducing their dependence on physical support from others. These adaptations are limited to a waiver participant's or his or her family's privately owned vehicle and include such things as a hydraulic lift, ramps, special seats and other interior modifications to allow for access into and out of the vehicle as well as safety while moving. SCL is the payer of last resort for vehicle adaptations. The need for Vehicle Adaptation must be documented in the person-centered service plan. Repair or replacement costs for vehicle adaptations of provider owned vehicles are not allowed. Vehicle adaptations will not be replaced in less than three years except in extenuating circumstances and authorized by the DMS. Vehicle Adaptation must be authorized prior to service delivery by the operating agency in conjunction with the person centered service plan and with any PCSP revisions.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Limited to \$7,260.00 per five (5) years per participant

Service Delivery Method (check each that applies):

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by (check each that applies):

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Individual	Independent Contractor

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service

Service Name: Vehicle Adaptations

Provider Category:

Individual

Provider Type:

Independent Contractor

Provider Qualifications

License (specify):

Certificate (specify):

Other Standard (specify):

Verification of Provider Qualifications

Entity Responsible for Verification:

Frequency of Verification:

Appendix C: Participant Services

C-1: Summary of Services Covered (2 of 2)

b. Provision of Case Management Services to Waiver Participants. Indicate how case management is furnished to waiver participants (*select one*):

Not applicable - Case management is not furnished as a distinct activity to waiver participants.

Applicable - Case management is furnished as a distinct activity to waiver participants.

Check each that applies:

As a waiver service defined in Appendix C-3. Do not complete item C-1-c.

As a Medicaid state plan service under §1915(i) of the Act (HCBS as a State Plan Option). Complete item C-1-c.

As a Medicaid state plan service under §1915(g)(1) of the Act (Targeted Case Management). Complete item

C-1-c.

As an administrative activity. *Complete item C-1-c.*

As a primary care case management system service under a concurrent managed care authority. *Complete item C-1-c.*

c. Delivery of Case Management Services. Specify the entity or entities that conduct case management functions on behalf of waiver participants:

Appendix C: Participant Services

C-2: General Service Specifications (1 of 3)

a. Criminal History and/or Background Investigations. Specify the state's policies concerning the conduct of criminal history and/or background investigations of individuals who provide waiver services (select one):

No. Criminal history and/or background investigations are not required.

Yes. Criminal history and/or background investigations are required.

Specify: (a) the types of positions (e.g., personal assistants, attendants) for which such investigations must be conducted; (b) the scope of such investigations (e.g., state, national); and, (c) the process for ensuring that mandatory investigations have been conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid or the operating agency (if applicable):

All providers or provider agency employees with contact with participants, adult family members residing in a residential level II home, and PDS employees are required to undergo a background investigation at hiring and repeated as appropriate. Kentucky offers employers two options for conducting pre-employment background investigations.

i. The Kentucky Applicant Registry and Employment Screening (KARES) system: KARES is an electronic interface and nationwide background investigation and registry system. KARES enables automatic abuse registry checks, including continuous assessment (i.e. ongoing registry checks after employment date), as well as fingerprint-based background checks through Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI).

ii. If KARES is not used, pre-employment background investigations must be conducted using all five (5) of the following:

1. Administrative Office of the Courts (AOC) Background Check operated by Kentucky Court of Justice and an equivalent out-of-State agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment.
2. Kentucky Child Abuse and Neglect (CAN) Registry operated by the Cabinet for Health and Family Services and an equivalent out-of-State agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment.
3. Caregiver Misconduct Registry operated by the Cabinet for Health and Family Services.
4. Nurse Aide Abuse Registry operated by the Kentucky Board of Nursing.
5. Sex Offender Registry maintained by the Kentucky State Police.

If a potential employee has resided or worked out of state within the last twelve (12) calendar months, the other state's equivalency of all checks must be completed, and results provided for that timeframe.

Provider agencies are responsible for conducting pre-employment background screenings on agency employees.

For PDS employees, the participant, as the employer, is responsible to ensure the potential hire meets qualifications.

The following disqualifies an agency employee or PDS employee from providing services:

1. A prior conviction for an offense as described in KRS 17.165(1) through (3).
2. A prior felony conviction.
3. A conviction of trafficking, manufacturing, or possessing an illegal drug during the past five years.
4. Has a conviction for abuse, neglect, or exploitation (ANE) as defined in Appendix G.
5. Has substantiated finding of abuse, neglect or exploitation through adult protective services (APS) or child protective services (CPS).
6. Has a prior substantiated case of Medicaid fraud by the Office of Medicaid Fraud and Abuse Control, Office of Inspector General (OIG), or Office of Attorney General (OAG) or Medicare fraud.
7. A registered sex offender.

Employees who have a driving under the influence conviction, amended plea bargain, or diversion in the past year shall not transport participants.

All employees, agency or PDS, must also undergo a risk assessment for tuberculosis per Department of Public Health guidelines found in 902 KAR 20:205.

b. Abuse Registry Screening. Specify whether the state requires the screening of individuals who provide waiver services through a state-maintained abuse registry (select one):

No. The state does not conduct abuse registry screening.

Yes. The state maintains an abuse registry and requires the screening of individuals through this registry.

Specify: (a) the entity (entities) responsible for maintaining the abuse registry; (b) the types of positions for which abuse registry screenings must be conducted; and, (c) the process for ensuring that mandatory screenings have been conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):

All employees of traditional service providers with contact with the participant, adult family members residing in a residential level II home, and all PDS employees must submit to a screening using KARES or a combination of other state registries at the time of hire.

The KARES system conducts a fingerprint-based background check of Kentucky State Police (KSP) and Federal Bureau of Investigation (FBI) records and checks the Kentucky Nurse Aide and Home Health Abuse Registry, the Kentucky Caregiver Misconduct Registry, the Kentucky Child Abuse and Neglect (Central) Registry, Nurse Aide Abuse Registry, and the Federal List of Excluded Individuals/Entities (LEIE) list. The KARES system will also alert an employer of any new arrest findings after the date of hire listed in the KARES system. Employees listed in the KARES system must receive a yearly validation from their employer, which consists of the employer indicating within the KARES system the employee still works for them.

Traditional service agencies and PDS employers who chose not to use the KARES system must conduct screenings of the following registries:

1. Administrative Office of the Courts (AOC) Background Check operated by Kentucky Court of Justice and an equivalent out-of-state agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment.
2. Kentucky Child Abuse and Neglect (CAN) Registry operated by the Cabinet for Health and Family Services and an equivalent out-of-state agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment.
3. Caregiver Misconduct Registry operated by the Cabinet for Health and Family Services.
4. Nurse Aide Abuse Registry operated by the Kentucky Board of Nursing.
5. Sex Offender Registry maintained by the Kentucky State Police.

For traditional service providers who conduct screenings using the AOC, CAN, Caregiver Misconduct Registry, and Sex Offender Registry, the agency must check at random, twenty-five (25) percent of existing employees using the registries each year.

Existing employees are those who have been employed by the agency for one (1) year or more. The Department reviews the findings of this check upon recertification of the provider and at provider billing reviews. PDS employees must undergo screenings at the time of hire and undergo recurring screenings per the PDS employer's policy.

Appendix C: Participant Services

C-2: General Service Specifications (2 of 3)

Note: Required information from this page (Appendix C-2-c) is contained in response to C-5.

Appendix C: Participant Services

C-2: General Service Specifications (3 of 3)

d. Provision of Personal Care or Similar Services by Legally Responsible Individuals. 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. Except at the option of the State and under extraordinary circumstances specified by the state, payment may not be made to a legally responsible individual for the provision of personal care or similar services that the legally responsible individual would ordinarily perform or be responsible to perform on behalf of a waiver participant. *Select one:*

No. The state does not make payment to legally responsible individuals for furnishing personal care or similar services.

Yes. The state makes payment to legally responsible individuals for furnishing personal care or similar services when they are qualified to provide the services.

Specify: (a) the legally responsible individuals who may be paid to furnish such services and the services they may

provide; (b) state policies that specify the circumstances when payment may be authorized for the provision of *extraordinary care* by a legally responsible individual and how the state ensures that the provision of services by a legally responsible individual is in the best interest of the participant; and, (c) the controls that are employed to ensure that payments are made only for services rendered. *Also, specify in Appendix C-1/C-3 the personal care or similar services for which payment may be made to legally responsible individuals under the state policies specified here.*

The Department allows payment to legally responsible individuals for furnishing personal care or similar services. This option is only available through PDS and only in specified extraordinary circumstances exceeding the range of activities that a legally responsible individual would ordinarily provide on behalf of a person without a disability of the same age, and which are necessary to assure health and welfare of the person and avoid institutionalization. Services provided by a legally responsible individual should not replace the care a participant's natural supports are expected to provide. A legally responsible individual may not be approved to provide more than forty (40) hours per week of paid services similar to other PDS employees.

A legally responsible individual is defined as any person who has a duty under State law to care for another person and typically includes:

- (a) the parent, stepparent, adoptive parent, or a court-appointed legal guardian of a minor child (younger than 18); or
- (b) the spouse of a waiver participant.

When a participant wants to hire a legally responsible individual, they or their PDS representative must work with the PDS case manager to submit a completed Department-approved request for review and approval. If the legally responsible individual is approved as a PDS employee, the participant's choice is documented in the participant's record. Documentation of services provided shall be submitted via electronic visit verification. The PDS case manager and financial management agency are responsible to work together to monitor service provision. The approval of a legally responsible individual does not guarantee payment of services and shall meet the service definition and provider qualifications as outlined in Appendix C.

Self-directed

Agency-operated

- e. Other State Policies Concerning Payment for Waiver Services Furnished by Relatives/Legal Guardians.** Specify state policies concerning making payment to relatives/legal guardians for the provision of waiver services over and above the policies addressed in Item C-2-d. *Select one:*

The state does not make payment to relatives/legal guardians for furnishing waiver services.

The state makes payment to relatives/legal guardians under specific circumstances and only when the relative/guardian is qualified to furnish services.

Specify the specific circumstances under which payment is made, the types of relatives/legal guardians to whom payment may be made, and the services for which payment may be made. Specify the controls that are employed to ensure that payments are made only for services rendered. *Also, specify in Appendix C-1/C-3 each waiver service for which payment may be made to relatives/legal guardians.*

The Department-approved form for hiring a legally responsible individual as a paid service provider must be submitted and approved prior to the individual providing waiver paid services.

A legally responsible individual to a minor child is defined as a parent, stepparent, an adoptive parent, or a legally appointed guardian.

A legally responsible individual to a participant age eighteen (18) or older is defined as a spouse, an appointed legal guardian, or other individual with legal authority to make decisions on behalf of a participant.

Payment for provision of PDS shall be available to an individual who is legally responsible for a minor child enrolled in a waiver program when one of the following extraordinary conditions exist for the participant:

The minor child's level of dependency in performing activities of daily living, including the need for assistance with toileting, eating, or mobility, is directly related to his or her disability and exceeds that of his or her age matched peers; or

The minor child demonstrates destructive or injurious behaviors exceeding that of his or her age matched peers and such behaviors represent a risk of serious injury or death to self or others.

In addition, at least one of the following circumstances must be identified and verified to necessitate use of the legally responsible individual as a PDS employee:

Caregiving requirements to maintain the health and safety of the minor child in the community have reduced or eliminated the ability of the legally responsible individual to maintain paid employment within the previous twelve (12) months and there is not an alternate caregiver in the home who is functionally able to provide care.

The legally responsible individual can demonstrate attempts within the first thirty (30) days to recruit a qualified provider, both traditional or PDS, but is unable to secure another provider or secure sufficient provider coverage for needed services.

The minor child has a communication barrier exceeding that of his or her age matched peers that impacts his or her ability to effectively communicate needs and wishes to a care provider.

The approval of a legally responsible individual does not guarantee payment of services and shall meet the service definition and provider qualifications as outlined in Appendix C.

Payment for provision of PDS for adults shall be made available to any qualified person, regardless of legal responsibility or familial relationship to the participant, including a spouse, if at least one of the following circumstances has been identified and verified to necessitate use of the legally responsible individual as a PDS employee:

Caregiving requirements to maintain the health and safety of the participant in the community have reduced or eliminated the ability of the legally responsible individual to maintain paid employment within the previous twelve (12) months and there is not an alternate caregiver in the home who is functionally able to provide care.

The legally responsible individual can demonstrate attempts within the first thirty (30) days to recruit a qualified provider, both traditional and PDS, but is unable to secure another provider or secure sufficient provider coverage for all care.

The participant has a communication barrier that impacts his or her ability to effectively communicate needs and wishes to a care provider.

The approval of a legally responsible individual does not guarantee payment of services and shall meet the service definition and provider qualifications as outlined in Appendix C.

Relatives/legal guardians may be paid for providing waiver services whenever the relative/legal guardian is qualified to provide services as specified in Appendix C-1/C-3.

Specify the controls that are employed to ensure that payments are made only for services rendered.

Other policy.

Specify:

f. Open Enrollment of Providers. Specify the processes that are employed to assure that all willing and qualified providers have the opportunity to enroll as waiver service providers as provided in 42 CFR §431.51:

Provider enrollment is continuous and open to any individual or entity. A potential provider may make application by contacting provider enrollment through a toll-free phone number, completing the application process and obtaining an agency license or certification. These provider enrollment forms are also accessible through Internet web access.

Appendix C: Participant Services

Quality Improvement: Qualified Providers

As a distinct component of the States quality improvement strategy, provide information in the following fields to detail the States methods for discovery and remediation.

a. Methods for Discovery: Qualified Providers

The state demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.

i. Sub-Assurances:

a. Sub-Assurance: *The State verifies that providers initially and continually meet required licensure and/or certification standards and adhere to other standards prior to their furnishing waiver services.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Number and Percent of new providers that meet initial certification, licensure requirements and adhere to other standards prior to the furnishing of waiver services. N=Number of New Providers who meet initial certification, licensure requirements and adhere to other standards prior to furnishing services. D=Number of new providers

Data Source (Select one):

Other

If 'Other' is selected, specify:

Combination of On-site interviews, observations, monitoring, desk review of records

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other	Annually

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
Specify: <input type="text"/>	
	Continuously and Ongoing
	Other Specify: <input type="text"/>

Performance Measure:

and % of enrolled providers who continue to meet cert and licensure req and adhere to other standards following initial enrollment as required to continue to render waiver services. N=Number of enrolled providers who continue to meet cert and licensure req and adhere to other standards following initial enrollment as required to continue to render waiver services D=Number of enrolled providers.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Combination of Onsite interviews, observations, monitoring, Desk review of records depending on the type of service and whether services are provided onsite or at the participant’s place of residence

Responsible Party for data collection/generation (<i>check each that applies</i>):	Frequency of data collection/generation (<i>check each that applies</i>):	Sampling Approach (<i>check each that applies</i>):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify:	Annually	Stratified Describe Group:

	Continuously and Ongoing	Other Specify:
	Other Specify: 	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis(check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: 	Annually
	Continuously and Ongoing
	Other Specify:

b. Sub-Assurance: The State monitors non-licensed/non-certified providers to assure adherence to waiver requirements.

For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Number and Percent of new PDS employees that meet initial personnel requirements prior to the furnishing of waiver services. N=Number of new PDS employees who meet initial personnel requirements prior to furnishing services. D=Number of new PDS employees.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Provider Records

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

Performance Measure:

Number and Percent of Existing PDS employees who continue to meet personnel requirements. N=Number of Existing PDS employees who continue to meet personnel requirements. D=Number of existing PDS employees.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Provider Records

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other	Annually	Stratified

Specify: <input type="text"/>		Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

c. Sub-Assurance: The State implements its policies and procedures for verifying that provider training is conducted in accordance with state requirements and the approved waiver.

For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the

method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Number and Percent of providers in which at least 90% of staff have successfully completed mandatory annual training in accordance with state requirements and the approved waiver N=Number of providers in which at least 90% of staff have successfully completed mandatory annual training in accordance with state requirements and the approved waiver D=Total number of providers.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Combination of Onsite interviews, observations, monitoring, Desk review of records depending on the type of service and whether services are provided onsite or at the participant's place of residence

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

Performance Measure:

Number and Percent of PDS employees in which at least 90% have successfully completed mandatory annual training in accordance with state requirements and the approved waiver $N = \text{Number of PDS employees in which at least 90% have successfully completed mandatory annual training in accordance with state requirements and the approved waiver}$ $D = \text{Total number of PDS employees}$

Data Source (Select one):

Other

If 'Other' is selected, specify:

Combination of Onsite interviews, observations, monitoring, Desk review of records depending on the type of service and whether services are provided onsite or at the participant's place of residence.

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval =

		<input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

The state currently verifies that 100% of all SCL waiver providers are qualified, certified and licensed prior to rendering services. Providers who have completed the SCL new provider training/evaluation or are licensed by OIG are eligible to become Medicaid providers. The States OIG monitors and re-licenses annually. Through the DDID SCL recertifies at least every two years. The state does not contract with non-licensed or non-certified providers. All State policy and procedure updates, additions, and/or changes are communicated through letters, DMS website or DDID website.

b. Methods for Remediation/Fixing Individual Problems

- i. Describe the States method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the state to document these items.

DDID performs trainings upon request of providers and provides technical assistance whenever requested. Should an enrolled provider not meet requirements to provide services, DBHDID would recommend termination of the provider. DDID also provides technical assistance to providers.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>	Annually
	Continuously and Ongoing
	Other Specify: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Qualified Providers that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Qualified Providers, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix C: Participant Services

C-3: Waiver Services Specifications

Section C-3 'Service Specifications' is incorporated into Section C-1 'Waiver Services.'

Appendix C: Participant Services

C-4: Additional Limits on Amount of Waiver Services

a. Additional Limits on Amount of Waiver Services. Indicate whether the waiver employs any of the following additional limits on the amount of waiver services (*select one*).

Not applicable- The state does not impose a limit on the amount of waiver services except as provided in Appendix C-3.

Applicable - The state imposes additional limits on the amount of waiver services.

When a limit is employed, specify: (a) the waiver services to which the limit applies; (b) the basis of the limit, including its basis in historical expenditure/utilization patterns and, as applicable, the processes and methodologies that are used to determine the amount of the limit to which a participant's services are subject; (c) how the limit will be adjusted over the course of the waiver period; (d) provisions for adjusting or making exceptions to the limit based on participant health and welfare needs or other factors specified by the state; (e) the safeguards that are in effect when the amount of the limit is insufficient to meet a participant's needs; (f) how participants are notified of the amount of the limit. (*check each that applies*)

Limit(s) on Set(s) of Services. There is a limit on the maximum dollar amount of waiver services that is authorized for one or more sets of services offered under the waiver.

Furnish the information specified above.

Prospective Individual Budget Amount. There is a limit on the maximum dollar amount of waiver services authorized for each specific participant.

Furnish the information specified above.

Budget Limits by Level of Support. Based on an assessment process and/or other factors, participants are assigned to funding levels that are limits on the maximum dollar amount of waiver services.

Furnish the information specified above.

Other Type of Limit. The state employs another type of limit.

Describe the limit and furnish the information specified above.

Appendix C: Participant Services

C-5: Home and Community-Based Settings

Explain how residential and non-residential settings in this waiver comply with federal HCB Settings requirements at 42 CFR 441.301(c)(4)-(5) and associated CMS guidance. Include:

1. Description of the settings and how they meet federal HCB Settings requirements, at the time of submission and in the future.
2. Description of the means by which the state Medicaid agency ascertains that all waiver settings meet federal HCB Setting requirements, at the time of this submission and ongoing.

Note instructions at Module 1, Attachment #2, HCBS Settings Waiver Transition Plan for description of settings that do not meet requirements at the time of submission. Do not duplicate that information here.

All residential and non-residential settings are confirmed to comply with the federal HCB settings requirement. DMS ascertains that all waiver settings meet federal HCB settings requirements as part of the certification and recertification processes. Site visits are conducted as part of this process.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (1 of 8)

State Participant-Centered Service Plan Title:

Person-Centered Service Plan (PCSP)

- a. Responsibility for Service Plan Development.** Per 42 CFR §441.301(b)(2), specify who is responsible for the development of the service plan and the qualifications of these individuals (*select each that applies*):

Registered nurse, licensed to practice in the state

Licensed practical or vocational nurse, acting within the scope of practice under state law

Licensed physician (M.D. or D.O)

Case Manager (qualifications specified in Appendix C-1/C-3)

Case Manager (qualifications not specified in Appendix C-1/C-3).

Specify qualifications:

Social Worker

Specify qualifications:

Other

Specify the individuals and their qualifications:

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (2 of 8)

- b. Service Plan Development Safeguards. *Select one:***

Entities and/or individuals that have responsibility for service plan development may not provide other direct waiver services to the participant.

Entities and/or individuals that have responsibility for service plan development may provide other direct waiver services to the participant.

The state has established the following safeguards to ensure that service plan development is conducted in the best interests of the participant. *Specify:*

Case management shall be conflict-free. Conflict-free case management requires that a provider who renders case management to the participant must not also provide another waiver service to that same participant, unless the case manager is the only willing and qualified provider in the geographical area thirty (30) miles from the participant's residence.

Participants may request an exception to this based on lack of qualified case managers in remote areas of the state.

The Department will ensure, on an individual basis, that participants who choose a case manager who could be conflicted will be free from undue influence when selecting a service provider. The CM will need to upload a department-approved form requesting an exemption at the same time they upload the completed PCSP to the Medicaid Waiver Management Application (MWMA). The form includes the following information:

1. Documentation, including denials, showing that there are no willing CMs within thirty (30) miles of the participant's home;
2. Documentation of conflict-of-interest protections;
3. An explanation of how CM functions are separated within the same entity;
4. Demonstration of the availability of a clear and accessible dispute resolution process that advocates for participants within a service or case management entity.

The Department or its designee will review the request for a conflict-free exemption. Reviewers will use the Department-approved process to verify there are no willing case managers within thirty (30) miles of the participant's residence.

The following safeguards are instituted to assure participant's choice:

- Full disclosure to participants and assurance that participants are supported in exercising their right of free choice of providers and provided information on full range of waiver services and not just the services furnished by the entity that is the responsible for the development of the PCSP.
- Direct oversight of the process for periodic evaluation by the state agency.
- Requiring the agency that develops the PCSP to administratively separate the plan development function from the direct service provider functions. The same staff may not provide both case management and direct service care.

If the exemption requested via the Department-approved form is denied, the PCSP will be returned to the case manager via MWMA and the participant will be notified via a letter.

Participants are provided with a clear and accessible informal reconsideration process in cases when adverse decisions result from missing or inadequate documentation related to the initial request for exemption. The participant may also dispute the state's determination that there is not another entity or individual that is not that participant's provider to develop the person-centered service plan through a clear and accessible alternative dispute resolution process.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (3 of 8)

- c. Supporting the Participant in Service Plan Development.** Specify: (a) the supports and information that are made available to the participant (and/or family or legal representative, as appropriate) to direct and be actively engaged in the service plan development process and (b) the participant's authority to determine who is included in the process.

The PCSP shall be an individualized plan that is led by the participant and the participant's legal guardian or authorized representative, if applicable, and:

A. Is collaboratively developed by:

1. A waiver participant and a waiver participant's legal guardian or authorized representative, if applicable;
2. The CM;
3. The participant's person-centered team, which is comprised of representatives from each waiver, state plan or other provider entity who provides services and/or supports for the participant; and/or
4. Any other person identified by the waiver participant, legal guardian, or their authorized representative.

