

## **Attachment B**

### **FY 2022 and FY 2023 Community Living Supports (CLS) and Respite Services**

#### **I. AGENCY RESPONSIBILITIES/PROGRAM DESCRIPTION**

CLS and Respite services are provided by the AGENCY in accordance with the Individual Plan of Service or Service Revisions. These are based on each individual's served Person-Centered Plan - identifying the individual's served needs and supports required to improve the individual's served quality of life and to promote the individual's served independence and community integration. The AGENCY will maintain the philosophy of individuals' served choice foremost during service delivery. Progress notes must identify the Plan of Service goal(s) being addressed. CLS and Respite services are **NOT** interchangeable, and the progress note must differentiate the service being provided. The COUNTY does not have a policy prohibiting the employment of family members for individuals served CLS and Respite activities and services; however, the AGENCY is cautioned to be highly cognizant of the potential for conflicting "allegiances" when employing family members to provide CLS and respite services.

#### **II. PROGRAM GOALS (Performance Outcome Measures)**

- a. CLS services are intended to assist, guide, remind and prompt individuals served with activities of daily living (ADL) such as bathing, eating, dressing, and personal hygiene. CLS services may not supplant state plan services such as Personal Care (assistance with ADLs in a certified specialized residential setting) and Home Help or Expanded Home Help which are offered through the state Department of Human Services. Personal Care or Extended Personal Care must be requested of DHS with the assistance of the COUNTY supports coordination program. CLS may be used for activities while the individual served awaits determination by DHS of the amount, scope, and duration of Home Help or Extended Home Help. The COUNTY supports coordinator must assist the individuals served, if necessary, in any Fair Hearing proceedings related to an adverse ruling from DHS on the approval of Personal Care or Extended Personal Care assistance. CLS assistance with meal preparation, laundry, routine household care and maintenance, ADLs and/or shopping may be used to complement Home Help or Extended Home Help when the individual's served need for this assistance has been officially determined to exceed the DHS allowable parameters.
- b. Respite care services are intended for individuals served whose primary caregivers are the same people day after day (e.g. family members and/or adult family foster care providers) and is provided during those portions of the day when the caregivers are not being paid to provide care. Respite care services are not intended to be provided on a continuous, long-term basis in which it would enable an unpaid caregiver to work full-time. Respite care services may not be provided by a parent of a minor who is receiving the service, the individuals served spouse, the individuals served legal guardian, or the primary unpaid caregiver.

#### **III. SCOPE OF SERVICES:**

a. CHILDREN'S WAIVER

- i. The Children's Home and Community Based Waiver Program (CW) provides services that are enhancements or additions to Medicaid state plan coverage for children up to age 18 who are enrolled in the CW program. The CW Waiver program is a fee-for-service program administered by the COUNTY in partnership with other community agencies.
- ii. CW CLS provide assistance to a family in the care of their individual served while facilitating the child's independence and integration into the community.
- iii. The supports, as identified in the individual plan of service are provided in the child's home and may be provided in community settings when integration into the community is an identified goal.
- iv. CW supports are intended to reinforce skills or lessons and are not intended to supplant service provided in school or other settings.
- v. CW Respite care services are provided to the child on an intermittent or short-term basis due to the absence or need for relief of the parent.
- vi. Respite care is intended to support the parent who is the primary caregiver and is provided during those portions of the day when the caregiver is not being paid to provide care. Respite care services must only be provided on a short-term basis. Short term means the respite service is provided during a limited period of time. Respite is not intended to be provided on a continuous, long-term basis where it would allow the primary caregiver to work full-time.
- vii. Respite services may be provided in the child's home, foster home, group home, licensed respite care facility, licensed camp, or the home of a friend or relative, as documented in the Individual Plan of Service.

b. HABILITATION (HAB) WAIVER

- i. Individuals served with developmental disabilities may be enrolled in the Habilitation Supports Waiver. HAB individuals served must receive at least one HAB service per month. The individual's services and supports must be specified in the individual plan of service developed throughout the person-centered planning process. The supports can be provided in the beneficiary's residence and in community settings and may not supplant other waiver or state plan covered services.
- ii. Respite care is intended for individuals served whose primary caregivers are the same people day after day and is provided during those portions of the day when the caregivers are not being paid to provide care. Respite care services must only be provided on a short-term basis. Short term means the respite service is provided during a limited period of time. Respite is not intended to be provided on a continuous, long-term basis where it would allow the primary caregiver to work full-time.

