

## Community Pathways – Revised Draft Proposal

Service Type: Statutory Service

Service (Name): Habilitation

Alternative Service Title: **PERSONAL SUPPORTS**

HCBS Taxonomy:

Check as applicable

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:

- A. Personal Supports are individualized supports, delivered in a personalized manner, to support independence in a participant's own home and community in which the participant wishes to be involved based on their personal resources.
- B. Personal Support services assist participants who live in their own or family homes in acquiring the skills necessary to maximize their personal independence. These services include:
  1. In home skills development such as budgeting and money management; completing homework; maintaining a bedroom for a child or home for an adult; being a good tenant; cooking; personal care; house cleaning/chores; and laundry;
  2. Community integration and engagement skills development needed to be part of a family event or community at large. Community integration services facilitate the process by which participants integrate, engage and navigate their lives at home and in the community. They can include development of skills or provide the supports making it possible for participants and families to lead full integrated lives (e.g. grocery shopping; getting a haircut; using public transportation; attending school or social events; joining community organizations or clubs; any form of recreation or leisure activity; volunteering; and participating in organized worship or spiritual activities); and
  3. Personal care assistance services during in home skills development and community activities. Personal care assistance services include assistance with activities of daily living and instrumental activities of daily living, which may include meal preparation and cleaning when the person is unable to do for themselves only when in combination of other allowable Personal Supports activities occurring.

### SERVICE REQUIREMENTS:

- A. Personal Supports services under the waiver differs in scope, nature, and provider training and qualifications from personal care services in the State Plan.
- B. Personal Supports are available:

1. Before and after school,
  2. Any time when school is not in session,
  3. Before and after meaningful day services (i.e. Employment Services, Supported Employment, Employment Discovery and Customization, Transitional Employment Services, Community Development Services, and Day Habilitation), and
  4. On nights and weekends.
- C. Under self-directing services the following applies:
1. Participant's or their authorized representative self-directing services are considered the employer of record;
  2. Participant or their authorized representative is responsible for supervising, training, and determining the frequency of services and supervision of their direct service workers; and
  3. Payment is allowable for advertising for employees and staff training costs as follows:
    - a) Costs are incurred no more than 180 days in advance of waiver enrollment unless otherwise authorized by the DDA
    - b) Costs are considered to be incurred and billable when the individual enters the waiver. The individual must be reasonably expected to be eligible for and to enroll in the waiver. If for any unseen reason, the individual does not enroll in the waiver (e.g., due to death or a significant change in condition); these costs may be billed to Medicaid as an administrative cost.
- D. Transportation costs associated with the provision of services outside the participant's home is covered within the rate.
- E. Personal care assistance must be provided in combination with home skills development or community integration and engagement skills development and may not comprise the entirety of the service.
- F. A legally responsible individual (who is not a spouse) or relative of a participant may be paid to provide this service in accordance with the applicable requirements set forth in Section C-2.
- G. Prior to accessing DDA funding for this service, all other available and appropriate funding sources, including but not limited to those offered by Maryland's Medicaid Program, Division of Rehabilitation Services ("DORS"), State Department of Education, and Department of Human Services, must be explored and exhausted. These efforts must be documented in the individual's file.
- H. To the extent that any listed services are covered under the Medicaid State Plan, the services under the waiver would be limited to additional services not otherwise covered under the Medicaid State Plan, but consistent with waiver objectives of avoiding institutionalization.
- I. Personal Support Services cannot be provided at the same time as receiving Day Habilitation, Medical Day Care, Supported Employment, Transitional Employment, Employment Services, Community Development Services, Employment Discovery and Customization, Transportation, Community Living Group Home, Supported Living, and Community Living Enhanced Support services.

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

- A. Legal guardians and relatives may not be paid for greater than 40-hours per week of services for any Medicaid participant at the service site unless otherwise approved by the DDA.

B. Personal Support services are limited to 82 hours per week unless otherwise preauthorized by the DDA.

**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 all that applies):**

- Legally Responsible Person
- Relative
- Legal Guardian

**Provider Specifications:** (Instructions list the following for each type of provider that can deliver the services):

| Provider Category | Provider Type Title                     |
|-------------------|---|
| Individual        | For individuals self-directing services |
| Agency            | Approved Personal Supports Provider     |

**Provider Category:** Individual

**Provider Type:** Individual for people self-directing services

**Provider Qualifications License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

1. The following minimum standards are required:
  - a. Be at least 18 years old;
  - b. Current first aid and CPR certification;
  - c. Pass a criminal background investigation and any other required background checks and credentials verifications as provided in Appendix C-2-a;
  - d. Unlicensed staff paid to administer medication and/or perform treatments must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians;
  - e. Possess a valid driver's license if the operation of a vehicle is necessary to provide services; and
  - f. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of care
2. Individuals in self-directing services, as the employer, may require additional staffing requirements based on their preferences and level of needs such as:
  - a. Training by individual/family on individual-specific information (including preferences, positive behavior supports, when needed, and disability-specific information)

- b. Previous experience with in home skills such as training on money management, time management and community resources

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- Fiscal Management Service providers for verification of participant specific qualifications

**Frequency of Verification:**

- Fiscal Management Services - prior to service delivery

|                                  |
|----------------------------------|
| <b>Provider Category:</b> Agency |
|----------------------------------|

**Provider Type:** Approved Personal Support Provider

**Provider Qualifications License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Approved Personal Supports Provider as per COMAR Chapter 10 Title 22  
The following minimum staff standards are required:

1. Be at least 18 years old;
2. Be trained on person-specific information (including preferences, positive behavior supports, when needed, and disability-specific information);
3. Possess current appropriate licenses/certifications and training as required by regulations based on service provided and needs of the person at time of service;
4. Successfully pass a criminal background investigation and any other required background checks and credential verifications as provided in Appendix C-2;
5. Unlicensed staff paid to administer medication and/or perform treatments must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians;
6. Possess a valid driver’s license, if the operation of a vehicle is necessary to provide services;
7. Have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of care; and
8. Staff providing training on money management, time management and community resources must have performed training on these topics in the previous two (2) years.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

- DDA for verification of provider license
- Provider for staff licenses, certifications, and training

**Frequency of Verification:**

- DDA - annually
- Provider – prior to service delivery