B. Uses a process that:

1. Provides necessary information and support to empower the participant and the participant's legal guardian or authorized representative, if applicable, to direct the planning process and to have the freedom and support to control their own schedules and activities without coercion or restraint;
2. Is timely and occurs at times and locations of convenience to the participant;
3. Reflects the cultural and educational considerations of the participant and is conducted by providing information in plain language and in a manner that is accessible to participants with disabilities and participants who have limited proficiency with the English language, consistent with 42 CFR 435.905(b);
4. Offers informed choice, defined as choosing from options based on accurate and thorough knowledge and understanding, to the participant regarding the services and supports they receive and from whom; and
5. Uses a process that provides support to the participant so the participant can lead the PCSP planning process and self-advocate for their goals, objectives, wishes, and needs to the maximum extent possible throughout the process.

C. It is the responsibility of the CM to provide detailed information to the participant and the participant's legal guardian and/or authorized representative, if applicable, regarding available waiver services and providers to meet their identified needs, driven by statewide provider information included in the Department-maintained provider directory. CMs can generate local lists from the directory to provide to the participant and have use of the directory to provide options counseling on available service providers. The CM must ensure the information from the directory is made accessible to the participant. The CM will provide detailed information to the participant about available non-waiver services that may assist in reaching their goals and objectives.

D. All individuals participating in the development and execution of the PCSP, including participants, any legal guardian/authorized representatives, the CM, and all providers responsible for implementing services, must sign the PCSP to indicate their involvement and understanding of the plan's contents. The signatures will be recorded on the Department-approved form, uploaded to, and housed in the MWMA. The signatures should not be obtained until the person-centered planning process and the PCSP are complete.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (4 of 8)

d. Service Plan Development Process. In four pages or less, describe the process that is used to develop the participant-centered service plan, including: (a) who develops the plan, who participates in the process, and the timing of the plan; (b) the types of assessments that are conducted to support the service plan development process, including securing information about participant needs, preferences and goals, and health status; (c) how the participant is informed of the services that are available under the waiver; (d) how the plan development process ensures that the service plan addresses participant goals, needs (including health care needs), and preferences; (e) how waiver and other services are coordinated; (f) how the plan development process provides for the assignment of responsibilities to implement and monitor the plan; and, (g) how and when the plan is updated, including when the participant's needs change. State laws, regulations, and policies cited that affect the service plan development process are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):

The enrollment notice sent to the participant advises the participant and the participant's legal guardian and/or authorized representative, if applicable, that they must select a CM to initiate service planning prior to receipt of services. The enrollment notice contains instruction on how to access information on case management agencies so that the participant may initiate contact and selection of a CM. Once a CM is selected, they must associate themselves in MWMA.

The participant's Person-Centered Service Plan (PCSP) is developed utilizing completed assessments and screenings, including the SUPPORTS Intensity Scale (SIS), SIS Annual review, health risk screening, and other medical and behavioral assessments as applicable.

The SIS includes information about support needs in the areas of home living, community living, learning, employment, health and safety, advocacy, behavioral, and medical needs. State staff are trained as SIS assessors. The health screen identifies overall health risk related to disability and aging and provides the case manager and support team with guidance in determining the person's need for further assessment and evaluation to address identified health risks.

The assessor must contact the individual to schedule the assessment. The assessment must be completed and uploaded in MWMA. The assessor is responsible to verbally advise the participant and the participant's legal guardian and/or authorized representative, if applicable, and others who attend the assessment, of next steps to initiate services, expressly advising them of the need to schedule their person-centered service planning meeting with their CM. After completion and upload the assessment, the CM must conduct an initial in-person visit.

Process for Developing a Person-Centered Service Plan (PCSP)

The person-centered planning process and development of the PCSP takes place as follows:

1. The first step is to clarify the needed individuals and their roles on the participant's person-centered team as defined in D-1-c. of this appendix. A participant is free to designate any family, friends, and other caregivers, both paid and unpaid, to participate in this process. The participant and the participant's legal guardian or authorized representative, if applicable, may remove any individuals at their discretion. The CM must document the individuals included in the person-centered team on the Department-approved form and upload it to the Department-approved system. The CM must document when a support is disinvited or removed from the person-centered planning team.

For the development of the initial PCSP, the full person-centered planning team must participate. For the annual redetermination of the PCSP, the participant and the participant's guardian or authorized representative, if applicable, has final authority to determine whether there is satisfactory team participation to conduct the PCSP annual review meeting. The CM must document how information about the meeting was provided to absent members. Members of the person-centered planning team who do not attend the annual review meeting or who attend by phone must provide written attestation that they understand the contents of the PCSP and can support the participant's service needs at the requested amount, frequency, duration.

Once the person-centered planning team is confirmed, the CM completes the primary activities:

a. The team collectively reviews the findings of the participant's assessment. This process includes documenting any non-Medicaid paid or unpaid supports including information on the access and limitations of said supports, DAIL supports, and Medicaid State Plan services. For annual review meetings, the team should also review the participant's current PCSP.

b. The team works collectively under the leadership of the participant and the participant's legal guardian or authorized representative, if applicable, to complete an additional review of the participant's person-centered planning needs and wishes to establish goals and objectives that enhance health, safety, and welfare, community-based independence, community participation, and quality of life. Not all goals and objectives must be accomplished using 1915(c) waiver funded services.

c. The process of setting goals should include education and team support for the participant and the participant's legal guardian or the participant's authorized representative, if applicable. Goals and objectives for all services on the PCSP must be:

Stated Clearly: The goal or objective should be understandable to the participant and in his/her own words.

Additionally, if a participant is receiving a service to improve upon current skills or acquire new skills, the goal and objectives must also be:

Measurable: There should be markers of progress toward achieving a goal or objective that can be identified and quantified.

Attainable: The goal or objective should be broken into small and actionable steps. Barriers to achieving the goal or objective should be identified and a plan put in place to help mitigate those barriers.

Relevant: The goal or objective should be important to the participant. Steps toward the goal or objective should help the participant develop and use available resources to achieve it.

Time-Bound: There should be a defined period for when the participant is expected to achieve the goal or objective,

keeping in mind that reaching the goal or objective can take time and several steps. There should also be an agreed upon schedule in place for checking progress.

d. The CM will provide detailed information to participants about available non-waiver services that may assist in reaching their goals and objectives.

Goals and objectives must be documented, along with an inventory of a participant's personal preferences, individualized considerations for service delivery (i.e., how to bathe, what preferred activities the participant might wish to partake, desired schedule for services, etc.), as well as information about the participant's needs, wants, and future aspirations. The results of this conversation are to be included in the PCSP, which is housed in MWMA. It must be signed by the participant and the participant's legal guardian or authorized representative, if applicable. The CM, and all other individuals responsible for the implementation of services in order to demonstrate this information was collected, shared with all person-centered team members, and is accessible to inform ongoing development and implementation of the PCSP.

2. The CM is required to provide education on available service options to meet a participant's person-centered goals and objectives as established in Section D-1-d., using the process for educating the participant and other team members on service providers as described in Section D-1-c.

a. Once a participant and the participant's legal guardian or authorized representative, if applicable, selects providers to deliver services pursuant to the frequency and amount, the CM is expected to facilitate the referral process including, but not limited to, the attainment of the providers' signatures on the PCSP. The providers' signatures reflect their understanding of the contents of the PCSP and consent to deliver services as indicated in the plan, in accordance with the scope, amount and frequency of service, accommodating any person-centered preferences for service delivery documented in the PCSP.

b. The CM is responsible to ensure that the scope, frequency, amount and duration of services falls within the allowable utilization criteria and limitations set by the Department, including those documented in Appendix C and clearly document any planned changes in utilization anticipated over the course of the year (i.e. anticipated change in utilization while a participant under the age of 18 is out of school for the summer, anticipated increases due to anticipated changes in caregiver availability, etc.).

c. The CM must maintain documentation showing that all needs identified through the functional assessment are addressed via unpaid supports or paid supports and that all paid services are appropriate in amount, duration, frequency as identified by the functional assessment.

3. Once signatures have been secured from all required person-centered team members, including the participant and the participant's legal guardian or authorized representative, if applicable, the CM, and all 1915(c) waiver funded service providers delivering PCSP included services, services may be initiated. The signatures should not be obtained until the person-centered planning process and the PCSP are complete.

a. Services rendered prior to signed attestation of understanding of the contents of the PCSP by these parties will not be reimbursed.

b. The participant's signature is intended to serve only as acknowledgement and understanding of the plan's contents. Signing the PCSP does not preclude the participant from grievance or appeal.

A. Initial Development of the Person-Centered Service Plan (for a new participant's first PCSP)

Once the assessment is complete and the participant chooses a case manager, the participant and the participant's legal guardian and/or authorized representative, if applicable, begins the process of developing the PCSP with the case manager's assistance. Upon acceptance of a new participant, the CM must conduct an initial in-person visit to begin the person-centered planning process.

Person-centered service planning and development of the PCSP should follow the steps described under "Process for Developing a Person-Centered Service Plan" in this section.

B. Annual Redetermination of the Person-Centered Service Plan

A participant's PCSP is recertified on an annual basis. Prior to the reviewing and modifying of the PCSP, the following activities must occur:

a. The CM is encouraged to co-attend and must review the annual assessment, which is housed in MWMA.

b. Should a CM choose to attend the functional assessment, they are expected to support the participant in answering questions and not answer questions on his/her behalf or influence the participant's response or lack of response. The assessor is not to use information provided by a CM that directly conflicts with assessment feedback provided by the participant.

The person-centered service planning can begin forty-five (45) calendar days prior to the end of the current LOC period. The PCSP must be completed and uploaded to MWMA seven (7) calendar days prior to the end of the current LOC period. The LOC period is defined as the period spanning 364 calendar days from the date a participant is allocated a waiver slot in MWMA. Person-centered service planning and development of the PCSP should follow the steps described under "Process for Developing a Person-Centered Service Plan" in this section.

C. Event-Based Modification of the Person-Centered Service Plan

1. A participant and a participant's legal guardian or authorized representative, if applicable, may request a modification to their PCSP due to changes in their condition or service needs at any time.
 - a. Additionally, throughout the course of plan monitoring, the CM is responsible to address instances when a modification to the PCSP may be appropriate. The CM may not initiate any modification to the PCSP without the consent of the participant and the participant's legal guardian or authorized representative, if applicable. The services providers affected by an event-based modification to the PCSP must be involved in the process as well.
2. Certain modifications or event-based circumstances may require the team make necessary adjustments to the participant's PCSP.
3. The updated PCSP must be signed by the participant and the participant's legal guardian or authorized representative, if applicable, the CM and any new service providers or providers for whom the scope, amount, or duration of service has been adjusted from what was previously consented to or for whom services have been impacted. The signatures should not be obtained until the person-centered planning process and the PCSP are complete. The modified PCSP will remain in effect until the end of the participant's original LOC year. The modified PCSP does not eliminate the need for a participant's annual PCSP redetermination. All providers delivering services will be notified via MWMA when a participant's PCSP has changed and will be responsible to review changes and work with the participant's CM and person-centered team to make any adjustments or deploy mitigation strategies to assure continuity of care.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (5 of 8)

- e. Risk Assessment and Mitigation.** Specify how potential risks to the participant are assessed during the service plan development process and how strategies to mitigate risk are incorporated into the service plan, subject to participant needs and preferences. In addition, describe how the service plan development process addresses backup plans and the arrangements that are used for backup.

Potential risks to the participant are identified during the completion of the SIS, the health screening, and other screenings/assessments as applicable. All health, safety and welfare risks are required to be identified and addressed in the person-centered planning meeting and on the PCSP. Providers are required to have agency emergency plans and person specific crisis and safety issues incorporated into their person-centered service plan.

The CM will assess the participant's individual risks by reviewing the participant's assessment, any critical incident reports, the participant's behavior support plan (if applicable), and through discussion with the person-centered planning team. When applicable, the following should be documented in MWMA:

1. Medical diagnoses that may require emergency intervention.
2. Behaviors that could harm the participant's health, safety, and welfare or harm the health, safety, and welfare of others.
3. Emergency backups for paid caregivers who do not show up.
4. Any other identified or observable risks that could adversely affect the environment, health, safety, and welfare of the participant or pose a risk of harm to service providers.
5. Any identified risks related to the ability of a PDS employee hired by the participant to fulfill his or her responsibilities as identified in the participant's person-centered plan and/or preserve the participant's health, safety and welfare.

Participants with legal decision-making authority have the right to accept risks. The participant's CM is responsible to discuss risks with the participant and the participant's legal guardian or authorized representative, if applicable, and make sufficient efforts to engage the participant and the participant's person-centered team to develop risk mitigation strategies that reduce risks, particularly those adversely impacting health, safety, or welfare of the participant, individuals with whom the participant resides, and those who interact with the participant in order to deliver the PCSP.

A participant's CM must document the outcomes of risk mitigation strategies. Documentation must demonstrate due diligence in addressing risks with the participant and members of the person-centered team. If a participant refuses to engage in risk mitigation strategies and accepts risks, the CM is responsible to assess the participant's understanding of risks and potential consequences. The CM is responsible to educate the participant when risks impede the ability of providers to deliver services safely and effectively, which is a violation of a participant's signed rights and responsibilities form and must make participants aware of disruption or loss of services due to ongoing risks that are not mitigated. The CM must proceed in this manner with any participants with an appointed legal guardian or authorized representative with decision-making authority.

If concern exists that a participant may not demonstrate understanding of risk and consequence, the CM is expected to refer participants to child or adult protective services to address any possible self-neglect, caregiver neglect, or other abuse/neglect/exploitation issues that may exist. The CM and all Medicaid funded providers are required to cooperate with protective service investigations. Findings of an investigation may prompt necessary adjustment to the PCSP, in which case the CM should proceed with adjustment to the PCSP in accordance with the process outlined to make an event-based modification to the PCSP as established Section D-1

Additional risk mitigation occurs in response to critical incident investigation and remediation, as described in Appendix G

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (6 of 8)

- f. Informed Choice of Providers.** Describe how participants are assisted in obtaining information about and selecting from among qualified providers of the waiver services in the service plan.

The participant's CM is required to provide information about available services including, but not limited to:

- Medicaid State Plan funded services, non-Medicaid paid or unpaid supports, and DAIL supports that may support the participant's home and community-based needs;
- Traditional, PDS, and blended options;
- Services available on their 1915(c) waiver and how they can assist the participant to advance goals as specified in the PCSP;
- Available service providers in the area; and
- Understanding of freedom of choice.

The participant's case manager is responsible for notification of available waiver service providers. The case manager is responsible for assisting the participant in choosing his or her providers of services specified in the PCSP. This assistance may include telephonic or on-site visits with participants and their families, assisting them in accessing the provider listing, answering questions about providers, and informing them of web-based provider profiles. CMs are trained by the DDID to respond to participant inquiries regarding choice of provider in a manner that avoids conflict of interest and/or conveys personal, subjective opinion. The CM will ensure, on an individual basis, that participants who have a conflicted case manager due to their geographic location, and have been approved to do so, will be free from undue influence regarding choice of providers and will document those efforts in case records housed in MWMA. All waiver participants are ensured freedom of choice as defined by the experience of independence, individual initiative, or autonomy in making life choices, both in small everyday matters (what to eat or what to wear), and in large, life-defining matters (where and with whom to live and work);

The service, provider and setting are selected by the individual from among setting options including non-disability specific settings;

The individual must be provided with the choice of where to live with as much independence as possible, and in the most community-integrated environment;

The setting options are identified and documented in the person-centered service plan and are based on the individual's needs and preferences, and, for residential settings, resources available for room and board.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (7 of 8)

- g. Process for Making Service Plan Subject to the Approval of the Medicaid Agency.** Describe the process by which the service plan is made subject to the approval of the Medicaid agency in accordance with 42 CFR §441.301(b)(1)(i):

Upon completion of the PCSP, it is the responsibility of the CM to submit the PCSP through MWMA for review and service authorization. Service authorization shall not be issued without appropriate review and approval.

Once the complete PCSP is submitted, it will undergo system checks and, if indicated, it will be reviewed by the Department. A sample of all PCSPs for each agency are reviewed during the certification review. Service plans are compared to the functional assessment and service utilization to validate the PCSP meets assessed needs. If the PCSP is approved, the participant will receive a letter in the mail. A copy of the notification is also available in MWMA. If the determination results in an adverse decision, the participant will receive an adverse decision notice, which informs of what was denied, why it was denied, and their right to an informal reconsideration and a fair hearing, via certified mail. The CM is responsible for collaborating with service providers to ensure requests are submitted timely via MWMA.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (8 of 8)

- h. Service Plan Review and Update.** The service plan is subject to at least annual periodic review and update to assess the appropriateness and adequacy of the services as participant needs change. Specify the minimum schedule for the review and update of the service plan:

Every three months or more frequently when necessary

Every six months or more frequently when necessary

Every twelve months or more frequently when necessary

Other schedule

Specify the other schedule:

i. Maintenance of Service Plan Forms. Written copies or electronic facsimiles of service plans are maintained for a minimum period of 3 years as required by 45 CFR §92.42. Service plans are maintained by the following (*check each that applies*):

Medicaid agency

Operating agency

Case manager

Other

Specify:

Copies of the PCSP are retained in MWMA until after the participant's termination and then maintained electronically for five (5) years.

Appendix D: Participant-Centered Planning and Service Delivery

D-2: Service Plan Implementation and Monitoring

a. Service Plan Implementation and Monitoring. Specify: (a) the entity (entities) responsible for monitoring the implementation of the service plan and participant health and welfare; (b) the monitoring and follow-up method(s) that are used; and, (c) the frequency with which monitoring is performed.

The participant's CM is responsible for the coordination and monitoring of all the participant's waiver services included in the PCSP and will assist in identifying and connecting the participant with non-waiver services, including the monitoring of effectiveness of back-up plans.

The CM shall conduct one face-to-face visit with a participant at a location where the participant is engaged in services within a calendar month. If the participant receives a residential service, the CM shall make at least one face to face visit in the participant's home quarterly. The visit must include input from the participant and may include input from other such as the participant's providers, legal guardian, authorized representative, or PDS representative, if applicable, or other natural supports. For participants with communication barriers, the CM/support broker must take steps to ensure the conversation is conducted in a way that is accessible to the participant. This could include arranging for an interpreter or a communication device.

The face-to-face contact must include discussions about:

- Progress toward PCSP goals, including any changes in goals or objectives;
 - Satisfaction with services delivered via the PCSP;
 - Confirming any new needs and addressing whether PCSP modification may be necessary
 - Review of utilization and cost of utilization;
 - Any concerns with health, safety, and welfare, and/or risk mitigation needs; and
 - Review of access to any additional community-based supports, including non-Medicaid funded services, to address where additional assistance or linkage may be needed.

The CM/support broker is also responsible to use continued professional judgment in screening for evidence of possible abuse, neglect, or exploitation, and/or the possibility of an unreported critical incident. The participant's CM/support broker must report all suspected critical incidents, including abuse, neglect, and exploitation concerns as defined in Appendix G.

All contact and monitoring activities, observations, and outcomes must be documented via monthly case notes housed in MWMA.

b. Monitoring Safeguards. Select one:

Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may not provide other direct waiver services to the participant.

Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may provide other direct waiver services to the participant.

The state has established the following safeguards to ensure that monitoring is conducted in the best interests of the participant. *Specify:*

Providers for the participant, or those who have an interest in or are employed by a provider for the participant, must not provide case management or develop the PCSP. For participants who request an exception to this, the Department will require the CM to provide the following to ensure the participant is free from undue influence:

1. Documentation showing that there are no willing CM within thirty (30) miles of the participant's home;
2. Documentation of conflict of interest protections;
3. An explanation of how CM/PDS Care Coordinator functions are separated within the same entity; and
4. Demonstration of the availability of a clear and accessible dispute resolution process that advocates for participants within service or case management entity.

Exemptions for conflict free case management shall be requested initially and, upon reassessment or at least annually.

Appendix D: Participant-Centered Planning and Service Delivery

Quality Improvement: Service Plan

As a distinct component of the States quality improvement strategy, provide information in the following fields to detail the States methods for discovery and remediation.

a. Methods for Discovery: Service Plan Assurance/Sub-assurances

The state demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.

i. Sub-Assurances:

- a. Sub-assurance: Service plans address all participants assessed needs (including health and safety risk factors) and personal goals, either by the provision of waiver services or through other means.**

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Number and Percent of service plan risk assessments with documented risk mitigation information. N=Number of service plan risk assessments with documented risk mitigation information. D=Number of service plan risk assessments reviewed

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Review of person-centered service plans and other documentation in the Medicaid Waiver Management Application

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; padding: 5px; width: fit-content;"> 95% confidence level with a +/- 5% margin of error </div>
Other Specify: <div style="border: 1px solid black; width: 100%; height: 30px;"></div>	Annually	Stratified Describe Group: <div style="border: 1px solid black; width: 100%; height: 30px;"></div>
	Continuously and Ongoing	Other Specify: <div style="border: 1px solid black; width: 100%; height: 30px;"></div>
	Other Specify: <div style="border: 1px solid black; width: 100%; height: 30px;"></div>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

Performance Measure:

Number and Percent of service plans with goals and objectives that address assessed needs and the individual's goals N= Number of service plans with goals and objectives that address assessed needs and the individual's goals D= Number of service plans reviewed.

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Medicaid Waiver Management Application

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/> 95% confidence level with a +/- 5% margin of error
Other	Annually	Stratified

Specify: <input style="width: 100%; height: 20px;" type="text"/>		Describe Group: <input style="width: 100%; height: 20px;" type="text"/>
	Continuously and Ongoing	Other Specify: <input style="width: 100%; height: 20px;" type="text"/>
	Other Specify: <input style="width: 100%; height: 20px;" type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input style="width: 100%; height: 20px;" type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input style="width: 100%; height: 20px;" type="text"/>

b. Sub-assurance: *The State monitors service plan development in accordance with its policies and procedures.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

c. Sub-assurance: Service plans are updated/revised at least annually or when warranted by changes in the waiver participants needs.

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Number and Percent of participants whose service plans were updated and submitted within one year of their initial or last assessment. N= Number of participants whose service plans were updated and submitted within one year of their initial or last assessment D= Number of participants whose annual updated service plans were reviewed.

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Review of person-centered service plans and other documentation in the Medicaid Waiver Management Application

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px auto;">95% confidence level with a +/- 5% margin of error</div>
Other	Annually	Stratified

Specify: <input style="width: 100%; height: 30px;" type="text"/>		Describe Group: <input style="width: 100%; height: 30px;" type="text"/>
	Continuously and Ongoing	Other Specify: <input style="width: 100%; height: 30px;" type="text"/>
	Other Specify: <input style="width: 100%; height: 30px;" type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input style="width: 100%; height: 30px;" type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input style="width: 100%; height: 30px;" type="text"/>

Performance Measure:

Number and Percent of participants with a modification to the person-centered service plan due to an identified change in service needs. N=Number of participants with a modification to the person-centered service plan due to an identified change in service needs D= number of participants with an identified change in service needs that were reviewed.