- c. ADDITIONAL MENTAL HEALTH SERVICES (B3's)
  - i. Certain Medicaid funded supports and services may be provided through authority of section 1915 (b)(3) of the Social Security Act - commonly known as B3 supports and services.
  - ii. The intent of B3 supports and services is to fund medically necessary activities that promote community inclusion and participation, individuals served independence and/or productivity when identified as one or more goals in the individuals served plan of service. The supports and services may be provided in the individual's residence and in community settings.
  - iii. Respite services are provided to assist in maintaining the goal of living in a natural community home by temporarily relieving the unpaid primary caregiver. Respite care is provided during those portions of the day when the primary caregivers are not being paid to provide care. Respite care services must only be provided on a short-term basis. Short term means the respite service is provided during a limited period of time. Respite is not intended to be provided on a continuous, long-term basis where it would allow the primary caregiver to work full-time. Decisions about methods and amounts of respite should be decided during person-centered planning.
  
- d. CHILDREN'S SERIOUS EMOTIONAL DISTURBANCE (SED) WAIVER
  - i. The SED Waiver Program provides services that are enhancements or additions to Medicaid state plan coverage for individuals served up to age 18 who have serious emotional disturbance. The SED Waiver program is a fee-for-service program administered by the COUTNY in partnership with other community agencies.
  - ii. CLS services are used to increase or maintain individual served self-sufficiency in achieving goals of community inclusion and maintenance of living in their home. SED CLS services may be provided in the individuals served home or in community settings when integration into the community is an identified goal.
  - iii. Respite care is intended to support the parent who is the primary caregiver and is provided during those portions of the day when the caregiver is not being paid to provide care. Respite care services must only be provided on a short-term basis. Short term means the respite service is provided during a limited period of time. Respite is not intended to be provided on a continuous, long-term basis where it would allow the primary caregiver to work full-time.
  
- e. SUPPORTING PERSONS USING SELF-DETERMINATION ARRANGMENTS – AGENCY WITH CHOICE
  - i. AGENCY may choose to support individuals wishing to self-direct services by participating as an Agency with Choice provider.

- ii. In supporting individuals choosing to self-direct services, AGENCY shall:
  - 1. Follow the provisions of MDHHS Managed Specialty Supports and Services Self-Determination Policy Contract Attachment and MCCMHS self-determination policies and procedures and ensure AGENCY self-determination policies and procedures are consistent therein.
  - 2. Identify staff to act as a liaison between MCCMHS and AGENCY in supporting individuals at AGENCY choosing to use self-determination arrangements. Liaison shall be responsible to attend quarterly self-determination provider meetings led by the MCCMHS Self-Determination Administrator and share information with AGENCY staff.
  - 3. Participate in the person-centered planning process in coming to a consensus on the appropriateness of a desired model for successful implementation of plan goals and outcomes;
  - 4. Ensure Agency with Choice Agreement (Tri-Party) is executed by all parties involved prior to services beginning.
  - 5. Assist persons to understand billing and documentation responsibilities.
  - 6. Coordinate with primary case holder when necessary to ensure person is supported in implementing, monitoring, and resolving issues related to self-direction.
  - 7. Ensure monthly summary of the individual's served budget expenditures are provided to the individual served and the individual's assigned support coordinator or case manager.
  
- iii. All terms and conditions of AGENCY's Specialty Services and Supports Contract with MCCMH shall otherwise govern when supporting a person under an Agency with Choice agreement.