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Review of person-centered service plans and other documentation in the Medicaid Waiver Management Application

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; padding: 2px; width: fit-content;"> 95% confidence level with a +/- 5% margin of error </div>
Other Specify: <div style="border: 1px solid black; width: 100%; height: 20px;"></div>	Annually	Stratified Describe Group: <div style="border: 1px solid black; width: 100%; height: 20px;"></div>
	Continuously and Ongoing	Other Specify: <div style="border: 1px solid black; width: 100%; height: 20px;"></div>
	Other Specify: <div style="border: 1px solid black; width: 100%; height: 20px;"></div>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

d. *Sub-assurance: Services are delivered in accordance with the service plan, including the type, scope, amount, duration and frequency specified in the service plan.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Number and Percent of participants who received participant-directed services within the approved service limit. N=Number of participants who received participant-directed services within the approved service limit. D=Number of participants who received participant-directed services reviewed.

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Medicaid Waiver Management Application, claims data from MMIS

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100%

		Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = 95% confidence level with a +/- 5% margin of error
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
	Specify: <input type="text"/>

Performance Measure:

Number and Percent of records that demonstrate correct type, amount, scope, and frequency of services were provided for the duration specified in the person-centered service plan N=# of records that demonstrate correct type, amount, scope, and frequency of services were provided for the duration specified in the person-centered service plan D=# of records reviewed.

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Review of person-centered service plans and other documentation in the Medicaid Waiver Management Application

Responsible Party for data collection/generation (<i>check each that applies</i>):	Frequency of data collection/generation (<i>check each that applies</i>):	Sampling Approach (<i>check each that applies</i>):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/> 95% confidence level with a +/- 5% margin of error
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify:

		<input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis(check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

e. Sub-assurance: Participants are afforded choice: Between/among waiver services and providers.

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Number and Percent of participant records indicating individual has been given choice of waiver services and choice between eligible waiver providers. N=number of

participant records indicating individual has been given choice of waiver services and choice between eligible waiver providers. D=number of participant records

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Review of person centered service plans and other documentation in the Medicaid Waiver Management Application

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input data-bbox="1078 994 1264 1077" type="text"/>
Other Specify: <input data-bbox="408 1218 647 1301" type="text"/>	Annually	Stratified Describe Group: <input data-bbox="1078 1218 1264 1301" type="text"/>
	Continuously and Ongoing	Other Specify: <input data-bbox="1078 1442 1264 1525" type="text"/>
	Other Specify: <input data-bbox="718 1666 954 1749" type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

The Department or its designee will review critical incidents, waiver service, and Medicaid State Plan utilization for appropriate response to need monthly. The Department will track, trend, and review grievances and complains for system wide issues quarterly.

b. Methods for Remediation/Fixing Individual Problems

i. Describe the States method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the state to document these items.

If the Department or its designee determines an identified need noted on the assessment has not been addressed on the PCSP, the Department or its designee will issue written notification to the provider requiring additional information as to how these needs will be addressed.

Identified individual problems are researched and addressed by the Department or its designee. If issues are noted, the Department will follow the policies and procedures as noted in regulation.

ii. **Remediation Data Aggregation**

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify:	Annually

Responsible Party <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
<input type="checkbox"/>	
	Continuously and Ongoing
	Other Specify: <input type="text"/>

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Service Plans that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix E: Participant Direction of Services

Applicability *(from Application Section 3, Components of the Waiver Request):*

Yes. This waiver provides participant direction opportunities. Complete the remainder of the Appendix.

No. This waiver does not provide participant direction opportunities. Do not complete the remainder of the Appendix.

CMS urges states to afford all waiver participants the opportunity to direct their services. Participant direction of services includes the participant exercising decision-making authority over workers who provide services, a participant-managed budget or both. CMS will confer the Independence Plus designation when the waiver evidences a strong commitment to participant direction.

Indicate whether Independence Plus designation is requested *(select one):*

Yes. The state requests that this waiver be considered for Independence Plus designation.

No. Independence Plus designation is not requested.

Appendix E: Participant Direction of Services

E-1: Overview (1 of 13)

a. Description of Participant Direction. In no more than two pages, provide an overview of the opportunities for participant direction in the waiver, including: (a) the nature of the opportunities afforded to participants; (b) how participants may take advantage of these opportunities; (c) the entities that support individuals who direct their services and the supports that they provide; and, (d) other relevant information about the waiver's approach to participant direction.

The Supports for Community Living (SCL) waiver program promotes personal choice and control over the delivery of waiver services by affording opportunities for participant direction. SCL participants have the opportunity to direct some or all of their non-residential, non-medical waiver services. Traditional service delivery methods are available for participants who decide not to direct their services. Case managers provide assistance for informed decision-making by participants and their families/representatives about the election of participant direction with information and training on the roles, risks, and responsibilities assumed by those who choose participant direction. The following entities will provide supports to participants choosing to direct their own services:

- Case Management agencies will be independent of service delivery. Case Managers will assist with the development of a person-centered team and service plan.
- If appropriate, the Community Guide will provide direct assistance to the participant in brokering community resources and directing their services. This can include assistance with inclusion, recruiting employees, and plan development. Community Guide is an optional service.
- Financial Management Services agency will ensure wage and hour laws are met, and issue checks for services authorized in the service plan.
- Participants can choose agencies who will train and support qualified staff for services of the person's choosing.
- Participants can hire their own employees that meet qualifications. If needed, the case manager or community guide will assist the participant in recruiting alternate or additional providers.

Kentucky's participant-directed option is based on the principles of Self-Determination and Person-Centered thinking. A person-centered system acknowledges the role of families, guardians or natural supports in planning for children/youth and for adults who need assistance in making informed choices.

The principles and tools of Self-Determination are used to assist people in the creation of meaningful, culturally appropriate lives embedded in our communities and suffused with real relationships. These principles are Freedom, Responsibility, Authority, Support, and Confirmation. Tools include Community Guide, and Financial Management Services.

Supports that facilitate independence include assistance, support (including reminding, observing, and/or guiding) and/or training in activities such as meal preparation; laundry; routine household care and maintenance; activities of daily living as such as bathing, eating, dressing, personal hygiene, shopping and the use of money; reminding, observing, and/or monitoring of medications; respite; socialization, relationship building, leisure choice and participation in generic community activities.

For participant-directed services, the Financial Management Services provider only pays for services specified in the PCSP, and case managers additionally monitor the provision of these services. These services may be participant-directed and provided by a friend, family member or other person hired by the participant. A family member living in the home of the waiver recipient may be hired by the participant to provide supports only in specific circumstances including:

- Lack of a qualified provider in remote areas of the state; or
- Lack of a qualified provider who can furnish services at necessary times and places; or
- The family member or guardian has unique abilities necessary to meet the needs of the person; and
- Service must be one that the family member doesn't ordinarily provide.

In addition, for a legally responsible individual to provide paid services the following must also apply. 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, adoptive, foster or step) 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.

- Services must be extraordinary, exceeding the range of activities that a legally responsible individual would ordinarily provide in the household on behalf of a person without a disability of the same age, and which are necessary to assure health and welfare of the person and avoid institutionalization.
- A legally responsible individual shall not be approved to provide more than forty (40) hours per week of paid services.

If one or more of the above specific circumstances is met for a family member to provide services, the following conditions and situations must also be met:

- Family member must have the skills, abilities, and meet provider qualifications to provide the service;
- Service delivery must be cost effective;

- The use of the family member must be age and developmentally appropriate;
- The use of the family member as a paid provider must enable the person to learn and adapt to different people and form new relationships;
- The participant must be learning skills for increased independence; and
- Having a family member as staff:
 - o Truly reflects the person’s wishes and desires,
 - o Increases the person’s quality of life in measurable ways,
 - o Increases the person’s level of independence,
 - o Increases the person’s choices, and
 - o Increases access to the amount of service hours for needed supports.

All participants are afforded the opportunity to direct all non-residential, non-medical waiver services as long as provider qualifications and background checks as defined in waiver regulations are met. A participant may receive a combination of participant-directed and traditional waiver services. Services shall be prior authorized and payment for these services shall be in accordance with the participant’s approved PCSP.

The case manager is responsible for educating participants regarding participant-directed opportunities. Case managers meet with participants to detail the participant-directed service options; provide guidance regarding community guide services, which will assist with employee recruitment and hiring procedures; develop the new person-centered service plan to include participant-directed services and assist the participant with any other question they may have regarding participant direction.

A monthly face-to-face contact is required between the case manager and the participant and representative (if applicable) to ensure the needs are being met in an appropriate manner and monitor health, safety, and welfare. Community Guides will meet with participants as needed.

Appendix E: Participant Direction of Services

E-1: Overview (2 of 13)

b. Participant Direction Opportunities. Specify the participant direction opportunities that are available in the waiver.
Select one:

Participant: Employer Authority. As specified in *Appendix E-2, Item a*, the participant (or the participant's representative) has decision-making authority over workers who provide waiver services. The participant may function as the common law employer or the co-employer of workers. Supports and protections are available for participants who exercise this authority.

Participant: Budget Authority. As specified in *Appendix E-2, Item b*, the participant (or the participant's representative) has decision-making authority over a budget for waiver services. Supports and protections are available for participants who have authority over a budget.

Both Authorities. The waiver provides for both participant direction opportunities as specified in *Appendix E-2*. Supports and protections are available for participants who exercise these authorities.

c. Availability of Participant Direction by Type of Living Arrangement. *Check each that applies:*

Participant direction opportunities are available to participants who live in their own private residence or the home of a family member.

Participant direction opportunities are available to individuals who reside in other living arrangements where services (regardless of funding source) are furnished to fewer than four persons unrelated to the proprietor.

The participant direction opportunities are available to persons in the following other living arrangements

Specify these living arrangements:

Appendix E: Participant Direction of Services

E-1: Overview (3 of 13)

d. Election of Participant Direction. Election of participant direction is subject to the following policy (*select one*):

Waiver is designed to support only individuals who want to direct their services.

The waiver is designed to afford every participant (or the participant's representative) the opportunity to elect to direct waiver services. Alternate service delivery methods are available for participants who decide not to direct their services.

The waiver is designed to offer participants (or their representatives) the opportunity to direct some or all of their services, subject to the following criteria specified by the state. Alternate service delivery methods are available for participants who decide not to direct their services or do not meet the criteria.

Specify the criteria

Appendix E: Participant Direction of Services

E-1: Overview (4 of 13)

e. Information Furnished to Participant. Specify: (a) the information about participant direction opportunities (e.g., the benefits of participant direction, participant responsibilities, and potential liabilities) that is provided to the participant (or the participant's representative) to inform decision-making concerning the election of participant direction; (b) the entity or entities responsible for furnishing this information; and, (c) how and when this information is provided on a timely basis.

Each person in the waiver is afforded the choice of traditional, PDS and/or blended services (traditional and PDS). It is the CM responsibility to offer those choices to each participant when the initial assessment or reassessment is performed. The CM also informs the participant of the cost, fees associated with PDS, the criminal records check, training for the employee, the record keeping and time sheet that must be signed by the employer to verify that the employee's time, attendance and service performed is recorded correctly.

The case managers will be required to provide information about participant direction opportunities to the participants at the time of initial person-centered service plan meeting, at least annually thereafter, and at any point of recipient or guardian inquiry. Case managers will complete the person-centered service plan and provide detailed information regarding the participant direction opportunities available through the waiver program. The case manager will be responsible for explaining the recipients' responsibilities related to participant direction opportunities.

Appendix E: Participant Direction of Services

E-1: Overview (5 of 13)

f. Participant Direction by a Representative. Specify the state's policy concerning the direction of waiver services by a representative (*select one*):

The state does not provide for the direction of waiver services by a representative.

The state provides for the direction of waiver services by representatives.

Specify the representatives who may direct waiver services: (*check each that applies*):

Waiver services may be directed by a legal representative of the participant.

Waiver services may be directed by a non-legal representative freely chosen by an adult participant. Specify the policies that apply regarding the direction of waiver services by participant-appointed representatives, including safeguards to ensure that the representative functions in the best interest of the participant:

A non-legal or legal representative may be freely chosen by an adult waiver participant to direct waiver services. However, the representative may not be hired as an employee to provide any of the participant-directed waiver services. The representative must undergo the same background check as identified for employees. The representative must adhere to the person-centered principles of the waiver and fulfill the responsibilities as a PDS employer. The representative must also undergo training on fraud, abuse, neglect, and exploitation. The representative must also sign the Rights, Risks, and Responsibilities form yearly. This form explains the rights and responsibilities of the waiver program and the consequences, which may include termination from the participant-directed option, if they are not followed. The participant’s representative has the same decision-making authority.

The CM agency is responsible for monitoring the participant's service plan and ensuring needed services are being appropriately provided to the participant. If services are not being provided in accordance with the plan, or if the CM has concerns that the representative is not operating in the best interest of the participant, the CM shall work with the participant and representative to create a corrective action plan. If the issues continue, or the participant's health, safety and welfare are at risk, the CM shall transition the participant to traditional services and a ten (10) day notice to a fair hearing will be provided.

Appendix E: Participant Direction of Services

E-1: Overview (6 of 13)

g. Participant-Directed Services. Specify the participant direction opportunity (or opportunities) available for each waiver service that is specified as participant-directed in Appendix C-1/C-3.

Waiver Service	Employer Authority	Budget Authority
Supported Employment		
Natural Supports Training		
Transportation		
Shared Living		
Goods and Services		
Community Access		
Vehicle Adaptations		
Environmental Accessibility Adaptation Services		
Personal Assistance		
Respite		
Community Guide		

Appendix E: Participant Direction of Services

E-1: Overview (7 of 13)

h. Financial Management Services. Except in certain circumstances, financial management services are mandatory and integral to participant direction. A governmental entity and/or another third-party entity must perform necessary financial transactions on behalf of the waiver participant. *Select one:*

Yes. Financial Management Services are furnished through a third party entity. *(Complete item E-1-i).*

Specify whether governmental and/or private entities furnish these services. *Check each that applies:*

Governmental entities

Private entities

No. Financial Management Services are not furnished. Standard Medicaid payment mechanisms are used. *Do not complete Item E-1-i.*

Appendix E: Participant Direction of Services

E-1: Overview (8 of 13)

i. Provision of Financial Management Services. Financial management services (FMS) may be furnished as a waiver service or as an administrative activity. *Select one:*

FMS are covered as the waiver service specified in Appendix C-1/C-3

The waiver service entitled:

Financial Management

FMS are provided as an administrative activity.

Provide the following information

i. Types of Entities: Specify the types of entities that furnish FMS and the method of procuring these services:

Vendor or Government Fiscal Employer Agent

ii. Payment for FMS. Specify how FMS entities are compensated for the administrative activities that they perform:

The Department compensates Financial Management Services agency providers based on a specified rate per month per participant as a service through the waiver.

iii. Scope of FMS. Specify the scope of the supports that FMS entities provide *(check each that applies):*

Supports furnished when the participant is the employer of direct support workers:

Assist participant in verifying support worker citizenship status

Collect and process timesheets of support workers

Process payroll, withholding, filing and payment of applicable federal, state and local employment-related taxes and insurance

Other

Specify:

Supports furnished when the participant exercises budget authority:

Maintain a separate account for each participant's participant-directed budget

Track and report participant funds, disbursements and the balance of participant funds

Process and pay invoices for goods and services approved in the service plan

Provide participant with periodic reports of expenditures and the status of the participant-directed budget

Other services and supports

Specify:

Additional functions/activities:

Execute and hold Medicaid provider agreements as authorized under a written agreement with the Medicaid agency

Receive and disburse funds for the payment of participant-directed services under an agreement with the Medicaid agency or operating agency

Provide other entities specified by the state with periodic reports of expenditures and the status of the participant-directed budget

Other

Specify:

iv. Oversight of FMS Entities. Specify the methods that are employed to: (a) monitor and assess the performance of FMS entities, including ensuring the integrity of the financial transactions that they perform; (b) the entity (or entities) responsible for this monitoring; and, (c) how frequently performance is assessed.

All financial management services entities are subject to an annual on-site review by DMS and DAIL. This review shall include audits of electronic timesheets generated by EVV and supporting documentation against any payments issued to employees by the FMS. The audit shall identify any deficiencies and require a corrective action plan from the FMS. Participant satisfaction surveys shall be conducted annually (at a minimum) and those survey results will be utilized to address and resolve FMS issues.

Appendix E: Participant Direction of Services

E-1: Overview (9 of 13)

j. Information and Assistance in Support of Participant Direction. In addition to financial management services, participant direction is facilitated when information and assistance are available to support participants in managing their services. These supports may be furnished by one or more entities, provided that there is no duplication. Specify the payment authority (or authorities) under which these supports are furnished and, where required, provide the additional information requested (*check each that applies*):

Case Management Activity. Information and assistance in support of participant direction are furnished as an element of Medicaid case management services.

Specify in detail the information and assistance that are furnished through case management for each participant direction opportunity under the waiver:

The case manager is responsible for educating participants regarding participant-directed opportunities. Case managers meet with participants to detail the participant-directed service options; develop the new PCSP to include participant-directed services and assist the participant with any other question they may have regarding participant direction.

A monthly face-to-face contact is required between the case manager and the participant and participant’s representative (if applicable) to ensure the participant’s needs are being met in an appropriate manner and monitor health, safety and welfare.

Waiver Service Coverage.

Information and assistance in support of participant direction are provided through the following waiver service coverage(s) specified in Appendix C-1/C-3 (check each that applies):

Participant-Directed Waiver Service	Information and Assistance Provided through this Waiver Service Coverage
Supported Employment	
Consultative Clinical and Therapeutic Services - Positive Behavior Supports	
Natural Supports Training	
Technology Assisted Residential	
Specialized Medical Equipment and Supplies	
Residential Support Level II	
Transportation	
Shared Living	
Positive Behavior Supports	
Financial Management Services	
Goods and Services	
Community Access	
Vehicle Adaptations	
Environmental Accessibility Adaptation Services	
Personal Assistance	
Respite	
Consultative Clinical and Therapeutic - Nutritional Services	
Day Training	
Community Transition	
Consultative Clinical and Therapeutic - Psychological Services	
Residential Support Level I	
Case Management	
Community Guide	

Administrative Activity. Information and assistance in support of participant direction are furnished as an administrative activity.

Specify (a) the types of entities that furnish these supports; (b) how the supports are procured and compensated; (c) describe in detail the supports that are furnished for each participant direction opportunity under the waiver; (d) the methods and frequency of assessing the performance of the entities that furnish these supports; and, (e) the entity or entities responsible for assessing performance:

Appendix E: Participant Direction of Services

E-1: Overview (10 of 13)

k. Independent Advocacy *(select one).*

No. Arrangements have not been made for independent advocacy.

Yes. Independent advocacy is available to participants who direct their services.

Describe the nature of this independent advocacy and how participants may access this advocacy:

Appendix E: Participant Direction of Services

E-1: Overview (11 of 13)

i. Voluntary Termination of Participant Direction. Describe how the state accommodates a participant who voluntarily terminates participant direction in order to receive services through an alternate service delivery method, including how the state assures continuity of services and participant health and welfare during the transition from participant direction:

A participant may voluntarily disenroll from PDS at any time. The case manager must meet with the participant to provide support and information on the impact of disenrolling from PDS and to offer any support that may be required to mitigate issues prompting the participant to request disenrollment. The case manager is responsible for informing the participant of the impacts and risks of disenrollment. If the participant still wishes to continue with disenrollment the support advisor will assist the participant, their legal guardian or authorized representative, if applicable, in locating traditional service providers to meet their needs. The case manager shall take action in locating traditional service providers within seven (7) calendar days of the participant, legal guardian, or authorized representative's request to disenroll.

If the participant selects to terminate PDS, they may be subject to waiver program termination based on the following guidelines:

- If a participant does not access any waiver services outlined in the PCSP for a period greater than sixty (60) consecutive calendar days without receiving an extension based on demonstration of good cause, the participant may be terminated from the waiver.
- A one-time, sixty (60) consecutive calendar day extension may be granted in the event of good cause.
- Good cause is defined as circumstances beyond the control of the participant that affects the participant's ability to access funding or services, which includes:
 - o Illness or hospitalization of the participant that is not expected to last beyond the good cause extension; or
 - o The participant and the participant's legal guardian or authorized representative, if applicable, made diligent contact with potential providers to secure placement or access services but has not been accepted within the sixty (60) consecutive calendar day period.

Appendix E: Participant Direction of Services

E-1: Overview (12 of 13)

m. Involuntary Termination of Participant Direction. Specify the circumstances when the state will involuntarily terminate the use of participant direction and require the participant to receive provider-managed services instead, including how continuity of services and participant health and welfare is assured during the transition.

The case manager is responsible for monitoring the participant's PCSP and ensuring needed services are provided effectively to the participant to advance his or her goals and objectives, as identified in the PCSP. If services are not being provided as documented within the PCSP or if the case manager has concerns that the participant's needs are not met, the case manager shall work with the participant and the participant's legal guardian or authorized representative, if applicable, to create a participant corrective action plan (CAP) within fourteen(14) calendar days of identifying the service delivery issue. A CAP is developed to address issues that interfere with the delivery of PDS services, including but not limited to:

1. The participant does not comply with the PCSP, including over-utilization of services, or accessing unauthorized waiver services not included in the PCSP;
2. The participant and/or an immediate family member, an employee, legal guardian or authorized representative consistently refuses services from a provider;
3. The participant and/or an immediate family member, an employee, legal guardian or authorized representative threatens, demonstrates abusive behavior towards a provider;
4. Imminent threat of harm to the participant's health, safety, or welfare is observed; or
5. The participant, an immediate family member, an employee, legal guardian or authorized representative interferes with the delivery of case management activities, as defined in Appendix C-1.

Immediate action may need to be taken in cases where health, safety, or welfare impacts are imminent.

The case manager monitors the progress of the CAP and resulting outcomes. A CAP must be conducted over a minimum of thirty (30) calendar days to adequately address issues. If the participant is unable to resolve the issue or unable to develop and effectively implement the intended improvements stipulated in a CAP within ninety (90) calendar days of identification of the issue, the case manager will issue a findings packet to The Department to determine if the participant should be terminated from PDS. PDS service delivery will be terminated through the appropriate process as follows:

1. The participant receives a letter notifying them of termination of the PDS option. The letter includes appeal rights as defined in Appendix F.
2. The participant and the participant's legal guardian or authorized representative, if applicable, are provided with information regarding the traditional program and available providers, in a manner that is understandable to the participant. The case manager assists the participant, legal guardian/authorized representative with identifying a traditional service provider they would like.
3. The case manager coordinates with traditional providers to make sure that there are no lapses in service and that updates to the PCSP are made in a timely manner. The case manager shall document the reason for the PDS option withdrawal, actions taken to assist the participant to develop a CAP and the outcomes, and the support provided in obtaining traditional services.
4. The participant is provided written notice of the option for an administrative hearing thirty (30) calendar days prior to the transition to traditional services.
5. If the participant cannot obtain a willing traditional provider within sixty (60) calendar days from the termination notice, he/she is discharged from waiver with the Department approval. A one-time, sixty (60) calendar days extension may be granted in the event of good cause, as defined in E-1-1.
6. Additional and immediate action may be taken if the participant's health, safety, or welfare is at risk. The case manager assists the participant in understanding the risks and consequences and may immediately assist the participant in transferring to a traditional waiver provider of the participant's choice. The case manager notifies the Department of the transfer and notifies other appropriate agencies and authorities of suspected abuse, safety, and neglect allegations through the proper channels and critical incident reports as described in Appendix G of this waiver application.

If substantiated by the Office of the Inspector General (OIG), cases of fraud may result in the participant's termination from PDS, the waiver, or Medicaid

Appendix E: Participant Direction of Services

E-1: Overview (13 of 13)

n. Goals for Participant Direction. In the following table, provide the state's goals for each year that the waiver is in effect for the unduplicated number of waiver participants who are expected to elect each applicable participant direction opportunity. Annually, the state will report to CMS the number of participants who elect to direct their waiver services.

Table E-1-n

	Employer Authority Only	Budget Authority Only or Budget Authority in Combination with Employer Authority
Waiver Year	Number of Participants	Number of Participants

Table E-1-n

	Employer Authority Only	Budget Authority Only or Budget Authority in Combination with Employer Authority
Waiver Year	Number of Participants	Number of Participants
Year 1	<input type="text"/>	<input type="text" value="453"/>
Year 2	<input type="text"/>	<input type="text" value="473"/>
Year 3	<input type="text"/>	<input type="text" value="493"/>
Year 4	<input type="text"/>	<input type="text" value="513"/>
Year 5	<input type="text"/>	<input type="text" value="533"/>

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant Direction (1 of 6)

a. Participant - Employer Authority Complete when the waiver offers the employer authority opportunity as indicated in Item E-1-b:

i. Participant Employer Status. Specify the participant's employer status under the waiver. *Select one or both:*

Participant/Co-Employer. The participant (or the participant's representative) functions as the co-employer (managing employer) of workers who provide waiver services. An agency is the common law employer of participant-selected/recruited staff and performs necessary payroll and human resources functions. Supports are available to assist the participant in conducting employer-related functions.

Specify the types of agencies (a.k.a., agencies with choice) that serve as co-employers of participant-selected staff:

Participant/Common Law Employer. The participant (or the participant's representative) is the common law employer of workers who provide waiver services. An IRS-approved Fiscal/Employer Agent functions as the participant's agent in performing payroll and other employer responsibilities that are required by federal and state law. Supports are available to assist the participant in conducting employer-related functions.

ii. Participant Decision Making Authority. The participant (or the participant's representative) has decision making authority over workers who provide waiver services. *Select one or more decision making authorities that participants exercise:*

Recruit staff

Refer staff to agency for hiring (co-employer)

Select staff from worker registry

Hire staff common law employer

Verify staff qualifications

Obtain criminal history and/or background investigation of staff

Specify how the costs of such investigations are compensated:

Specify additional staff qualifications based on participant needs and preferences so long as such qualifications are consistent with the qualifications specified in Appendix C-1/C-3.

Specify the state's method to conduct background checks if it varies from Appendix C-2-a:

Employee records are reviewed as a part of the quality auditing process including the results of all background screenings, trainings and any other pre-employment or annual requirements.

Determine staff duties consistent with the service specifications in Appendix C-1/C-3.

Determine staff wages and benefits subject to state limits

Schedule staff

Orient and instruct staff in duties

Supervise staff

Evaluate staff performance

Verify time worked by staff and approve time sheets

Discharge staff (common law employer)

Discharge staff from providing services (co-employer)

Other

Specify:

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (2 of 6)

b. Participant - Budget Authority Complete when the waiver offers the budget authority opportunity as indicated in Item E-1-b:

i. Participant Decision Making Authority. When the participant has budget authority, indicate the decision-making authority that the participant may exercise over the budget. *Select one or more:*

Reallocate funds among services included in the budget

Determine the amount paid for services within the state's established limits

Substitute service providers

Schedule the provision of services

Specify additional service provider qualifications consistent with the qualifications specified in Appendix C-1/C-3

Specify how services are provided, consistent with the service specifications contained in Appendix C-1/C-3

Identify service providers and refer for provider enrollment

Authorize payment for waiver goods and services

Review and approve provider invoices for services rendered

Other

Specify:

--

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (3 of 6)

b. Participant - Budget Authority

- ii. Participant-Directed Budget** Describe in detail the method(s) that are used to establish the amount of the participant-directed budget for waiver goods and services over which the participant has authority, including how the method makes use of reliable cost estimating information and is applied consistently to each participant. Information about these method(s) must be made publicly available.

As identified in the SIS assessment, services in the PCSP shall be prior authorized. The participant may negotiate wage rates with employees; however, the hourly rate shall not exceed the maximum rate listed in the waiver for the service. The authorized amount will be calculated based on the unit rate set by the participant, multiplied by the number of hours approved on the service plan plus taxes and any environmental mods. or goods and services as approved on the service plan. The service plan can be modified based on changing needs of the participant.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (4 of 6)

b. Participant - Budget Authority

- iii. Informing Participant of Budget Amount.** Describe how the state informs each participant of the amount of the participant-directed budget and the procedures by which the participant may request an adjustment in the budget amount.

The person centered service plan is developed based on assessed needs. Participants and/or their legal representatives are given copies of the plan and also receive a copy of the authorization letter. The participant can at any time request a change to the person-centered plan. Any modification in services are based on change in needs, goal and objectives and require a person-centered team meeting. The participant will receive updated copies of the plans and authorization letters.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (5 of 6)

b. Participant - Budget Authority

- iv. Participant Exercise of Budget Flexibility.** *Select one:*

Modifications to the participant directed budget must be preceded by a change in the service plan.

The participant has the authority to modify the services included in the participant directed budget without prior approval.

Specify how changes in the participant-directed budget are documented, including updating the service plan. When prior review of changes is required in certain circumstances, describe the circumstances and specify the entity that reviews the proposed change:

--

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (6 of 6)

b. Participant - Budget Authority

- v. **Expenditure Safeguards.** Describe the safeguards that have been established for the timely prevention of the premature depletion of the participant-directed budget or to address potential service delivery problems that may be associated with budget underutilization and the entity (or entities) responsible for implementing these safeguards:

The person centered service plan is based on service units and is monitored for usage by the Financial Management Services (FMS) agency for each participant. DAIL conducts random monitoring reviews of participants who direct their services and are in contact with the FMS agency as issues arise. Corrective action plans are created in instances where the participant fails to adhere to the service plan by over/under use of service units.

Appendix F: Participant Rights

Appendix F-1: Opportunity to Request a Fair Hearing

The state provides an opportunity to request a Fair Hearing under 42 CFR Part 431, Subpart E to individuals: (a) who are not given the choice of home and community-based services as an alternative to the institutional care specified in Item 1-F of the request; (b) are denied the service(s) of their choice or the provider(s) of their choice; or, (c) whose services are denied, suspended, reduced or terminated. The state provides notice of action as required in 42 CFR §431.210.

Procedures for Offering Opportunity to Request a Fair Hearing. Describe how the individual (or his/her legal representative) is informed of the opportunity to request a fair hearing under 42 CFR Part 431, Subpart E. Specify the notice(s) that are used to offer individuals the opportunity to request a Fair Hearing. State laws, regulations, policies and notices referenced in the description are available to CMS upon request through the operating or Medicaid agency.

Participants are first informed of their right to an administrative hearing, the reconsideration, and the grievance processes during the initial face-to-face visit through distribution of the waiver welcome packet. Verification that the participant has been informed of their rights to an administrative hearing is obtained by signature of the participant on the Department-approved form. A participant may request assistance from their CM to submit a request for an administrative hearing. If the participant does not have a CM, or would prefer assistance from another party, the following entities may assist participants with filing an administrative hearing request:

1. Office of the Ombudsman,
2. Kentucky Protection and Advocacy,
3. Office of Legal Support,
4. Department for Aging and Independent Living, or
5. By calling the Medicaid Waiver Help Desk.

Materials provided to the participant include the participant's rights and process to request an administrative hearing in the event of one of the following adverse actions:

- a. Not providing a participant the choice of home and community-based services as an alternative to institutional care;
- b. Denying a participant the service(s) of their choice, service delivery option of their choice, or the provider(s) of their choice; or
- c. Actions to deny, suspend, reduce, or terminate services.

All administrative hearings are handled by the Hearing and Appeals Branch of the Cabinet.

Participants who are denied level of care, suspension, reduction, or termination of services, or PDS employee exemptions are issued written notification of appeal rights at the time of adverse action. These rights are contained as a part of the adverse action notices issued by the Department or its designee. When this function is conducted by a designee, the Department or its designee will develop all templates and perform oversight activities to ensure timeliness and that the adverse action notice includes the following:

- Appropriate denial or change information;
- Administrative hearing rights;
- Instructions for reconsideration or administrative hearing; and
- Contact information to request assistance with a request for appeal.

All administrative hearing rights are outlined in 907 KAR 1:563 which requires written notification of appeal rights to the participant and stipulates that participants must request, in writing, an administrative hearing within thirty (30) calendar days of the date of the notification. Services will continue as previously indicated in the PCSP prior to the adverse action if the request for an administrative hearing is made within ten (10) calendar days. The notices are generated electronically at the time of an adverse action, delivered, via certified mail, to the participant and the participant's legal guardian or authorized representative, if applicable, delivered electronically to the CM, and recorded electronically in MWMA.

Appendix F: Participant-Rights

Appendix F-2: Additional Dispute Resolution Process

- a. Availability of Additional Dispute Resolution Process.** Indicate whether the state operates another dispute resolution process that offers participants the opportunity to appeal decisions that adversely affect their services while preserving their right to a Fair Hearing. *Select one:*

No. This Appendix does not apply

Yes. The state operates an additional dispute resolution process

- b. Description of Additional Dispute Resolution Process.** Describe the additional dispute resolution process, including: (a) the state agency that operates the process; (b) the nature of the process (i.e., procedures and timeframes), including the types of disputes addressed through the process; and, (c) how the right to a Medicaid Fair Hearing is preserved when a participant elects to make use of the process: State laws, regulations, and policies referenced in the description are available to CMS upon request through the operating or Medicaid agency.

A reconsideration is an optional process that provides the participant an opportunity to resolve the adverse action outside of the administrative hearing process while still retaining the option to pursue an administrative hearing in the future. The reconsideration is also the most efficient and quickest way to resolve an adverse action.

The participant may request an administrative hearing immediately following an adverse action notice or after they have pursued the reconsideration process. Furthermore, the reconsideration process is not a pre-requisite for an administrative hearing. Participants are first informed of the reconsideration process during the initial functional assessment, at the same time they are informed of the administrative hearing, and complaint and grievance process. Additionally, participants are informed of those processes annually upon re-assessment and in any adverse action notice.

The Department provides for a reconsideration process. This process is operated by the Department or its designee. This reconsideration process is summarized in the following steps:

1. The provider, participant, or the participant's legal guardian / authorized representative acting on the participant's behalf can request a reconsideration.

A reconsideration request must be made in writing and can be submitted to the Department via U.S. Mail or by email.

Participants with a disability that prevents them from submitting a request in writing can call the Department's Division of Community Alternatives for assistance.

Reconsideration requests must be postmarked within fourteen (14) calendar days from the date of the written notice of adverse action.

Reconsideration requests postmarked or dated and timestamped more than fourteen (14) calendar days from the date of the written notice of adverse action are considered invalid. The individual making the request will receive an out of timeframe letter notifying them that the request was not made in the proper timeframe.

If a reconsideration request is made after the fourteen (14) calendar day timeframe ends, the provider, participant, or the participant's legal guardian/authorized representative acting on the participant's behalf can still request an administrative hearing.

The out of timeframe letter will explain the right to an administrative hearing and the process for requesting one as described in Appendix F-1.

A request for an administrative hearing must be made in writing and postmarked within thirty (30) calendar days of the initial written notice of adverse action. Requests for an administrative hearing cannot be made via email.

2. The Department or its designee will conduct the reconsideration, render a determination, and send a letter to the provider, participant, and participant's legal guardian or authorized representative, if applicable, within the timeframe set forth in 907 KAR 1:563. If the adverse action is upheld, the letter will be sent via certified mail. If the adverse action is overturned, the letter will be postmarked within the timeframe referenced in 907 KAR 1:563.

3. If the reconsideration determination upholds or modifies the original decision, resulting in an adverse action, the participant, the participant's legal guardian or authorized representative may request an administrative hearing.

Information on how to request an administrative hearing is included in the reconsideration determination letter. The participant has thirty (30) calendar days from the reconsideration determination to request an administrative hearing. The request must be received or postmarked within thirty (30) calendar days of the reconsideration determination letter. If the request is received or postmarked within ten (10) calendar days, previously approved services of the reconsideration determination letter, services will continue until receipt of the final order. Administrative Hearings are handled by the Hearing and Appeals Branch of the Cabinet as described in section F-1.

Appendix F: Participant-Rights

Appendix F-3: State Grievance/Complaint System

a. Operation of Grievance/Complaint System. *Select one:*

No. This Appendix does not apply

Yes. The state operates a grievance/complaint system that affords participants the opportunity to register grievances or complaints concerning the provision of services under this waiver

b. Operational Responsibility. Specify the state agency that is responsible for the operation of the grievance/complaint system:

Participants have the opportunity to register grievances and complaints concerning the provision of services by waiver providers. The grievances and complaints system shall be operated by the Department.

- c. Description of System.** Describe the grievance/complaint system, including: (a) the types of grievances/complaints that participants may register; (b) the process and timelines for addressing grievances/complaints; and, (c) the mechanisms that are used to resolve grievances/complaints. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Waiver participants may register any grievance or complaint regarding waiver service provision or service providers by contacting the Department via Medicaid Waiver Help Desk, or via mail. A complaint or grievance can be submitted at any time. The participant is informed that filing a complaint or grievance is not a prerequisite of a fair hearing. These complaints and grievances are documented in a central database administered by the Department. All complaints and grievances are tracked and trended by the Department to identify if additional provider trainings and participant education opportunities should be developed and conducted.

A complaint is an expression of dissatisfaction from the participant regarding some aspect of their 1915(c) waiver service delivery or experience that does not require follow up as determined by the categorization process described below.

A grievance is an expression of dissatisfaction from the participant due, in part or in full, to the failure of the Department, or a provider to adhere to established operating procedures, regulations, and waiver requirements. Grievances may require the Department follow up and resolution as determined by the categorization process described below.

Upon receiving a complaint or grievance, the Department or its designee will immediately assess and categorize the gravity of the grievance or complaint and determine if an immediate response, timely response, or acknowledgement of the grievance or complaint is required.

1. An immediate response is necessary if a participant's health, safety, or welfare are jeopardized. Grievances will be addressed, and the appropriate parties notified immediately of learning of the event. The Department will contact the participant via his/her preferred method of communication once the grievance is resolved and throughout the investigation as necessary.

2. The Department will provide a timely response if a grievance requires action to be taken but does not put the health, safety, or welfare of the participant in jeopardy. These responses will be addressed as soon as possible. Some action, including opening an investigation and notifying the appropriate parties, must be taken within seven (7) calendar days of receiving the grievance. Resolution of the grievance is dependent on the nature of the grievance and resolution is not required to occur within seven (7) calendar days. The Department or its designee will contact the participant via his/her preferred method of communication once the grievance is resolved.

3. If no action is necessary, the Department or its designee will document the complaint within the Department- approved system.

During this complaint/grievance assessment, the Department will determine if other agencies are responsible for licensure, certification, or monitoring of the provider and will notify or involve these agencies as appropriate. The Department will also determine if the grievance/complaint meets the definition of a critical incident as specified in Appendix G. If a critical incident has occurred, the Department will alert the appropriate parties and follow the process described in Appendix G of this waiver application.

Lastly, the Department will require all waiver service providers to implement policies and procedures to address participant complaints, grievances, and appeals independently from the state complaint/grievance/appeal process. The providers are required to educate all participants regarding the procedure and provide adequate resolution in a timely manner. The provider grievances and appeals are monitored by the Department or its designee through certification and on-site monitoring during surveys, investigations, and technical assistance visits.

Appendix G: Participant Safeguards

Appendix G-1: Response to Critical Events or Incidents

- a. Critical Event or Incident Reporting and Management Process.** Indicate whether the state operates Critical Event or Incident Reporting and Management Process that enables the state to collect information on sentinel events occurring in the waiver program. *Select one:*

Yes. The state operates a Critical Event or Incident Reporting and Management Process (*complete Items b through e*)

No. This Appendix does not apply *(do not complete Items b through e)*

If the state does not operate a Critical Event or Incident Reporting and Management Process, describe the process that the state uses to elicit information on the health and welfare of individuals served through the program.

b. State Critical Event or Incident Reporting Requirements. Specify the types of critical events or incidents (including alleged abuse, neglect and exploitation) that the state requires to be reported for review and follow-up action by an appropriate authority, the individuals and/or entities that are required to report such events and incidents and the timelines for reporting. State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Commonwealth is responsible to provide a reporting process and investigation of cases of abuse, neglect, and exploitation (ANE) of waiver participants using 907 KAR 3:090 and the following Kentucky statutes and administrative regulations:

- “Abuse” as defined in KRS 209.020(8) and 922 KAR 5:070,
- “Sexual Abuse” as defined in KRS 600.020(58),
- “Exploitation” as defined in KRS 209.020(9) and 922 KAR 5:070, and
- “Neglect” as defined in KRS 209.020(16) and 922 KAR 5:070.

The Department or its designee requires the following additional incident types to be reported:

- Serious injury requiring treatment beyond basic first aid,
- Death other than by natural causes, and
- Events that serve as indicators of risk to participant health and welfare (e.g., unplanned in-patient hospitalizations, medication errors, use of restraints or behavioral interventions).

The Department or its designee will continually monitor incident trends and patterns and may require additional incident types beyond those listed above as needed.

For organizational and prioritization purposes, the Department classifies incidents into non-critical incidents and critical incidents. Critical incidents are serious in nature and pose immediate risk to health, safety, or welfare of the waiver participant or others. Non-critical incidents are minor in nature and do not create a serious consequence or risk for waiver participants. Other sections of this appendix describe the process for categorizing and investigating these incidents.

Identification of the individuals/entities that must report critical events and incidents:

Any individual who witnesses or discovers a critical or non-critical incident is responsible to report it. This includes, but is not limited to, all persons as defined in KRS 209.030(2) and KRS 620.030.

The timeframes within which critical and non-critical incidents must be reported:

Any individual who witnesses or discovers an incident should immediately take steps to ensure the participant’s health, safety, and welfare, and notify the necessary authorities, including calling law enforcement and reporting any suspected ANE or financial exploitation to the DCBS. DCBS is part of the Cabinet and operates both Adult and Child Protective Services (APS and CPS).

For critical incidents, the participant’s legal guardian and/or authorized representative shall be notified immediately following notifications to law enforcement and/or APS/CPS, unless he/she has suspected involvement. The Department defines “immediately” as making the notification as soon as possible but no later than eight (8) hours after the incident.

The participant’s case manager (CM) shall also be notified immediately. A critical incident report shall be submitted via MWMA within eight (8) hours of the time the incident is witnessed or discovered, and no later than the next business day if it is witnessed or discovered outside of regular business hours. The provider agency must begin its investigation into the critical incident immediately upon witnessing or discovering the incident and submit a full, written investigative report using MWMA within seven (7) calendar days.

For non-critical incidents, the participant’s legal guardian and/or authorized representative and CM shall be notified within twenty-four (24) hours upon witness or discovery of the incident. The CM, or provider shall enter the non-critical incident report in MWMA within twenty-four (24) hours of witnessing or discovering the incident. Non-critical incidents witnessed or discovered on a weekend or state holiday should be reported the next business day.

The Department or its designee reviews critical and non-critical incident summary data generated by MWMA to identify systemic issues and conduct follow-up activities as warranted.

The method of reporting:

DCBS operates both a telephone hotline and an online system for reporting suspected ANE of an adult or child. Reporters can reach the Child Protection Hotline, toll-free, at 1-877-597-2331 to report suspected ANE of either an adult or child.

The phone line is staffed twenty-four (24) hours a day, seven (7) days a week including weekends and holidays.

Reporters can also contact their local DCBS office to report suspected ANE.

There is also an online system for reporting suspected ANE. This system is available for reporting non-emergency situations that do not require an urgent response. The website is monitored from 8:00 a.m. to 4:30 p.m. EST, Monday through Friday. Reports are not reviewed on evenings, weekends, or State holidays. If a child or adult is at immediate risk of abuse or neglect that could result in serious harm or death, it is considered an emergency and should be reported to local law enforcement or 911.

Any person making such a report shall provide the following information, if known:

- The name, age, and address or location where the child or adult can be found and/or any other person responsible for their care;
- The nature and extent of the ANE, including any evidence of previous ANE;
- The identity of the suspected perpetrator;
- The name and address of the reporter, if they choose to be identified; and
- Any other information that the person believes might be helpful in establishing the cause of the abuse, neglect, or

exploitation.

Those who witness or discover a non-critical or critical incident shall report it using MWMA. It is the provider's responsibility to contact all pertinent entities including but not limited to CM, law enforcement, and protective services.

- c. Participant Training and Education.** Describe how training and/or information is provided to participants (and/or families or legal representatives, as appropriate) concerning protections from abuse, neglect, and exploitation, including how participants (and/or families or legal representatives, as appropriate) can notify appropriate authorities or entities when the participant may have experienced abuse, neglect or exploitation.

As required by regulation: Participants are to be free from and educated on mental, verbal, sexual, and physical abuse, neglect, exploitation, isolation, corporal or unusual punishment, including interference with daily functions of living. DDID provides on-line training for providers regarding the statutory and regulatory reporting requirements and identification and prevention of abuse, neglect and exploitation. This training is available online through the College of Direct Support. SCL Providers are required to educate all participants at least annually and more often as needed, regarding recognition of abuse, neglect, and exploitation and the process to report same. Training is tailored to each individual's learning style and can be provided in a variety of formats either online or face to face. Each provider is required to assist and support the participant's ability to communicate freely with family members, guardians, friends, and case managers. For participants who choose to direct their own services, it is the responsibility of the case manager to ensure that the participant and all employees are trained on abuse, neglect and exploitation and reporting requirements.

- d. Responsibility for Review of and Response to Critical Events or Incidents.** Specify the entity (or entities) that receives reports of critical events or incidents specified in item G-1-a, the methods that are employed to evaluate such reports, and the processes and time-frames for responding to critical events or incidents, including conducting investigations.

The response below describes the Department's role in reviewing and responding to critical and non-critical incidents, the Department cooperates with other investigative agencies, including APS/CPS, operating agencies, and law enforcement, to complete investigative activities in a timely manner with minimal stress to the participant.

The entity that receives reports of each type of critical event or incident:

Shall submit an incident report using MWMA. Shall report any suspected ANE to DCBS.

The entity that is responsible for evaluating reports and how reports are evaluated:

Upon receiving the report, the Department or its designee becomes responsible for evaluating reports. The Department may upgrade or downgrade an incident based on the report submitted.

A. A non-critical incident shall:

1. Be submitted via MWMA. The Department or its designee reserves the right to escalate any categorical non-critical incident to a critical incident as circumstances require;
2. Be minor in nature and not create a serious consequence or risk for participants;
3. Not require an on-site Department or its designee investigation; and/or
4. Be monitored for future follow-up and intervention as appropriate

B. A critical incident shall:

1. Be reviewed by the Department or its designee and appropriately classified as a critical or non-critical incident and the investigative process will be initiated as appropriate;
2. Be serious in nature;
3. Pose immediate risk to health, safety, or welfare of the participant, co-residing participants, or others;
4. Have an investigation report completed within seven (7) calendar days of the incident; and/or
5. Warrant an on-site Department investigation as needed

C. The timeframes for conducting and completing an investigation:

Individuals who witness or discover an incident shall immediately ensure the participant's health, safety, and welfare, and contact the proper authorities, including law enforcement and/or APS/CPS.

For both critical and non-critical incidents, the participant's legal guardian/authorized representative and CM shall be notified as soon as the above steps have been taken.

Once these steps have been taken, the provider agency initiates an investigation into the incident based on its classification as follows:

Non-Critical Incidents

The Department reviews non-critical incident reporting. Based on the findings, the Department may require more information or escalate the incidents to a critical incident. If the non-critical incident is escalated to a critical incident, the critical incident processes below will apply.

Critical Incidents

Provider agencies must initiate investigations of critical incidents immediately upon witnessing or discovering the incident. The Department shall be notified, via an incident report entered into MWMA, the same day if the incident is witnessed or is discovered during business hours and the next business day if it is witnessed or is discovered outside of business hours. The Department or its designee conducts a review of the critical incident. The Department or its designee may intervene when deemed necessary and conduct an investigation within fourteen (14) business days of notification if the incident involves physical abuse and neglect that results in death or potentially life-threatening or serious injury or illness. APS/CPS and/or law enforcement investigations may take longer. The Department will maintain a memorandum of understanding with APS/CPS regarding the results of investigations and will take appropriate action based on the outcome. The provider must upload a complete, investigative report on the critical incident within seven (7) calendar days of witness or discovery MWMA. This report only includes provider findings.

All waiver providers are expected to meet the standards set forth in their provider agreement with the Department, with Department ANE training, Department waiver certification, and/or OIG licensure regarding ANE/critical incident investigations and reporting.

D. The entity that is responsible for conducting investigations and how investigations are conducted:

Providers conduct and upload investigations on critical incidents to MWMA within seven (7) calendar days.

In opening and initiating an investigation, the Department or its designee contacts and coordinates with APS/CPS, law enforcement, and other responsible agencies immediately if needed. The Department or its designee must conduct investigations in coordination with these parties, as they are identified as involved in a case, to ensure the participant's health, safety, and welfare.

The Department or its designee must also assist and support investigations in accordance with Kentucky statute and administrative regulations, including 922 KAR 1:330, 922 KAR 5:070, KRS 620.030, and KRS 209.030.

The Department or its designee will conduct an investigation using methods determined appropriate and will intervene immediately to address imminent health, safety, or welfare concerns of a participant as deemed necessary, based on the reporting and investigatory information obtained. As part of the investigation, the Department or its designee may interview parties involved in the incident including provider staff, participants, witnesses, or other parties. In addition, the Department or its designee may request and review medical reports, claims data, police reports, and other pertinent documentation to support the Department's investigation. If necessary, the Department or its designee may also conduct an on-site investigation to inspect the participant's environment at home or in a provider facility. If the investigation report results in documentation of regulatory non-compliance, a findings letter including citations, impositions of a corrective action plan (CAP), and/or sanctions is generated and sent to the provider agency via mail. The participant or family/legal representative, as appropriate, as well as other relevant parties (the provider licensing and regulatory authority) are notified of the investigation within thirty (30) days of close of the investigation.

- e. Responsibility for Oversight of Critical Incidents and Events.** Identify the state agency (or agencies) responsible for overseeing the reporting of and response to critical incidents or events that affect waiver participants, how this oversight is conducted, and how frequently.

The Department or its designee is responsible to oversee reporting of and response to critical incidents affecting waiver participants at least annually or more frequently if necessary. The Department or its designee will conduct an investigation and will intervene to address imminent health, safety, or welfare concerns of a participant as deemed necessary. The Department tracks and trends all incident reports. The Department or its designee may conduct follow-up monitoring visits, technical assistance, or provider training as needed, based on trend analysis. Trend analysis monitors the following data elements:

- Nature of the incident,
- Frequency of incidents,
- Adherence to time standards,
- CAP status,
- High frequency providers,
- Recurring participants, and
- Rate of unreported incidents identified via MMIS claims data.

All incident reports are submitted through MWMA. The Department or its designee samples a select number of providers and verifies through certification surveys, monitoring visits, or investigations that critical incidents were appropriately addressed and that the provider agency is following up appropriately.

Appendix G: Participant Safeguards

Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (1 of 3)

- a. Use of Restraints.** *(Select one): (For waiver actions submitted before March 2014, responses in Appendix G-2-a will display information for both restraints and seclusion. For most waiver actions submitted after March 2014, responses regarding seclusion appear in Appendix G-2-c.)*

The state does not permit or prohibits the use of restraints

Specify the state agency (or agencies) responsible for detecting the unauthorized use of restraints and how this oversight is conducted and its frequency:

Kentucky recognizes that person-centered thinking and planning is key to prevention of risk of harm for all participants. It is the responsibility of all service providers to utilize person-centered thinking as a means of crisis prevention. Kentucky is dedicated to fostering a restraint-free environment in all waiver programs. The Department prohibits the use of mechanical or chemical restraints, seclusion, manual restraints, including any manner of prone (breast-bone down) or supine (spine down) restraint. The Department also prohibits the use of chemical restraints. The Department defines a chemical restraint as the use of a medication, either over the counter or prescribed, to temporarily control behavior or restrict movement or functioning of a participant and is not a standard treatment for the participant’s medical or psychiatric diagnosis. A psychotropic per required need (PRN) is a pharmacological intervention defined as the administration of medication for an acute episodic symptom of a participant’s mental illness or psychiatric condition and is not considered a chemical restraint. All medication administration must adhere to a physician’s order that shall include drug, dosage, directions, and reason for use. The PCSP, risk mitigation form, and behavior support plan, if applicable, shall incorporate the protocol for use of a psychotropic PRN and is applicable to participants in the Department-approved provider sites. These are reviewed annually as part of the person-centered planning process or more often if needed. The Department is responsible for oversight of the person-centered planning process which includes monitoring of case management reports, incident reports, and complaints. The continuous quality improvement process reveals trends, patterns, and remediation necessary to ensure proper implementation of the PCSP and participant safety. A participant has the right to be free of any physical or chemical restraints. Any interventions that restrict participant movement, participant access to other individuals, locations or activities, restrict participant rights or employ aversive methods (not including restraints or seclusion) to modify behavior must be evaluated on at least an annual basis. If a participant’s unanticipated violent or aggressive behavior places him/her or others in imminent danger, a restrictive intervention may be used as a last resort to maintain health, safety, and welfare. State laws, regulations, and policies will be made available to CMS upon request through the Medicaid agency or the operating agency.

The use of restraints is permitted during the course of the delivery of waiver services. Complete Items G-2-a-i and G-2-a-ii.

- i. Safeguards Concerning the Use of Restraints.** Specify the safeguards that the state has established concerning the use of each type of restraint (i.e., personal restraints, drugs used as restraints, mechanical restraints). State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

- ii. State Oversight Responsibility.** Specify the state agency (or agencies) responsible for overseeing the use of restraints and ensuring that state safeguards concerning their use are followed and how such oversight is conducted and its frequency:

Appendix G: Participant Safeguards

Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (2 of 3)

- b. Use of Restrictive Interventions.** *(Select one):*

The state does not permit or prohibits the use of restrictive interventions

Specify the state agency (or agencies) responsible for detecting the unauthorized use of restrictive interventions and how this oversight is conducted and its frequency:

The use of restrictive interventions is permitted during the course of the delivery of waiver services Complete Items G-2-b-i and G-2-b-ii.

- i. Safeguards Concerning the Use of Restrictive Interventions.** Specify the safeguards that the state has in effect concerning the use of interventions that restrict participant movement, participant access to other individuals, locations or activities, restrict participant rights or employ aversive methods (not including restraints or seclusion) to modify behavior. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency.

Any interventions that restrict participant movement, participant access to other individuals, locations or activities, restrict participant rights or employ aversive methods to modify behavior must be reviewed and approved on an annual basis by a Human Rights Committee that is organized by provider agencies. State laws, regulations, and policies related to use of restrictive interventions will be made available to CMS upon request through the Medicaid agency or the operating agency.

When a participant's support team believes that a rights restriction is necessary to maintain health, safety and welfare, the rights restriction must be reviewed and approved by a Human Rights Committee (HRC). The HRC is charged with reviewing sound documentation that less restrictive attempts to teach and support the participant to make an informed choice have not been effective. The rights restriction shall include a plan to restore the participant's rights and should be reviewed on at least an annual basis.

Utilization of restrictive interventions is monitored as part of individual critical incident review conducted by DDID in addition to monitoring of incident data trends on each of the following levels: participant, provider, regionally and statewide.

Person-centered service plan implementation and supports are monitored routinely by DDID Quality Administrators. Through this process, DDID determines technical assistance needs. This assistance may be provided in a variety of ways, as best suited to the identified issue, to include sharing of information, formal training, or consultation with DDID.

Restrictive measures prohibited include withholding of food or hydration as a means to control; access to a legal advocate or ombudsman; access to toilet, bath or shower; deprivation of medical attention or prescribed medications; deprivation of sleep; access to personal belongings; and access to natural supports.

The use of restrictive interventions comports with the home and community based setting requirements at Section 42 CFR 441.301 (c)(4)(iii) and (vi)(F) and person-centered service planning and plan requirements at 42 CFR 441.301(c)(1) and (c)(2).

- ii. State Oversight Responsibility.** Specify the state agency (or agencies) responsible for monitoring and overseeing the use of restrictive interventions and how this oversight is conducted and its frequency:

Rights restrictions are reviewed by DDID during the provider's monitoring process at least annually or more frequently if necessary. In addition, human rights restrictions are reviewed through the incident process as appropriate. Critical incident data is reviewed and trended to identify patterns. Concerns regarding trends are addressed with providers.

Appendix G: Participant Safeguards

Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (3 of 3)

c. Use of Seclusion. *(Select one): (This section will be blank for waivers submitted before Appendix G-2-c was added to WMS in March 2014, and responses for seclusion will display in Appendix G-2-a combined with information on restraints.)*

The state does not permit or prohibits the use of seclusion

Specify the state agency (or agencies) responsible for detecting the unauthorized use of seclusion and how this oversight is conducted and its frequency:

The Department or its designee is responsible for detecting the unauthorized use of seclusion, as described in section G-2-a. The Department or its designee incorporates oversight into on-site monitoring and review of critical incidents.

The use of seclusion is permitted during the course of the delivery of waiver services. Complete Items G-2-c-i and G-2-c-ii.

i. Safeguards Concerning the Use of Seclusion. Specify the safeguards that the state has established concerning the use of each type of seclusion. State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

ii. State Oversight Responsibility. Specify the state agency (or agencies) responsible for overseeing the use of seclusion and ensuring that state safeguards concerning their use are followed and how such oversight is conducted and its frequency:

Appendix G: Participant Safeguards

Appendix G-3: Medication Management and Administration (1 of 2)

This Appendix must be completed when waiver services are furnished to participants who are served in licensed or unlicensed living arrangements where a provider has round-the-clock responsibility for the health and welfare of residents. The Appendix does not need to be completed when waiver participants are served exclusively in their own personal residences or in the home of a family member.

a. Applicability. Select one:

No. This Appendix is not applicable *(do not complete the remaining items)*

Yes. This Appendix applies *(complete the remaining items)*

b. Medication Management and Follow-Up

i. Responsibility. Specify the entity (or entities) that have ongoing responsibility for monitoring participant medication regimens, the methods for conducting monitoring, and the frequency of monitoring.

Every case manager and any staff person who will be administering medications must successfully complete DDID Medication Administration curriculum for non-licensed personnel that was approved by the Kentucky Board of Nursing. DDID registered nurses provide the “train the trainer” course to registered nurses who are employed by or contracted with providers. Those nurses then teach the DDID medication curriculum to provider staff. Each SCL provider is required by regulation to have policies in place specific to medication administration to ensure the health, safety, and welfare of the participants they support.

The ongoing monitoring of the participant’s medication regimen is the responsibility of the SCL providers. Focus areas include reviewing for polypharmacy usage, follow up with doctor appointments and prescriptions, review of laboratory results, overall health, appearance, affect, a participant’s compliance with their medications, staff competency of medication administration, documentation of medical diagnosis regarding the need for the medication, medication reduction plans, reaction and interaction with other medications, documentation of need and effectiveness of PRN medications, timely reordering of medications; staff training, reporting medication errors correctly, compliance with state and federal laws, and agency quality improvement measures.

Monitoring can be conducted by direct observation, assessment, and interview of the individuals and/or by reviewing MARs, PRN reports, incident reports, laboratory reports, doctor orders, medication error reports, pill counts, behavior support plan implementation, participant’s health status, review of health logs, and interviews with direct support staff.

Regulatory requirements specify monitoring of medication administration is to be done at least monthly. However, more frequent monitoring may occur as part of the agency’s quality improvement process or based on the participant’s support needs. SCL provider specific policies describe the frequency of monitoring.

Provider agencies receive technical assistance from DDID to utilize best practice when providing supports. DDID monitors providers through incident review and regular monitoring by DDID Quality Administrators.

- ii. Methods of State Oversight and Follow-Up.** Describe: (a) the method(s) that the state uses to ensure that participant medications are managed appropriately, including: (a) the identification of potentially harmful practices (e.g., the concurrent use of contraindicated medications); (b) the method(s) for following up on potentially harmful practices; and, (c) the state agency (or agencies) that is responsible for follow-up and oversight.

DDID monitors medication management administration during recertification reviews of provider agencies, which occurs at least once every twenty-four months as well as during technical assistance visits. Providers are required to report medication errors through the incident reporting process and DDID reviews critical incidents as they are reported as well as reviewing the providers’ risk mitigation/investigation reports.

Technical assistance is provided by DDID when a health, safety, welfare concern is identified. If the concern puts the participant at immediate risk, the agency is required to act to ensure health, safety, and welfare. The agency must provide DDID their plan to address the situation and the measures they will implement to prevent it from happening again.

DDID also utilizes a screening tool that identifies health risks for participants who utilize waiver residential services. The screening, which includes medication information is done by provider staff. The screening is used to determine where a participant is likely to be vulnerable in terms of the potential for health risks and destabilization.

DDID nurses conduct clinical reviews of the completed screenings and contact providers as appropriate for clarification or revision. The Health Risk Screening Protocol is posted on DDID’s website here: <https://dbhdid.ky.gov/ddid/clinical.aspx>

Appendix G: Participant Safeguards

Appendix G-3: Medication Management and Administration (2 of 2)

c. Medication Administration by Waiver Providers

i. Provider Administration of Medications. *Select one:*

Not applicable. *(do not complete the remaining items)*

Waiver providers are responsible for the administration of medications to waiver participants who cannot self-administer and/or have responsibility to oversee participant self-administration of medications. *(complete the remaining items)*

ii. State Policy. Summarize the state policies that apply to the administration of medications by waiver providers or waiver provider responsibilities when participants self-administer medications, including (if applicable) policies concerning medication administration by non-medical waiver provider personnel. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

DDID, in collaboration with the Department for Public Health, and the Kentucky Board of Nursing (KBN) has developed a standardized curriculum for training medication administration to non-licensed personnel. This course is intended for non-licensed personnel who administer medications to participants. Upon successful completion of this course, the non-licensed personnel prove competency in administration of a participant's medication for those who are unable to self-administer, and when appropriate, observation of a participant's self-administration of medications.

The SCL provider must utilize a DDID trained RN to provide medication administration training for anyone who will administer medications, as well as case managers.

Providers are required to have policies in place to address competency in medication administration. Provider registered nurses provide additional training as a result of medication monitoring (medication audits of medications counts, prescriptions/ physician's orders and Medication Administration Records and medication errors).

The SCL providers determine how to ensure a participant can self-administer medications safely and document such on a medication administration record, according to their policy and procedures.

DDID maintains a listing of qualified RN trainers. A roster of staff who have completed the medication administration training is maintained in the College of Direct Supports. DDID RNs may periodically observe the curriculum being taught. Technical assistance is provided to agency staff as needed.

iii. Medication Error Reporting. *Select one of the following:*

Providers that are responsible for medication administration are required to both record and report medication errors to a state agency (or agencies).

Complete the following three items:

(a) Specify state agency (or agencies) to which errors are reported:

Medication errors are reported in MWMA. Both DDID and the Department have access to the information, but it is DDID's direct responsibility to review and respond accordingly.

(b) Specify the types of medication errors that providers are required to *record*:

A medication error occurs when a waiver participant receives an incorrect drug, dose, form, quantity, route, concentration, or rate of administration from a direct service provider. A medication error is also defined as the variance of the administration of a drug on a schedule other than intended in the prescription instructions. Therefore, a missed dose or a dose administered more than one hour before or after the scheduled time constitutes a medication error. Providers must record two (2) levels of medication errors while a participant is in their care as follows: Non-Critical: Refusal by the participant is considered non-critical. If the participant refuses three or more doses or if they refuse doses three or more times in 90 days it is upgraded to a critical incident. For provider assisted medications (e.g., administering or cueing), medication errors only relate to medications included on the Medication Administration Record (MAR). Critical: Errors in prescribed medication or medication management by waiver providers including a missed dose, a wrong dose or wrong medication, or that result in an adverse reaction are considered critical. For provider assisted medications (e.g., administering or cueing), medication errors only relate to medications included on the Medication Administration Record (MAR).

(c) Specify the types of medication errors that providers must *report* to the state:

All medication errors as defined in section G-3-c-iii-b must be reported to the state. Providers must report non-critical errors following the non-critical incident timeframes set forth in section G-1-B. Providers must report critical errors following the critical incident timeframes set forth in section G-1-B.

Providers responsible for medication administration are required to record medication errors but make information about medication errors available only when requested by the state.

Specify the types of medication errors that providers are required to record:

iv. State Oversight Responsibility. Specify the state agency (or agencies) responsible for monitoring the performance of waiver providers in the administration of medications to waiver participants and how monitoring is performed and its frequency.

The Department or its designee is responsible for monitoring waiver providers' performance in administration of medication. This oversight begins with review and approval of provider policy and procedures for on-going monitoring of medication administration. The Department or its designee assesses medication administration policies, practices, and record-keeping, and necessary interventions employed, as part of the certification, on-site monitoring, and incident reporting process, which occurs as deemed necessary by the Department or its designee. In addition, all medication errors must be reported through MWMA and will be followed up as warranted.

Appendix G: Participant Safeguards

Quality Improvement: Health and Welfare

As a distinct component of the States quality improvement strategy, provide information in the following fields to detail the States methods for discovery and remediation.

a. Methods for Discovery: Health and Welfare

The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare. (For waiver actions submitted before June 1, 2014, this assurance read "The State, on an ongoing basis, identifies, addresses, and seeks to prevent the occurrence of abuse, neglect and exploitation.")

i. Sub-Assurances:

a. Sub-assurance: *The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death. (Performance measures in this*

sub-assurance include all Appendix G performance measures for waiver actions submitted before June 1, 2014.)

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Number and % participants (or families/legal guardians) who received info how to identify and report abuse/neglect/exploitation/unexpected death. N=# participants (or families/legal guardians) received info how to identify and report abuse/neglect/exploitation/unexpected death. D=# of participants reviewed.

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Medicaid Waiver Management Application acknowledgement page

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; padding: 5px; width: fit-content;"> 95% confidence level with a +/- 5% margin of error </div>
Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	Annually	Stratified Describe Group: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
	Continuously and Ongoing	Other Specify:

		<input type="checkbox"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

Performance Measure:

Number and Percent of incident reports of potential abuse, neglect, exploitation & unexpected death submitted in timeframe. N=# incident reports of potential abuse, neglect, exploitation & unexpected death submitted in timeframe. D=# incident reports of potential abuse, neglect, exploitation & unexpected death.

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Medicaid Waiver Management Application critical incident reporting module

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
---	--	--

State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
	Other Specify: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>

Performance Measure:

Number and Percent of potential abuse, neglect, exploitation & unexpected death incidents reviewed/investigated in required timeframe. N=# of potential abuse, neglect, exploitation & unexpected death incidents reviewed/investigated in required timeframe. D=# of potential abuse, neglect, exploitation & unexpected death incidents reviewed.

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Medicaid Waiver Management Application critical incident reporting module

Responsible Party for data collection/generation (<i>check each that applies</i>):	Frequency of data collection/generation (<i>check each that applies</i>):	Sampling Approach (<i>check each that applies</i>):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> 95% confidence level with a +/- 5% margin of error </div>
Other Specify: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>	Annually	Stratified Describe Group: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>
	Continuously and Ongoing	Other Specify:

		<input type="checkbox"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis(check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

Performance Measure:

& % ANE & unexpect death incidents that led the Dept to req f/u action by prov (CAP, prov sanc, etc) where req action was compl by prov & correct sub to the Dept. N= # ANE & unexpect death incidents that led the Dept to req f/u action by prov, where req action was compl by prov & correct sub to the Dept. D= # ANE & unexpect death incidents that led the Dept to req f/u action by prov reviewed

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Medicaid Waiver Management Application critical incident reporting module

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):

State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; padding: 5px; width: fit-content;"> 95% confidence level with a +/- 5% margin of error </div>
Other Specify: <input style="width: 100%; height: 20px;" type="text"/>	Annually	Stratified Describe Group: <input style="width: 100%; height: 20px;" type="text"/>
	Continuously and Ongoing	Other Specify: <input style="width: 100%; height: 20px;" type="text"/>
	Other Specify: <input style="width: 100%; height: 20px;" type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input style="width: 100%; height: 20px;" type="text"/>	Annually

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
	Continuously and Ongoing
	Other Specify: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>

Performance Measure:

Number and % of abuse/neglect/exploitation/unexpected death incidents referred to appropriate investigative entities (ex: Law Enforcement/APS/CPS) for follow-up. N=# abuse/neglect/exploitation/unexpected death incidents referred to appropriate investigative entities (ex: Law Enforce/APS/CPS) for follow-up. D=# ANE/unexpected death incidents reviewed.

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Medicaid Waiver Management Application critical incident reporting module

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> 95% confidence level with a +/- 5% margin of error </div>
Other Specify: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>	Annually	Stratified Describe Group: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>
	Continuously and Ongoing	Other Specify:

		<input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

Performance Measure:

Number and Percent of employees records indicating training on abuse, neglect, exploitation and preventable deaths was received N=Number of employees records indicating training on abuse, neglect, exploitation and preventable deaths was received D= Number of employee records reviewed.

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Employee Records

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
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State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; padding: 5px; width: fit-content;"> 95% confidence level with a +/- 5% margin of error </div>
Other Specify: <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px auto;"></div>	Annually	Stratified Describe Group: <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px auto;"></div>
	Continuously and Ongoing	Other Specify: <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px auto;"></div>
	Other Specify: <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px auto;"></div>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px auto;"></div>	Annually

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
	Continuously and Ongoing
	Other Specify: <input type="text"/>

b. *Sub-assurance: The state demonstrates that an incident management system is in place that effectively resolves those incidents and prevents further similar incidents to the extent possible.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Number and Percent of critical incidents where investigation identified a root cause and systematic intervention was implemented
 $N = \text{Number of critical incidents where investigation identified a root cause and systematic intervention was implemented}$
 $D = \text{Number of critical incidents reviewed}$

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Medicaid Waiver Management Application critical incident reporting module

Responsible Party for data collection/generation (<i>check each that applies</i>):	Frequency of data collection/generation (<i>check each that applies</i>):	Sampling Approach (<i>check each that applies</i>):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval =

		95% confidence level with a +/- 5% margin of error
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

c. *Sub-assurance: The state policies and procedures for the use or prohibition of restrictive interventions (including restraints and seclusion) are followed.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Number and Percent of reported critical incidents where use of restrictive interventions followed policies and procedures N=Number of reported critical incident reports where use of restrictive interventions followed policies and procedures D=Number of reported critical incidents listing the use of restrictive interventions reviewed.

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Medicaid Waiver Management Application critical incident reporting module

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px auto;">95% confidence level with a +/- 5% margin of error</div>
Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>	Annually	Stratified Describe Group: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>
	Continuously and Ongoing	Other Specify:

		<input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

Performance Measure:

Number and Percent of critical incident reports submitted without inappropriate use of seclusion or restraint. N=Number of critical incident reports submitted without inappropriate use of seclusion or restraint. D=Number of critical incident reports.

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Medicaid Waiver Management Application critical incident reporting module

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
---	--	--

State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis(check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
	Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>

d. Sub-assurance: *The state establishes overall health care standards and monitors those standards based on the responsibility of the service provider as stated in the approved waiver.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Number and Percent of participants who received information and support to access Medicaid State Plan services identified in their PCSP. N=# of participants who received information and support to access Medicaid State Plan services in their PCSP. D=# participants with Medicaid State Plan services identified in PCSPs reviewed.

Data Source (Select one):

Record reviews, off-site

If 'Other' is selected, specify:

Medicaid Waiver Management Application and participant surveys

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval =

		95% confidence level with a +/- 5% margin of error
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the

State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

Licensed provider agencies are reviewed every three (3) years by the OIG which includes the monitoring of the employees records for criminal checks and abuse registry checks. Licensed and certified agencies are reviewed by the Department or its designee annually or more frequently as required. The Department or its designee performs first line monitoring and identifies deficiencies of the SCL waiver provider. This monitoring includes, but not limited to reviewing complaint logs, MARs, policies and procedures of providers for grievances and complaints, etc. During the monitoring the Department or its designee will review the procedures of the provider that train employees and ensure the health, safety, and welfare of the participants and that incidents are reported appropriately.

The Department or its designee monitors the complaint process by examining complaint logs and the results of client satisfaction surveys. Providers must ensure that waiver participants have access to agency staff and know their case manager’s name and contact information.

The Department or its designee monitors the complaint process by examining complaint logs and the results of client satisfaction surveys.

Providers must ensure that waiver participants have access to agency staff and know their case managers name and contact information.

Require providers to make the toll-free Fraud and Abuse Hotline telephone number of the Office of Inspector General available to agency staff, waiver participants and their caregivers, legal guardians or authorized representatives, and other interested parties. The purpose of this telephone Hotline is to enable complaints or other concerns to be reported to the OIG.

b. Methods for Remediation/Fixing Individual Problems

- i. Describe the States method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the state to document these items.

Licensed provider agencies are reviewed every three (3) years by the OIG which includes the monitoring of employee records for criminal checks and abuse registry checks. Licensed and certified agencies are reviewed by the Department or its designee. Should an enrolled provider not meet requirements to provide services, OIG would notify Program Integrity. The Department or its designee performed first line monitoring and audit reviews.

All documentation concerning the monitoring process for providers is kept for a period of five (5) years after the last claim is processed or the expiration/termination of the contract, whichever is sooner.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div style="border: 1px solid black; width: 100%; height: 20px; margin-top: 5px;"></div>	Annually
	Continuously and Ongoing

Responsible Party <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
	<p>Other Specify:</p> <div data-bbox="815 356 1241 439" style="border: 1px solid black; height: 37px; width: 267px; margin-top: 10px;"></div>

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Health and Welfare that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Health and Welfare, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix H: Quality Improvement Strategy (1 of 3)

Under §1915(c) of the Social Security Act and 42 CFR §441.302, the approval of an HCBS waiver requires that CMS determine that the state has made satisfactory assurances concerning the protection of participant health and welfare, financial accountability and other elements of waiver operations. Renewal of an existing waiver is contingent upon review by CMS and a finding by CMS that the assurances have been met. By completing the HCBS waiver application, the state specifies how it has designed the waiver’s critical processes, structures and operational features in order to meet these assurances.

- Quality Improvement is a critical operational feature that an organization employs to continually determine whether it operates in accordance with the approved design of its program, meets statutory and regulatory assurances and requirements, achieves desired outcomes, and identifies opportunities for improvement.

CMS recognizes that a state’s waiver Quality Improvement Strategy may vary depending on the nature of the waiver target population, the services offered, and the waiver’s relationship to other public programs, and will extend beyond regulatory requirements. However, for the purpose of this application, the state is expected to have, at the minimum, systems in place to measure and improve its own performance in meeting six specific waiver assurances and requirements.

It may be more efficient and effective for a Quality Improvement Strategy to span multiple waivers and other long-term care services. CMS recognizes the value of this approach and will ask the state to identify other waiver programs and long-term care services that are addressed in the Quality Improvement Strategy.

Quality Improvement Strategy: Minimum Components

The Quality Improvement Strategy that will be in effect during the period of the approved waiver is described throughout the waiver in the appendices corresponding to the statutory assurances and sub-assurances. Other documents cited must be available to CMS upon request through the Medicaid agency or the operating agency (if appropriate).

In the QIS discovery and remediation sections throughout the application (located in Appendices A, B, C, D, G, and I) , a state spells out:

- The evidence based discovery activities that will be conducted for each of the six major waiver assurances; and
- The *remediation* activities followed to correct individual problems identified in the implementation of each of the assurances.

In Appendix H of the application, a state describes (1) the *system improvement* activities followed in response to aggregated, analyzed discovery and remediation information collected on each of the assurances; (2) the correspondent *roles/responsibilities*

of those conducting assessing and prioritizing improving system corrections and improvements; and (3) the processes the state will follow to continuously *assess the effectiveness of the OIS* and revise it as necessary and appropriate.

If the state's Quality Improvement Strategy is not fully developed at the time the waiver application is submitted, the state may provide a work plan to fully develop its Quality Improvement Strategy, including the specific tasks the state plans to undertake during the period the waiver is in effect, the major milestones associated with these tasks, and the entity (or entities) responsible for the completion of these tasks.

When the Quality Improvement Strategy spans more than one waiver and/or other types of long-term care services under the Medicaid state plan, specify the control numbers for the other waiver programs and/or identify the other long-term services that are addressed in the Quality Improvement Strategy. In instances when the QIS spans more than one waiver, the state must be able to stratify information that is related to each approved waiver program. Unless the state has requested and received approval from CMS for the consolidation of multiple waivers for the purpose of reporting, then the state must stratify information that is related to each approved waiver program, i.e., employ a representative sample for each waiver.

Appendix H: Quality Improvement Strategy (2 of 3)

H-1: Systems Improvement

a. System Improvements

- i.** Describe the process(es) for trending, prioritizing, and implementing system improvements (i.e., design changes) prompted as a result of an analysis of discovery and remediation information.

The data collected provides meaningful insights and informs decisions related to process and systems improvement. The Department has defined its quality-related operational elements including data aggregation, measurement, and reporting activities which promotes consistent, rigorous quality management approaches that are institutionalized within Cabinet operations and culture. The Department determined what data should be collected based on several factors including; relevance to participant health and welfare, reliability of data, importance to the Department operational goals, ease and feasibility of data collection, among other factors. The information collected includes data from: LOC determinations; service authorization, service and expenditure reports; individual plans and outcomes; incident reports; consumer surveys; monitoring visits; progress toward achieving corrective action plan goals; and recertification reviews. The Department analyzes the aggregate data based on established performance targets related to each data point. The Department evaluates data collected against these performance targets to identify performance gaps. As gaps are identified, the Department evaluates program-wide data in a manner that enables the Department staff to observe overarching trends and to “drill down” to observe differences among various geographies, waivers, subpopulations, etc. so that the Department can begin to understand potential root causes of performance patterns and variation. Subsequently, the Department identifies opportunities to improve operational processes based on performance gaps and trends. The Department prioritizes the process improvement to address performance gaps and trends based on the measure. The Department strategically identifies opportunities to enhance operational processes based on how the process can improve participant health and welfare, strengthen compliance with federal regulations and guidance, improve efficiencies of staff resource use, among other factors. Implementation of system improvements is dependent on the performance gap. The Department will assess the performance gap and identify the root cause to be addressed. The Department or its designee, will develop a tailored implementation plan, identify needed staff, and determine the steps, sequence, and timeline for system improvement so performance gaps can be addressed in a timely manner.

Additional quality improvement activities

In addition to utilizing data gathered from assurance performance measures, prioritizing is done through activities of National Core Indicator Quality Improvement Committee, the Kentucky Commission on Services and Supports for Individuals with Intellectual and Other Developmental Disabilities, and through regular dialog with providers. The results of the National Core Indicators (NCI) Consumer and Family Surveys are reviewed. Based upon the result of the NCI surveys, a quality improvement committee meets twice per year to review the NCI data, determine progress toward previous recommendations, and determine recommendations for quality improvement. The committee is comprised of University of Kentucky staff who administer Kentucky’s participation in NCI, family members, self-advocates, and DDID staff. The current recommendations are regarding employment, health and wellness, relationships and community inclusion, and psychotropic medication use. Committee reports (including the recommendations) are posted on the Belonging in the Community website:

<https://www.kentuckycq.org/quality/>

The Kentucky Commission on Services and Supports for Individuals with Intellectual and Other Developmental Disabilities was created and established through the enactment of House Bill 144 by the 2000 General Assembly. The Commission, referred to as the HB 144 Commission, serves in an advisory capacity to the Governor and the General Assembly concerning the service system that impacts the lives of people with intellectual and developmental disabilities. The House Bill 144 Commission, which includes Legislators, self-advocates, family members, professionals, and providers, developed a list of short and long-term goals which included initiatives focusing on workforce development, quality and best practices. The subcommittees (Community Integration, Health & Wellness, and Participant-Directed Supports) incorporated the NCI Quality Improvement Committee goals into their committee work.

Ongoing regular dialog with providers has been an emphasis in the last couple of years and will continue. The communication has improved the partnership between DDID and providers in positive outcomes for waiver participants. DDID being viewed as a partner rather than purely a regulator aids providers in both seeking and accepting guidance from DDID and in being comfortable with making suggestions for improvement.

ii. System Improvement Activities

Responsible Party <i>(check each that applies):</i>	Frequency of Monitoring and Analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly

Responsible Party <i>(check each that applies):</i>	Frequency of Monitoring and Analysis <i>(check each that applies):</i>
Sub-State Entity	Quarterly
Quality Improvement Committee	Annually
Other Specify: <input data-bbox="320 488 866 562" type="text"/>	Other Specify: <input data-bbox="943 488 1489 562" type="text"/>

b. System Design Changes

- i. Describe the process for monitoring and analyzing the effectiveness of system design changes. Include a description of the various roles and responsibilities involved in the processes for monitoring & assessing system design changes. If applicable, include the state's targeted standards for systems improvement.

The Department continually monitors system design changes by evaluating the performance data pre- and post-implementation of system changes. The Department establishes performance goals when implementing systems redesign and regularly tracks the progress towards meeting these goals. The Department will monitor the implementation of system improvements through regularly scheduled meetings, progress towards key milestone, and continuous monitoring of performance measures. The Department reserves the right to increase the frequency or number of measures collected during system change implementation to identify unforeseen impacts of the system change plan. The Department can modify its design changes based on outcomes indicated by its performance data. As new performance gaps arise, the Department prioritizes additional systems changes to address these gaps. The Department or its designee creates reports to track progress of these systems improvements and discusses progress and with the appropriate parties. This process continues as the Department improves its operations to meet its program-wide goals.

- ii. Describe the process to periodically evaluate, as appropriate, the Quality Improvement Strategy.

The Cabinet is shifting its approach to re-orient its quality management activities from the current compliance focus to one that recognizes the importance of both regulatory compliance and quality improvement to promote improved participant outcomes and other performance improvements. The Department is creating a quality strategy that mirrors this shift in approach. The Department has selected performance measures that allows the Department the ability to understand the effectiveness and quality of its current waiver operations. The data collected provides meaningful insights and informs decisions related to process and systems improvement. The Department regularly reviews each of its 1915(c) waiver operations and identifies opportunities to modify existing measures or add measures to appropriately monitor its operational effectiveness. In addition, the Department performs a formal annual review of its quality strategy and revises, as needed.

Appendix H: Quality Improvement Strategy (3 of 3)

H-2: Use of a Patient Experience of Care/Quality of Life Survey

- a. Specify whether the state has deployed a patient experience of care or quality of life survey for its HCBS population in the last 12 months *(Select one)*:

No

Yes *(Complete item H.2b)*

- b. Specify the type of survey tool the state uses:

HCBS CAHPS Survey :

NCI Survey :

NCI AD Survey :

Other (Please provide a description of the survey tool used):

Appendix I: Financial Accountability

I-1: Financial Integrity and Accountability

Financial Integrity. Describe the methods that are employed to ensure the integrity of payments that have been made for waiver services, including: (a) requirements concerning the independent audit of provider agencies; (b) the financial audit program that the state conducts to ensure the integrity of provider billings for Medicaid payment of waiver services, including the methods, scope and frequency of audits; and, (c) the agency (or agencies) responsible for conducting the financial audit program. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

The Department conducts annual utilization audits of 100% of enrolled waiver providers utilizing a statistically valid sample with a confidence level of 95% +/- 5%. DMS will calculate the confidence interval to ensure the statistically valid sample is captured. These annual audits include a post-payment review of Medicaid reimbursement to the provider agency for services rendered to a waiver participant. The reviews do not differ based on service type or provider. The Department shall utilize reports generated from the Medicaid Management Information System (MMIS) reflecting each service billed by the waiver provider. Comparison of payments to participant records, documentation and approved PCSP shall be conducted.

Personal Care Services (PCS), including in-home Respite services, have been required to use Electronic Visit Verification (EVV) since January 1, 2021. Staff include EVV records (service checklist, notes, visit information) as part of the utilization review. Review of all services follow the same process. If any payments were issued without the appropriate documentation or not in accordance with approved PCSP, the Department will initiate recoupment of the monies. Additional billing reviews are conducted based on issues identified during certification surveys or investigations. The Department may require corrective action plans and/or recoupment monies for failing to meet audit requirements. Monies that are recouped are not drawn from the FFP. For example if we paid claims of \$12k but recouped \$2K we would only draw the federal share in \$10K.

The Department shall conduct annual audits of the financial management services (FMS) entities. These audits include a post-payment review of Medicaid reimbursement to the financial management agency for payment to the participant's employees through participant-directed opportunities and annual utilization audits of 100% of enrolled waiver providers utilizing a statistically valid sample with a confidence level of 95% +/- 5%. Auditing will be conducted through random sample of all participant-directed records. The Department shall utilize reports generated from MMIS reflecting each service billed for each participant by financial management agency. Comparison of payments to participant records, documentation and approved PCSP shall be conducted. If any payments were issued without the appropriate documentation or not in accordance with the approved PCSP, the Department will initiate recoupment of the monies through action in the MMIS against current billings or the provider may chose to set up a payment arrangement directly with the cabinet to repay the recouped funds. Additional billing reviews shall be conducted based on issues identified during these post payment audits. Monies that are recouped are not drawn from the FFP. The Department may reflect in the monitoring report that a Corrective Action Plan (CAP) is needed. The Department requests a CAP, if needed. The enrolled provider submits a response to the CAP with supporting evidence of the implementation of the corrective action. The Auditor of Public Accounts conducts annual audits of the SCL waiver program in accordance with the Single Audit Act. Providers may choose to have an independent audit of their financial statements but they are not required to do so. The audit encompasses the prior fiscal year.

Billing/Utilization audits are conducted as desk reviews regardless of the service type or provider. If there are extenuating circumstances where the provider is unable to submit the documentation electronically, an onsite visit may be conducted. Incidents, anomalies in billing or entries in EVV may trigger additional audits.

If additional reviews are needed they are conducted by the operating agency. If a significant financial issue is discovered during an investigation or review, it may trigger an onsite review or investigation and it is sent to the Office of the Inspector General for review as a potential fraud referral. A billing review that results from an investigation would review 100% of the instances. Standard billing reviews are conducted annually, with additional billing reviews conducted as needed. Providers are given feedback by the operating agency staff member conducting the billing audit regarding concerns that may be considered for recoupment. Any non-compliance is addressed through technical assistance provided to the agency; and recoupment recommendations (along with supporting documents) sent to DMS. DMS reviews the audit information and sends a letter with the results to the provider. DMS recoups monies using an action in the MMIS against current billings or the provider may choose to set a payment arrangement directly with DMS to pay the recouped funds. The audit process does not differ for FMS entities.

If additional reviews are needed, they are conducted by the operating agency. If a significant financial issue is discovered during an investigation or review, it is sent to the Office of Inspector General for review as a potential fraud referral. If a significant financial issue is discovered during a review, it may trigger an on-site review or investigation. A billing review that results from an investigation would review 100% of the instances. Standard billing reviews are conducted annually, with additional billings reviews conducted as needed. Audits do not differ by service type or provider. differ by service type or provider. The operating agency does not require corrective action plans for billing reviews.

Appendix I: Financial Accountability

Quality Improvement: Financial Accountability

As a distinct component of the States quality improvement strategy, provide information in the following fields to detail the States methods for discovery and remediation.

a. Methods for Discovery: Financial Accountability Assurance:

The State must demonstrate that it has designed and implemented an adequate system for ensuring financial accountability of the waiver program. (For waiver actions submitted before June 1, 2014, this assurance read "State financial oversight exists to assure that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver.")

i. Sub-Assurances:

a. Sub-assurance: The State provides evidence that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver and only for services rendered.
(Performance measures in this sub-assurance include all Appendix I performance measures for waiver actions submitted before June 1, 2014.)

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Number and percent of claims coded and paid for in accordance with the established reimbursement methodology specified in the approved waiver $N = \text{Number of claims coded and paid in accordance with the established reimbursement methodology in the approved waiver}$. $D = \text{Number of claims coded and paid}$

Data Source (Select one):

Financial records (including expenditures)

If 'Other' is selected, specify:

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; width: 100px; height: 20px; margin-top: 5px;"></div>
Other Specify:	Annually	Stratified Describe Group:

<input type="text" value="MMIS"/>		<input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<i>State Medicaid Agency</i>	<i>Weekly</i>
<i>Operating Agency</i>	<i>Monthly</i>
<i>Sub-State Entity</i>	<i>Quarterly</i>
Other Specify: <input type="text" value="MMIS"/>	<i>Annually</i>
	<i>Continuously and Ongoing</i>
	Other Specify: <input type="text"/>

Performance Measure:

Number and Percent of waiver service claims submitted and paid for services rendered on the participants plan of care and only for services rendered. N= Number of waiver service claims that were submitted and paid for services rendered on the participant's plan of care and only for services rendered. D= Number of waiver service claims submitted and paid.

Data Source (Select one):

Financial records (including expenditures)

If 'Other' is selected, specify:

<i>Responsible Party for data collection/generation (check each that applies):</i>	<i>Frequency of data collection/generation (check each that applies):</i>	<i>Sampling Approach (check each that applies):</i>
<i>State Medicaid Agency</i>	<i>Weekly</i>	<i>100% Review</i>
<i>Operating Agency</i>	<i>Monthly</i>	<i>Less than 100% Review</i>
<i>Sub-State Entity</i>	<i>Quarterly</i>	<i>Representative Sample</i> <i>Confidence Interval =</i> <input type="text"/>
<i>Other Specify:</i> <input type="text"/>	<i>Annually</i>	<i>Stratified Describe Group:</i> <input type="text"/>
	<i>Continuously and Ongoing</i>	<i>Other Specify:</i> <input type="text"/>
	<i>Other Specify:</i> <input type="text"/>	

Data Aggregation and Analysis:

<i>Responsible Party for data aggregation and analysis (check each that applies):</i>	<i>Frequency of data aggregation and analysis (check each that applies):</i>
<i>State Medicaid Agency</i>	<i>Weekly</i>
<i>Operating Agency</i>	<i>Monthly</i>
<i>Sub-State Entity</i>	<i>Quarterly</i>
<i>Other Specify:</i> <input type="text" value="MMIS"/>	<i>Annually</i>

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
	Continuously and Ongoing
	Other Specify: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>

b. Sub-assurance: The state provides evidence that rates remain consistent with the approved rate methodology throughout the five year waiver cycle.

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Number and percent of rates that remain consistent with the approved rate methodology throughout the five year waiver cycle. N=Number of rates that remain consistent with rate methodology throughout the five year waiver cycle. D=Number of rates throughout the five year waiver cycle.

Data Source (Select one):

Program logs

If 'Other' is selected, specify:

MMIS claims

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>

<p>Other Specify:</p> <p>MMIS</p>	<p>Annually</p>	<p>Stratified Describe Group:</p>
	<p>Continuously and Ongoing</p>	<p>Other Specify:</p>
	<p>Other Specify:</p>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
<p>Other Specify:</p> <p>MMIS</p>	Annually
	Continuously and Ongoing
	<p>Other Specify:</p>

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

The Department reviews and adds edits/audits to the Medicaid Management Information System (MMIS) periodically for program compliance and as policy is revised to ensure claims are not paid erroneously.

b. Methods for Remediation/Fixing Individual Problems

i. Describe the States method for addressing individual problems as they are discovered. Include information

regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the state to document these items.

The Department provides technical assistance to certified providers on an ongoing basis. Providers found out of compliance submit and are held to a corrective action plan (CAP). The Department performs trainings upon request of providers and providers technical assistance whenever requested. Should an enrolled provider fail to meet their CAP, the Department may terminate the provider’s enrollment as a waiver provider.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<i>State Medicaid Agency</i>	<i>Weekly</i>
<i>Operating Agency</i>	<i>Monthly</i>
<i>Sub-State Entity</i>	<i>Quarterly</i>
Other Specify: <input type="text" value="MMIS"/>	<i>Annually</i>
	<i>Continuously and Ongoing</i>
	Other Specify: <input type="text"/>

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Financial Accountability that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Financial Accountability, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix I: Financial Accountability

I-2: Rates, Billing and Claims (1 of 3)

a. Rate Determination Methods. In two pages or less, describe the methods that are employed to establish provider payment rates for waiver services and the entity or entities that are responsible for rate determination. Indicate any opportunity for public comment in the process. If different methods are employed for various types of services, the description may group services for which the same method is employed. State laws, regulations, and policies referenced in the description are available upon request to CMS through the Medicaid agency or the operating agency (if applicable).

Provider rates are established utilizing a fee-for-service system. Provider rate setting is established in program regulations and oversight is provided by the Department for Medicaid Services. Service rates are included in the waiver program regulations. All ordinary administrative regulations are subject to a public comment process during promulgation this includes all portions of the regulation including the rates. The rates are set according to the SCL reimbursement regulation 907 KAR 12:020. As part of the regulation review and comment period comments regarding rates and rate determinations are collected and reviewed and a response will be issued. The information on payment rates and reimbursement is available through the SCL waiver provider type web page <https://chfs.ky.gov/agencies/dms/dca/Pages/scl-waiver.aspx>. A COLA would have to be approved by the legislature. There is no COLA built into the rates. Rates do not vary geographically as providers in larger population centers also service rural areas, increasing the availability of providers in those areas. The method of rate determinations for PDS does not differ from provider-managed services and service rates do not vary by provider. DMS uses the most recent 372 report to develop cost projections as defined in Appendix J. The most recent 372 reports are from March 1, 2020 to February 28, 2021. The announcement of regulation change would be posted to the Department web site giving notice with a link/email for Public Comment (pursuant to KRS 13A.270 (1)(c)). The administrative body shall accept written comments regarding the administrative regulation during the comment period. The comment period shall begin on the date the administrative regulation is filed with the regulations compiler and shall run until the end of the calendar month in which the administrative regulation was published in the Administrative Register. If the last day of the calendar month falls on a Saturday, Sunday, or holiday, the administrative body shall consider all written comments received prior to the close of business of the first workday following the Saturday, Sunday, or holiday. If any payment rates were to be changed, the notice of change would be available on the Department website at <https://chfs.ky.gov/agencies/dms/Pages/default.aspx> and a provider letter would be mailed. Rates were reviewed as part of the waiver redesign project started in 2017 and public comment on the proposed rate updates was held from November 8, 2019, to December 10, 2019, however, the waiver redesign project was paused prior to any rate changes being made. As part of a legislative formed task force, rates and the rate methodology will be reviewed and any rate adjustments would be posted online for public review and subject to approval by the Kentucky legislature.

Through Appendix K, DMS increased rates based on percentage increases mandated by the Legislature and based on provider feedback. Rates for residential services and some other services were increased by 50% and rates for all other services were increased by 21%. These rate increases are temporary pending upcoming submission of a revised rate methodology and subsequent rates following the completion of a comprehensive HCBS rate study and implementation by the Legislature.

The renewal of this waiver was presented to the public in June 2022 through the following methods:

1. The Department informed stakeholders of the renewal and upcoming public comment period in a notice issued on June 17, 2022.
2. The Department released a copy of the proposed waiver application and an educational summary document of proposed waiver updates to stakeholders for review on June 24, 2022. The Department issued reminder about the public comment period on July 8 and July 18, 2022.
3. The Department collected public comment from June 24, 2022 to July 24, 2022.
4. The Department reviewed public comment and issued an official response on September 1, 2022.

DMS continuously accepts stakeholder feedback and incorporates feedback. A rate review is conducted every 5 years upon waiver renewal including reviewing utilization, claims and 372 reports.

The Dept. issued each of the six waiver applications for public comment from September 27, 2023, to October 28, 2023 for feedback on Appendix K flexibilities being incorporated permanently. To inform stakeholders and collect feedback, the Dept. used the following methods:

1. Stakeholder Webinar: The Dept. held an all stakeholder webinar on September 25, 2023. More than six hundred stakeholders attended the call where the Dept. explained updates being made to the waivers. A recording of the webinar, along with the webinar presentation, are posted to the Dept.'s Division of Long-Term Services and Supports website and will remain there for stakeholders to reference.
2. Email Updates: The Dept. notified stakeholders of the beginning of the public comment period via email on September 27, 2023. Stakeholders received reminders about the public comment period via email on October 16, 2023, and October

26, 2023.

3. *Web and Social Media:* The draft waiver application and a summary of updates were posted to the Dept.'s Division of Long-Term Services and Supports website from September 27, 2023, through October 27, 2023. Notices about the start of public comment along with reminders were posted to the Dept.'s social media channels.

4. *Dedicated Email Box:* The Dept. used a widely publicized email box to receive comments and questions from stakeholders at large.

5. *Advocacy Organizations:* Several well-known advocacy organizations shared the Dept.'s notices and reminders to ensure as many stakeholders as possible had the opportunity to review and comment on the draft waiver application. Based on public comment, the Department made the following updates to the applicable waiver applications:

- Updated Home Delivered Meals definition and provider qualifications
- Updated Day Training provider qualifications
- Clarified provider type for Natural Supports Training
- Clarified E-2-h selections
- Incorporated additional telehealth flexibilities
- Clarified definition of a legally responsible individual
- Clarified circumstances for allowing HCBS delivered in acute hospital settings
- Clarified and expanded provider qualifications for Qualified Participant Approved Providers

b. Flow of Billings. Describe the flow of billings for waiver services, specifying whether provider billings flow directly from providers to the state's claims payment system or whether billings are routed through other intermediary entities. If billings flow through other intermediary entities, specify the entities:

Billings for waiver services shall flow directly from the waiver providers or the state-sponsored EVV system to the Commonwealth's Medicaid Management Information System (MMIS).

Appendix I: Financial Accountability

I-2: Rates, Billing and Claims (2 of 3)

c. Certifying Public Expenditures (select one):

No. state or local government agencies do not certify expenditures for waiver services.

Yes. state or local government agencies directly expend funds for part or all of the cost of waiver services and certify their state government expenditures (CPE) in lieu of billing that amount to Medicaid.

Select at least one:

Certified Public Expenditures (CPE) of State Public Agencies.

Specify: (a) the state government agency or agencies that certify public expenditures for waiver services; (b) how it is assured that the CPE is based on the total computable costs for waiver services; and, (c) how the state verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR §433.51(b). (Indicate source of revenue for CPEs in Item I-4-a.)

Certified Public Expenditures (CPE) of Local Government Agencies.

Specify: (a) the local government agencies that incur certified public expenditures for waiver services; (b) how it is assured that the CPE is based on total computable costs for waiver services; and, (c) how the state verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR §433.51(b). (Indicate source of revenue for CPEs in Item I-4-b.)

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Appendix I: Financial Accountability

I-2: Rates, Billing and Claims (3 of 3)

d. Billing Validation Process. Describe the process for validating provider billings to produce the claim for federal financial participation, including the mechanism(s) to assure that all claims for payment are made only: (a) when the individual was eligible for Medicaid waiver payment on the date of service; (b) when the service was included in the participant's approved service plan; and, (c) the services were provided:

All waiver providers shall be enrolled with the Department's Division of Program Integrity (DPI), provider enrollment, and have a signed contract on file. The Medicaid Management Information System (MMIS) has edits and audits established to ensure that:

1. The participant was eligible on the date of service
2. Services billed were included on the approved service plan.
3. Services were rendered.

The Department or its designee shall conduct audits of all waiver providers. These audits shall include a post-payment review of Medicaid reimbursement to the provider agency for services rendered to a waiver participant. The Department or its contractors shall utilize reports generated from the Medicaid Management Information System (MMIS) reflecting each service billed by the waiver provider. Comparison of payments to participant records, documentation and approved person-centered service plans (PCSP) shall be conducted. If any payments were issued without the appropriate documentation or not in accordance with approved PCSP, the Department shall initiate recoupment of the monies utilizing an accounts receivable process through the MMIS. The Department subtracts the amount noted for recoupment from the federal funds that are drawn down.

e. Billing and Claims Record Maintenance Requirement. Records documenting the audit trail of adjudicated claims (including supporting documentation) are maintained by the Medicaid agency, the operating agency (if applicable), and providers of waiver services for a minimum period of 3 years as required in 45 CFR §92.42.

Appendix I: Financial Accountability

I-3: Payment (1 of 7)

a. Method of payments -- MMIS (select one):

Payments for all waiver services are made through an approved Medicaid Management Information System (MMIS).

Payments for some, but not all, waiver services are made through an approved MMIS.

Specify: (a) the waiver services that are not paid through an approved MMIS; (b) the process for making such payments and the entity that processes payments; (c) and how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64:

--

Payments for waiver services are not made through an approved MMIS.

Specify: (a) the process by which payments are made and the entity that processes payments; (b) how and through which system(s) the payments are processed; (c) how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64:

[Empty text box]

Payments for waiver services are made by a managed care entity or entities. The managed care entity is paid a monthly capitated payment per eligible enrollee through an approved MMIS.

Describe how payments are made to the managed care entity or entities:

[Empty text box]

Appendix I: Financial Accountability

I-3: Payment (2 of 7)

b. Direct payment. *In addition to providing that the Medicaid agency makes payments directly to providers of waiver services, payments for waiver services are made utilizing one or more of the following arrangements (select at least one):*

The Medicaid agency makes payments directly and does not use a fiscal agent (comprehensive or limited) or a managed care entity or entities.

The Medicaid agency pays providers through the same fiscal agent used for the rest of the Medicaid program.

The Medicaid agency pays providers of some or all waiver services through the use of a limited fiscal agent.

Specify the limited fiscal agent, the waiver services for which the limited fiscal agent makes payment, the functions that the limited fiscal agent performs in paying waiver claims, and the methods by which the Medicaid agency oversees the operations of the limited fiscal agent:

[Empty text box]

Providers are paid by a managed care entity or entities for services that are included in the state's contract with the entity.

Specify how providers are paid for the services (if any) not included in the state's contract with managed care entities.

[Empty text box]

Appendix I: Financial Accountability

I-3: Payment (3 of 7)

c. Supplemental or Enhanced Payments. *Section 1902(a)(30) requires that payments for services be consistent with efficiency, economy, and quality of care. Section 1903(a)(1) provides for Federal financial participation to states for expenditures for services under an approved state plan/waiver. Specify whether supplemental or enhanced payments are made. Select one:*

No. The state does not make supplemental or enhanced payments for waiver services.

Yes. The state makes supplemental or enhanced payments for waiver services.

Describe: (a) the nature of the supplemental or enhanced payments that are made and the waiver services for which these payments are made; (b) the types of providers to which such payments are made; (c) the source of the non-

Federal share of the supplemental or enhanced payment; and, (d) whether providers eligible to receive the supplemental or enhanced payment retain 100% of the total computable expenditure claimed by the state to CMS. Upon request, the state will furnish CMS with detailed information about the total amount of supplemental or enhanced payments to each provider type in the waiver.

Appendix I: Financial Accountability

I-3: Payment (4 of 7)

d. Payments to state or Local Government Providers. Specify whether state or local government providers receive payment for the provision of waiver services.

No. State or local government providers do not receive payment for waiver services. Do not complete Item I-3-e.

Yes. State or local government providers receive payment for waiver services. Complete Item I-3-e.

Specify the types of state or local government providers that receive payment for waiver services and the services that the state or local government providers furnish:

Appendix I: Financial Accountability

I-3: Payment (5 of 7)

e. Amount of Payment to State or Local Government Providers.

Specify whether any state or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed its reasonable costs of providing waiver services and, if so, whether and how the state recoups the excess and returns the Federal share of the excess to CMS on the quarterly expenditure report. Select one:

Answers provided in Appendix I-3-d indicate that you do not need to complete this section.

The amount paid to state or local government providers is the same as the amount paid to private providers of the same service.

The amount paid to state or local government providers differs from the amount paid to private providers of the same service. No public provider receives payments that in the aggregate exceed its reasonable costs of providing waiver services.

The amount paid to state or local government providers differs from the amount paid to private providers of the same service. When a state or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed the cost of waiver services, the state recoups the excess and returns the federal share of the excess to CMS on the quarterly expenditure report.

Describe the recoupment process:

Appendix I: Financial Accountability

f. Provider Retention of Payments. Section 1903(a)(1) provides that Federal matching funds are only available for expenditures made by states for services under the approved waiver. Select one:

Providers receive and retain 100 percent of the amount claimed to CMS for waiver services.

Providers are paid by a managed care entity (or entities) that is paid a monthly capitated payment.

Specify whether the monthly capitated payment to managed care entities is reduced or returned in part to the state.

Appendix I: Financial Accountability

I-3: Payment (7 of 7)

g. Additional Payment Arrangements

i. Voluntary Reassignment of Payments to a Governmental Agency. Select one:

No. The state does not provide that providers may voluntarily reassign their right to direct payments to a governmental agency.

Yes. Providers may voluntarily reassign their right to direct payments to a governmental agency as provided in 42 CFR §447.10(e).

Specify the governmental agency (or agencies) to which reassignment may be made.

ii. Organized Health Care Delivery System. Select one:

No. The state does not employ Organized Health Care Delivery System (OHCDS) arrangements under the provisions of 42 CFR §447.10.

Yes. The waiver provides for the use of Organized Health Care Delivery System arrangements under the provisions of 42 CFR §447.10.

Specify the following: (a) the entities that are designated as an OHCDS and how these entities qualify for designation as an OHCDS; (b) the procedures for direct provider enrollment when a provider does not voluntarily agree to contract with a designated OHCDS; (c) the method(s) for assuring that participants have free choice of qualified providers when an OHCDS arrangement is employed, including the selection of providers not affiliated with the OHCDS; (d) the method(s) for assuring that providers that furnish services under contract with an OHCDS meet applicable provider qualifications under the waiver; (e) how it is assured that OHCDS contracts with providers meet applicable requirements; and, (f) how financial accountability is assured when an OHCDS arrangement is used:

iii. Contracts with MCOs, PIHPs or PAHPs.

The state does not contract with MCOs, PIHPs or PAHPs for the provision of waiver services.

The state contracts with a Managed Care Organization(s) (MCOs) and/or prepaid inpatient health plan(s) (PIHP) or prepaid ambulatory health plan(s) (PAHP) under the provisions of §1915(a)(1) of the Act for the delivery of waiver and other services. Participants may voluntarily elect to receive waiver and other services through such MCOs or prepaid health plans. Contracts with these health plans are on file at the state Medicaid agency.

Describe: (a) the MCOs and/or health plans that furnish services under the provisions of §1915(a)(1); (b) the geographic areas served by these plans; (c) the waiver and other services furnished by these plans; and, (d) how payments are made to the health plans.

This waiver is a part of a concurrent §1915(b)/§1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The §1915(b) waiver specifies the types of health plans that are used and how payments to these plans are made.

This waiver is a part of a concurrent §1915(b)/§1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The §1915(b) waiver specifies the types of health plans that are used and how payments to these plans are made.

If the state uses more than one of the above contract authorities for the delivery of waiver services, please select this option.

In the textbox below, indicate the contract authorities. In addition, if the state contracts with MCOs, PIHPs, or PAHPs under the provisions of §1915(a)(1) of the Act to furnish waiver services: Participants may voluntarily elect to receive waiver and other services through such MCOs or prepaid health plans. Contracts with these health plans are on file at the state Medicaid agency. Describe: (a) the MCOs and/or health plans that furnish services under the provisions of §1915(a)(1); (b) the geographic areas served by these plans; (c) the waiver and other services furnished by these plans; and, (d) how payments are made to the health plans.

Appendix I: Financial Accountability

I-4: Non-Federal Matching Funds (1 of 3)

a. State Level Source(s) of the Non-Federal Share of Computable Waiver Costs. Specify the state source or sources of the non-federal share of computable waiver costs. Select at least one:

Appropriation of State Tax Revenues to the State Medicaid agency

Appropriation of State Tax Revenues to a State Agency other than the Medicaid Agency.

If the source of the non-federal share is appropriations to another state agency (or agencies), specify: (a) the state entity or agency receiving appropriated funds and (b) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if the funds are directly expended by state agencies as CPEs, as indicated in Item I-2-c:

Other State Level Source(s) of Funds.

Specify: (a) the source and nature of funds; (b) the entity or agency that receives the funds; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by state agencies as CPEs, as indicated in Item I-2-c:

Appendix I: Financial Accountability

I-4: Non-Federal Matching Funds (2 of 3)

b. Local Government or Other Source(s) of the Non-Federal Share of Computable Waiver Costs. Specify the source or sources of the non-federal share of computable waiver costs that are not from state sources. Select One:

Not Applicable. There are no local government level sources of funds utilized as the non-federal share.

Applicable

Check each that applies:

Appropriation of Local Government Revenues.

Specify: (a) the local government entity or entities that have the authority to levy taxes or other revenues; (b) the source(s) of revenue; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement (indicate any intervening entities in the transfer process), and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:

Other Local Government Level Source(s) of Funds.

Specify: (a) the source of funds; (b) the local government entity or agency receiving funds; and, (c) the mechanism that is used to transfer the funds to the state Medicaid agency or fiscal agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:

Appendix I: Financial Accountability

I-4: Non-Federal Matching Funds (3 of 3)

c. Information Concerning Certain Sources of Funds. Indicate whether any of the funds listed in Items I-4-a or I-4-b that make up the non-federal share of computable waiver costs come from the following sources: (a) health care-related taxes or fees; (b) provider-related donations; and/or, (c) federal funds. Select one:

None of the specified sources of funds contribute to the non-federal share of computable waiver costs

The following source(s) are used

Check each that applies:

Health care-related taxes or fees

Provider-related donations***Federal funds***

For each source of funds indicated above, describe the source of the funds in detail:

Through the biennium budget process, the Kentucky General Assembly allocates funds generated through these health-care related taxes to the Department for Medicaid Services as one funding source which contributes to the overall Medicaid budget. Health-care related tax receipts are not designated to be used for a particular program or purpose within the Medicaid budget. The health-care related taxes follow federal regulatory requirements. Waiver providers are not exempt from broad-based provider taxes.

Appendix I: Financial Accountability***I-5: Exclusion of Medicaid Payment for Room and Board***

a. Services Furnished in Residential Settings. Select one:

No services under this waiver are furnished in residential settings other than the private residence of the individual.

As specified in Appendix C, the state furnishes waiver services in residential settings other than the personal home of the individual.

b. Method for Excluding the Cost of Room and Board Furnished in Residential Settings. The following describes the methodology that the state uses to exclude Medicaid payment for room and board in residential settings:

Fixed rates for these services do not include any margin for room and board related expenses. The provider contracts specify that room and board expenses must be covered from sources other than Medicaid. Providers of waiver services are contractually prohibited from billing for room and board expenses through Medicaid. Operating agency staff review individual records during both certification and utilization reviews to verify that the costs for room and board are in fact, excluded. Medicaid agency staff also verify during second level reviews.

Appendix I: Financial Accountability***I-6: Payment for Rent and Food Expenses of an Unrelated Live-In Caregiver***

Reimbursement for the Rent and Food Expenses of an Unrelated Live-In Personal Caregiver. Select one:

No. The state does not reimburse for the rent and food expenses of an unrelated live-in personal caregiver who resides in the same household as the participant.

Yes. Per 42 CFR §441.310(a)(2)(ii), the state will claim FFP for the additional costs of rent and food that can be reasonably attributed to an unrelated live-in personal caregiver who resides in the same household as the waiver participant. The state describes its coverage of live-in caregiver in Appendix C-3 and the costs attributable to rent and food for the live-in caregiver are reflected separately in the computation of factor D (cost of waiver services) in Appendix J. FFP for rent and food for a live-in caregiver will not be claimed when the participant lives in the caregiver's home or in a residence that is owned or leased by the provider of Medicaid services.

The following is an explanation of: (a) the method used to apportion the additional costs of rent and food attributable to the unrelated live-in personal caregiver that are incurred by the individual served on the waiver and (b) the method used to reimburse these costs:

The rent and food expenses of an unrelated live-in caregiver, who does not hold the lease or own the residence, will be determined by dividing total household rent and food expenses by the number of residents in the home, including the caregiver. In other words, the caregiver is considered a resident in the home, and food and rent expenses are apportioned equally among all persons residing in the home. It is the responsibility of the Case Manager to document and report any waiver funds used to pay rent and food expenses of an unrelated live-in caregiver.

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (1 of 5)

a. Co-Payment Requirements. Specify whether the state imposes a co-payment or similar charge upon waiver participants for waiver services. These charges are calculated per service and have the effect of reducing the total computable claim for federal financial participation. Select one:

No. The state does not impose a co-payment or similar charge upon participants for waiver services.

Yes. The state imposes a co-payment or similar charge upon participants for one or more waiver services.

i. Co-Pay Arrangement.

Specify the types of co-pay arrangements that are imposed on waiver participants (check each that applies):

Charges Associated with the Provision of Waiver Services (if any are checked, complete Items I-7-a-ii through I-7-a-iv):

Nominal deductible

Coinsurance

Co-Payment

Other charge

Specify:

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (2 of 5)

a. Co-Payment Requirements.

ii. Participants Subject to Co-pay Charges for Waiver Services.

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (3 of 5)

a. Co-Payment Requirements.

iii. Amount of Co-Pay Charges for Waiver Services.

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (4 of 5)

a. Co-Payment Requirements.

iv. *Cumulative Maximum Charges.*

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (5 of 5)

b. Other State Requirement for Cost Sharing. Specify whether the state imposes a premium, enrollment fee or similar cost sharing on waiver participants. Select one:

No. The state does not impose a premium, enrollment fee, or similar cost-sharing arrangement on waiver participants.

Yes. The state imposes a premium, enrollment fee or similar cost-sharing arrangement.

Describe in detail the cost sharing arrangement, including: (a) the type of cost sharing (e.g., premium, enrollment fee); (b) the amount of charge and how the amount of the charge is related to total gross family income; (c) the groups of participants subject to cost-sharing and the groups who are excluded; and, (d) the mechanisms for the collection of cost-sharing and reporting the amount collected on the CMS 64:

Appendix J: Cost Neutrality Demonstration

J-1: Composite Overview and Demonstration of Cost-Neutrality Formula

Composite Overview. Complete the fields in Cols. 3, 5 and 6 in the following table for each waiver year. The fields in Cols. 4, 7 and 8 are auto-calculated based on entries in Cols 3, 5, and 6. The fields in Col. 2 are auto-calculated using the Factor D data from the J-2-d Estimate of Factor D tables. Col. 2 fields will be populated ONLY when the Estimate of Factor D tables in J-2-d have been completed.

Level(s) of Care: ICF/IID

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
Year	Factor D	Factor D'	Total: D+D'	Factor G	Factor G'	Total: G+G'	Difference (Col 7 less Column4)
1	101341.78	7924.13	109265.91	392042.63	7544.71	399587.34	290321.43
2	109324.68	8304.49	117629.17	410860.68	7906.86	418767.54	301138.37
3	119661.76	8703.11	128364.87	430581.99	8286.39	438868.38	310503.51
4	133446.91	9120.85	142567.76	451249.93	8684.13	459934.06	317366.30
5	145562.27	9558.66	155120.93	472909.92	9100.97	482010.89	326889.96

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (1 of 9)

a. Number Of Unduplicated Participants Served. Enter the total number of unduplicated participants from Item B-3-a who will be served each year that the waiver is in operation. When the waiver serves individuals under more than one level of care, specify the number of unduplicated participants for each level of care:

Table: J-2-a: Unduplicated Participants

Waiver Year	Total Unduplicated Number of Participants (from Item B-3-a)	Distribution of Unduplicated Participants by Level of Care (if applicable)
		Level of Care:
		ICF/IID

Table: J-2-a: Unduplicated Participants

Waiver Year	Total Unduplicated Number of Participants (from Item B-3-a)	Distribution of Unduplicated Participants by Level of Care (if applicable)	
		Level of Care:	
		ICF/IID	
Year 1	4991		4991
Year 2	5041		5041
Year 3	5041		5041
Year 4	5041		5041
Year 5	5041		5041

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (2 of 9)

b. Average Length of Stay. Describe the basis of the estimate of the average length of stay on the waiver by participants in item J-2-a.

The average length of stay is based on MMIS claims data/372 reports for the period 03/01/2020 through 02/28/2021. The average length of stay is 346. DMS has not observed data or external factors suggestive of a large scale in ALOS warranting application of an annual growth rate.

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (3 of 9)

c. Derivation of Estimates for Each Factor. Provide a narrative description for the derivation of the estimates of the following factors.

i. Factor D Derivation. The estimates of Factor D for each waiver year are located in Item J-2-d. The basis and methodology for these estimates is as follows:

DMS developed Factor D estimates, including users, average units per user, and average cost per unit, for Waiver Year 1 using actual 372 data from the 2020 372 report. DMS trended the 2020 372 report data forward to the Waiver Year 1 period using the Q2 2022 CMS Market Basket Index for Institutional Psychiatric Facilities (4.8%) to align with the ICF/IID level of care requirement for the SCL waiver.

DMS applied the percentage increase to number of users and average units per user, as payment rates are formalized in Kentucky Administrative Regulations and do not receive an annual adjustment. DMS applied the percentage increase to estimated users and average units per user to align with projected growth of the program. DMS rounded the average units per user estimates up to the nearest whole number to account for 15 minute units for several service types.

DMS elected to use the Q2 2022 CMS Market Basket Index for Institutional Psychiatric Facilities in place of trended 372 report data due to inconsistent annual trends in service utilization likely due to the COVID-19 pandemic.

DMS did not have utilization data for the following services per the 2020 372 report: Natural Supports Training, Positive Behavior Supports, and Transportation. These services have low historical utilization rates. DMS has no intention of phasing these services out of the waiver and therefore elected to include estimated users and units per user based on expected demand to present a conservative cost estimate to CMS. If DMS identifies an increase in utilization for these services, DMS will amend cost projections to align with that data.

The average cost per unit estimates in Appendix J-2-d align with current legislatively approved rates defined in Kentucky Administrative Regulation and include a temporary rate increase as authorized by Appendix K and approved by CMS. For services provided at cost (e.g., specialized medical equipment), DMS calculated the average cost per unit based on the 2021 372 report data and applied the temporary rate increase to that value to align with the approved Appendix K.

DMS elected to divide Consultative Clinical and Therapeutic Services into three individual services in this renewal (i.e., Consultative Clinical and Therapeutic Supports – Nutritional Services, Consultative Clinical and Therapeutic Supports – Psychological Services, Consultative Clinical and Therapeutic Supports – Positive Behavior Supports). DMS used FY2022 claims data to estimate the number of users and units per user, and used the CMS-approved Appendix K rate per the methodology above to estimate average cost per unit. DMS increased the number of users for each component service to provide a conservative cost estimate to CMS. DMS plans to evaluate utilization for each new component service on an ongoing basis and will modify estimates to align with actual utilization as needed.

The SCL Waiver program has an enrollment cap of 4,991 slots in WY 1 and 5,041 slots in WY 2-5. DMS capped total users for Case Management and Day Services at 4,903 to align with the total projected number of unduplicated participants and the total amount of slots available on the waiver.

DMS plans to amend Appendix J estimates in 2024 to align with an ongoing rate study that will impact average cost per unit estimates for each waiver service.

- ii. Factor D' Derivation.** *The estimates of Factor D' for each waiver year are included in Item J-1. The basis of these estimates is as follows:*

DMS developed Factor D' estimates for Waiver Year 1 using data from the 2021 372 report. DMS trended the 2021 372 report Factor D' value (\$7,214.88) forward to Waiver Year 1 (3/1/2022-2/28/2023) by applying the Q2 2022 CMS Market Basket Index for Institutional Psychiatric Facilities (4.8%). DMS applied the same trend to calculate Waiver Year 2 through Waiver Year 5 projections. DMS elected to use the Q2 2022 CMS Market Basket Index for Institutional Psychiatric Facilities in place of trended 372 report data due to inconsistent annual trends in service utilization likely due to the COVID-19 pandemic.

- iii. Factor G Derivation.** *The estimates of Factor G for each waiver year are included in Item J-1. The basis of these estimates is as follows:*

DMS developed Factor G estimates for Waiver Year 1 using data from the 2021 372 report. DMS trended the 2021 372 report Factor G value (\$356,952.75) forward to Waiver Year 1 (3/1/2022-2/28/2023) by applying the Q2 2022 CMS Market Basket Index for Institutional Psychiatric Facilities (4.8%). DMS applied the same trend to calculate Waiver Year 2 through Waiver Year 5 projections. DMS elected to use the Q2 2022 CMS Market Basket Index for Institutional Psychiatric Facilities in place of trended 372 report data due to inconsistent annual trends in service utilization likely due to the COVID-19 pandemic and impacts of the public health emergency.

iv. **Factor G' Derivation.** The estimates of Factor G' for each waiver year are included in Item J-1. The basis of these estimates is as follows:

DMS developed Factor G' estimates for Waiver Year 1 using data from the 2021 372 report. DMS trended the 2021 372 report Factor G' value (\$6,869.42) forward to Waiver Year 1 (3/1/2022-2/28/2023) by applying the Q2 2022 CMS Market Basket Index for Institutional Psychiatric Facilities (4.8%). DMS applied the same trend to calculate Waiver Year 2 through Waiver Year 5 projections. DMS elected to use the Q2 2022 CMS Market Basket Index for Institutional Psychiatric Facilities in place of trended 372 report data due to inconsistent annual trends in service utilization likely due to the COVID-19 pandemic and impacts of the public health emergency.

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (4 of 9)

Component management for waiver services. If the service(s) below includes two or more discrete services that are reimbursed separately, or is a bundled service, each component of the service must be listed. Select “manage components” to add these components.

Waiver Services	
Case Management	
Consultative Clinical and Therapeutic - Nutritional Services	
Consultative Clinical and Therapeutic - Psychological Services	
Consultative Clinical and Therapeutic Services - Positive Behavior Supports	
Day Training	
Personal Assistance	
Residential Support Level I	
Respite	
Shared Living	
Supported Employment	
Financial Management Services	
Community Access	
Community Guide	
Community Transition	
Environmental Accessibility Adaptation Services	
Goods and Services	
Natural Supports Training	
Positive Behavior Supports	
Residential Support Level II	
Specialized Medical Equipment and Supplies	
Technology Assisted Residential	
Transportation	
Vehicle Adaptations	

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (5 of 9)

d. Estimate of Factor D.

i. Non-Concurrent Waiver. Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 1

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Case Management Total:						29760734.08
Case Management	1 month	4991	14.00	425.92	29760734.08	
Consultative Clinical and Therapeutic - Nutritional Services Total:						186365.28
Consultative Clinical and Therapeutic - Nutritional Services	15 min	157	48.00	24.73	186365.28	
Consultative Clinical and Therapeutic - Psychological Services Total:						503304.96
Consultative Clinical and Therapeutic - Psychological Services	15 min	212	96.00	24.73	503304.96	
Consultative Clinical and Therapeutic Services - Positive Behavior Supports Total:						7415196.92
Consultative Clinical and Therapeutic Services - Positive Behavior Supports	15 min	1634	130.00	24.73	5253146.60	
Person Centered Coach	15 min	516	547.00	7.66	2162050.32	
Day Training Total:						11866060.50
Day Training	15 min	4263	950.00	2.93	11866060.50	
Personal Assistance Total:						79487280.46
Personal Assistance	15 min	749	11611.00	9.14	79487280.46	
Residential Support Level I Total:						219502636.64
GRAND TOTAL:						505796817.17
Total Estimated Unduplicated Participants:						4991
Factor D (Divide total by number of participants):						101341.78
Average Length of Stay on the Waiver:						346

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Residential Support Level I	per day	2468	356.00	249.83	219502636.64	
Respite Total:						1971195.36
Respite	15 min	227	1896.00	4.58	1971195.36	
Shared Living Total:						40656.00
Shared Living	per month	7	8.00	726.00	40656.00	
Supported Employment Total:						525252.00
Supported Employment	15 min	370	104.00	13.65	525252.00	
Financial Management Services Total:						641633.04
Financial Management Services	15 min	456	93.00	15.13	641633.04	
Community Access Total:						3462980.40
Community Access	15 min	557	628.00	9.90	3462980.40	
Community Guide Total:						21991.20
Community Guide	15 min	14	119.00	13.20	21991.20	
Community Transition Total:						25419.16
Community Transition	per transition	13	2.00	977.66	25419.16	
Environmental Accessibility Adaptation Services Total:						21263418.88
Environmental Accessibility Adaptation Services	per adaptation	2	3296.00	3225.64	21263418.88	
Goods and Services Total:						13763.52
Goods and Services	per item	24	4.00	143.37	13763.52	
Natural Supports Training Total:						12100.00
Natural Supports Training	per training	10	1.00	1210.00	12100.00	
Positive Behavior Supports Total:						2599597.44
Positive Behavior Supports	per plan	267	11.00	885.12	2599597.44	
GRAND TOTAL:					505796817.17	
Total Estimated Unduplicated Participants:					4991	
Factor D (Divide total by number of participants):					101341.78	
Average Length of Stay on the Waiver:						346

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Residential Support Level II Total:						122501270.70
Residential Support Level II	per day	2295	361.00	147.86	122501270.70	
Specialized Medical Equipment and Supplies Total:						3563950.08
Specialized Medical Equipment and Supplies	per item	768	8.00	580.07	3563950.08	
Technology Assisted Residential Total:						408718.05
Technology Assisted Residential	per day	13	299.00	105.15	408718.05	
Transportation Total:						16032.50
Transportation	per trip	10	5.00	320.65	16032.50	
Vehicle Adaptations Total:						7260.00
Vehicle Adaptations	per adaptation	1	1.00	7260.00	7260.00	
GRAND TOTAL:						505796817.17
Total Estimated Unduplicated Participants:						4991
Factor D (Divide total by number of participants):						101341.78
Average Length of Stay on the Waiver:						346

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (6 of 9)

d. Estimate of Factor D.

i. Non-Concurrent Waiver. Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 2

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Case Management Total:						30058878.08
Case Management	1 month	5041	14.00	425.92	30058878.08	
Consultative Clinical and Therapeutic - Nutritional Services Total:						194674.56
GRAND TOTAL:						551105690.28
Total Estimated Unduplicated Participants:						5041
Factor D (Divide total by number of participants):						109324.68
Average Length of Stay on the Waiver:						346

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Consultative Clinical and Therapeutic - Nutritional Services	15 min	164	48.00	24.73	194674.56	
Consultative Clinical and Therapeutic - Psychological Services Total:						524671.68
Consultative Clinical and Therapeutic - Psychological Services	15 min	221	96.00	24.73	524671.68	
Consultative Clinical and Therapeutic Services - Positive Behavior Supports Total:						7653412.18
Consultative Clinical and Therapeutic Services - Positive Behavior Supports	15 min	1642	130.00	24.73	5278865.80	
Person Centered Coach	15 min	541	573.00	7.66	2374546.38	
Day Training Total:						13035956.76
Day Training	15 min	4467	996.00	2.93	13035956.76	
Personal Assistance Total:						87311358.10
Personal Assistance	15 min	785	12169.00	9.14	87311358.10	
Residential Support Level I Total:						240980521.74
Residential Support Level I	per day	2586	373.00	249.83	240980521.74	
Respite Total:						2165909.48
Respite	15 min	238	1987.00	4.58	2165909.48	
Shared Living Total:						45738.00
Shared Living	per month	7	9.00	726.00	45738.00	
Supported Employment Total:						577285.80
Supported Employment	15 min	388	109.00	13.65	577285.80	
Financial Management						708749.72
GRAND TOTAL:					551105690.28	
Total Estimated Unduplicated Participants:					5041	
Factor D (Divide total by number of participants):					109324.68	
Average Length of Stay on the Waiver:						346

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Services Total:						
Financial Management Services	15 min	478	98.00	15.13	708749.72	
Community Access Total:						3804292.80
Community Access	15 min	584	658.00	9.90	3804292.80	
Community Guide Total:						24750.00
Community Guide	15 min	15	125.00	13.20	24750.00	
Community Transition Total:						27374.48
Community Transition	per transition	14	2.00	977.66	27374.48	
Environmental Accessibility Adaptation Services Total:						22282721.12
Environmental Accessibility Adaptation Services	per adaptation	2	3454.00	3225.64	22282721.12	
Goods and Services Total:						14337.00
Goods and Services	per item	25	4.00	143.37	14337.00	
Natural Supports Training Total:						24200.00
Natural Supports Training	per training	10	2.00	1210.00	24200.00	
Positive Behavior Supports Total:						2974003.20
Positive Behavior Supports	per plan	280	12.00	885.12	2974003.20	
Residential Support Level II Total:						134473938.48
Residential Support Level II	per day	2406	378.00	147.86	134473938.48	
Specialized Medical Equipment and Supplies Total:						3735650.80
Specialized Medical Equipment and Supplies	per item	805	8.00	580.07	3735650.80	
Technology Assisted Residential Total:						460767.30
Technology Assisted Residential	per day	14	313.00	105.15	460767.30	
Transportation						19239.00
GRAND TOTAL:					551105690.28	
Total Estimated Unduplicated Participants:					5041	
Factor D (Divide total by number of participants):					109324.68	
Average Length of Stay on the Waiver:						346

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Total:						
Transportation	per trip	10	6.00	320.65	19239.00	
Vehicle Adaptations Total:						7260.00
Vehicle Adaptations	per adaptation	1	1.00	7260.00	7260.00	
GRAND TOTAL:					551105690.28	
Total Estimated Unduplicated Participants:					5041	
Factor D (Divide total by number of participants):					109324.68	
Average Length of Stay on the Waiver:						346

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (7 of 9)

d. Estimate of Factor D.

i. Non-Concurrent Waiver. Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 3

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Case Management Total:						32205940.80
Case Management	1 month	5041	15.00	425.92	32205940.80	
Consultative Clinical and Therapeutic - Nutritional Services Total:						195861.60
Consultative Clinical and Therapeutic - Nutritional Services	15 min	165	48.00	24.73	195861.60	
Consultative Clinical and Therapeutic - Psychological Services Total:						529419.84
Consultative Clinical and Therapeutic - Psychological Services	15 min	223	96.00	24.73	529419.84	
Consultative Clinical and Therapeutic Services - Positive						7936236.20
GRAND TOTAL:					603214930.90	
Total Estimated Unduplicated Participants:					5041	
Factor D (Divide total by number of participants):					119661.76	
Average Length of Stay on the Waiver:						346

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Behavior Supports Total:						
Consultative Clinical and Therapeutic Services - Positive Behavior Supports	15 min	1658	130.00	24.73	5330304.20	
Person Centered Coach	15 min	567	600.00	7.66	2605932.00	
Day Training Total:						14321863.44
Day Training	15 min	4682	1044.00	2.93	14321863.44	
Personal Assistance Total:						95930871.66
Personal Assistance	15 min	823	12753.00	9.14	95930871.66	
Residential Support Level I Total:						264722366.30
Residential Support Level I	per day	2710	391.00	249.83	264722366.30	
Respite Total:						2385035.00
Respite	15 min	250	2083.00	4.58	2385035.00	
Shared Living Total:						45738.00
Shared Living	per month	7	9.00	726.00	45738.00	
Supported Employment Total:						633332.70
Supported Employment	15 min	407	114.00	13.65	633332.70	
Financial Management Services Total:						780753.39
Financial Management Services	15 min	501	103.00	15.13	780753.39	
Community Access Total:						4180572.00
Community Access	15 min	612	690.00	9.90	4180572.00	
Community Guide Total:						27667.20
Community Guide	15 min	16	131.00	13.20	27667.20	
Community Transition Total:						27374.48
Community Transition	per transition				27374.48	
GRAND TOTAL:					603214930.90	
Total Estimated Unduplicated Participants:					5041	
Factor D (Divide total by number of participants):					119661.76	
Average Length of Stay on the Waiver:					346	

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
		14	2.00	977.66		
Environmental Accessibility Adaptation Services Total:						23353633.60
Environmental Accessibility Adaptation Services	per adaptation	2	3620.00	3225.64	23353633.60	
Goods and Services Total:						15483.96
Goods and Services	per item	27	4.00	143.37	15483.96	
Natural Supports Training Total:						26620.00
Natural Supports Training	per training	11	2.00	1210.00	26620.00	
Positive Behavior Supports Total:						3371422.08
Positive Behavior Supports	per plan	293	13.00	885.12	3371422.08	
Residential Support Level II Total:						147611003.76
Residential Support Level II	per day	2521	396.00	147.86	147611003.76	
Specialized Medical Equipment and Supplies Total:						4400991.09
Specialized Medical Equipment and Supplies	per item	843	9.00	580.07	4400991.09	
Technology Assisted Residential Total:						484320.90
Technology Assisted Residential	per day	14	329.00	105.15	484320.90	
Transportation Total:						21162.90
Transportation	per trip	11	6.00	320.65	21162.90	
Vehicle Adaptations Total:						7260.00
Vehicle Adaptations	per adaptation	1	1.00	7260.00	7260.00	
GRAND TOTAL:						603214930.90
Total Estimated Unduplicated Participants:						5041
Factor D (Divide total by number of participants):						119661.76
Average Length of Stay on the Waiver:						346

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (8 of 9)

d. Estimate of Factor D.

i. Non-Concurrent Waiver. Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg.

Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 4

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Case Management Total:						34353003.52
Case Management	1 month	5041	16.00	425.92	34353003.52	
Consultative Clinical and Therapeutic - Nutritional Services Total:						542699.85
Consultative Clinical and Therapeutic - Nutritional Services	15 min	165	133.00	24.73	542699.85	
Consultative Clinical and Therapeutic - Psychological Services Total:						531793.92
Consultative Clinical and Therapeutic - Psychological Services	15 min	224	96.00	24.73	531793.92	
Consultative Clinical and Therapeutic Services - Positive Behavior Supports Total:						8353024.36
Consultative Clinical and Therapeutic Services - Positive Behavior Supports	15 min	1708	130.00	24.73	5491049.20	
Person Centered Coach	15 min	594	629.00	7.66	2861975.16	
Day Training Total:						16158522.22
Day Training	15 min	5041	1094.00	2.93	16158522.22	
Personal Assistance Total:						105298558.20
Personal Assistance	15 min	862	13365.00	9.14	105298558.20	
Residential Support Level I Total:						291004482.30
Residential Support Level I	per day	2841	410.00	249.83	291004482.30	
GRAND TOTAL:						672705878.06
Total Estimated Unduplicated Participants:						5041
Factor D (Divide total by number of participants):						133446.91
Average Length of Stay on the Waiver:						346

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Respite Total:						2619512.68
Respite	15 min	262	2183.00	4.58	2619512.68	
Shared Living Total:						52272.00
Shared Living	per month	8	9.00	726.00	52272.00	
Supported Employment Total:						697788.00
Supported Employment	15 min	426	120.00	13.65	697788.00	
Financial Management Services Total:						849927.75
Financial Management Services	15 min	525	107.00	15.13	849927.75	
Community Access Total:						4588085.70
Community Access	15 min	641	723.00	9.90	4588085.70	
Community Guide Total:						28934.40
Community Guide	15 min	16	137.00	13.20	28934.40	
Community Transition Total:						29329.80
Community Transition	per transition	15	2.00	977.66	29329.80	
Environmental Accessibility Adaptation Services Total:						36714234.48
Environmental Accessibility Adaptation Services	per adaptation	3	3794.00	3225.64	36714234.48	
Goods and Services Total:						16057.44
Goods and Services	per item	28	4.00	143.37	16057.44	
Natural Supports Training Total:						29040.00
Natural Supports Training	per training	12	2.00	1210.00	29040.00	
Positive Behavior Supports Total:						3532513.92
Positive Behavior Supports	per plan	307	13.00	885.12	3532513.92	
Residential Support Level II Total:						162118139.80
GRAND TOTAL:						672705878.06
Total Estimated Unduplicated Participants:						5041
Factor D (Divide total by number of participants):						133446.91
Average Length of Stay on the Waiver:						346

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Residential Support Level II	per day	2642	415.00	147.86	162118139.80	
Specialized Medical Equipment and Supplies Total:						4615036.92
Specialized Medical Equipment and Supplies	per item	884	9.00	580.07	4615036.92	
Technology Assisted Residential Total:						542574.00
Technology Assisted Residential	per day	15	344.00	105.15	542574.00	
Transportation Total:						23086.80
Transportation	per trip	12	6.00	320.65	23086.80	
Vehicle Adaptations Total:						7260.00
Vehicle Adaptations	per adaptation	1	1.00	7260.00	7260.00	
GRAND TOTAL:					672705878.06	
Total Estimated Unduplicated Participants:					5041	
Factor D (Divide total by number of participants):					133446.91	
Average Length of Stay on the Waiver:						346

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (9 of 9)

d. Estimate of Factor D.

i. Non-Concurrent Waiver. Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 5

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Case Management Total:						36500066.24
Case Management	1 month	5041	17.00	425.92	36500066.24	
Consultative Clinical and Therapeutic - Nutritional Services Total:						571263.00
Consultative Clinical and Therapeutic -	15 min	165	140.00	24.73	571263.00	
GRAND TOTAL:					733779414.55	
Total Estimated Unduplicated Participants:					5041	
Factor D (Divide total by number of participants):					145562.27	
Average Length of Stay on the Waiver:						346

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Nutritional Services						
Consultative Clinical and Therapeutic - Psychological Services Total:						531793.92
Consultative Clinical and Therapeutic - Psychological Services	15 min	224	96.00	24.73	531793.92	
Consultative Clinical and Therapeutic Services - Positive Behavior Supports Total:						8635915.82
Consultative Clinical and Therapeutic Services - Positive Behavior Supports	15 min	1708	130.00	24.73	5491049.20	
Person Centered Coach	15 min	623	659.00	7.66	3144866.62	
Day Training Total:						16926568.98
Day Training	15 min	5041	1146.00	2.93	16926568.98	
Personal Assistance Total:						115725415.36
Personal Assistance	15 min	904	14006.00	9.14	115725415.36	
Residential Support Level I Total:						319066137.39
Residential Support Level I	per day	2977	429.00	249.83	319066137.39	
Respite Total:						2870002.04
Respite	15 min	274	2287.00	4.58	2870002.04	
Shared Living Total:						58080.00
Shared Living	per month	8	10.00	726.00	58080.00	
Supported Employment Total:						760987.50
Supported Employment	15 min	446	125.00	13.65	760987.50	
Financial Management Services Total:						940329.50
Financial					940329.50	
GRAND TOTAL:						733779414.55
Total Estimated Unduplicated Participants:						5041
Factor D (Divide total by number of participants):						145562.27
Average Length of Stay on the Waiver:						346

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Management Services	15 min	550	113.00	15.13		
Community Access Total:						5042822.40
Community Access	15 min	672	758.00	9.90	5042822.40	
Community Guide Total:						32089.20
Community Guide	15 min	17	143.00	13.20	32089.20	
Community Transition Total:						31285.12
Community Transition	per transition	16	2.00	977.66	31285.12	
Environmental Accessibility Adaptation Services Total:						38475433.92
Environmental Accessibility Adaptation Services	per adaptation	3	3976.00	3225.64	38475433.92	
Goods and Services Total:						16630.92
Goods and Services	per item	29	4.00	143.37	16630.92	
Natural Supports Training Total:						29040.00
Natural Supports Training	per training	12	2.00	1210.00	29040.00	
Positive Behavior Supports Total:						3990120.96
Positive Behavior Supports	per plan	322	14.00	885.12	3990120.96	
Residential Support Level II Total:						178099587.90
Residential Support Level II	per day	2769	435.00	147.86	178099587.90	
Specialized Medical Equipment and Supplies Total:						4834303.38
Specialized Medical Equipment and Supplies	per item	926	9.00	580.07	4834303.38	
Technology Assisted Residential Total:						607346.40
Technology Assisted Residential	per day	16	361.00	105.15	607346.40	
Transportation Total:						26934.60
Transportation					26934.60	
GRAND TOTAL:						73377944.55
Total Estimated Unduplicated Participants:						5041
Factor D (Divide total by number of participants):						145562.27
Average Length of Stay on the Waiver:						346

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
	per trip	12	7.00	320.65		
Vehicle Adaptations Total:						7260.00
Vehicle Adaptations	per adaptation	1	1.00	7260.00	7260.00	
GRAND TOTAL:						733779414.55
<i>Total Estimated Unduplicated Participants:</i>						5041
<i>Factor D (Divide total by number of participants):</i>						145562.27
<i>Average Length of Stay on the Waiver:</i>						346