



# Developmental Disabilities Administration (DDA) Updates

**Bernard Simons, DDA Deputy Secretary**

March 27, 2020



# Deputy Secretary's Agenda

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- Opening Remarks
- 1135 Waiver
- Appendix K Update
- DDA Regional Office Update
- Resource Sharing
- Questions

# Deputy Secretary's Opening Remarks

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- The DDA's highest priority is the health, safety and wellbeing of people with intellectual and developmental disabilities, their families, staff and providers
- I'm committed to working collaboratively with stakeholders to help people with intellectual and developmental disabilities to plan for and achieve their good lives
- Thank you all for reaching out to the DDA and sharing your recommendations to respond to the COVID 19 pandemic
- I admire the way you advocate for the people you support, their families and staff

# Deputy Secretary's Opening Remarks

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*continued*

**Supporting You as a Provider:** The DDA hears you and knows that providers want to be assured the 4<sup>th</sup> quarter payment will arrive on time. The next quarterly payment for providers is being processed now, and you should receive the payment by April 3rd.

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# 1135 Waiver Update

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- The Centers for Medicare & Medicaid Services (CMS) approved Maryland's Medicaid waiver requests under Section 1135 of the Social Security Act
- The waivers offer Maryland new flexibilities to focus resources on combating the outbreak and providing the best possible care to our Medicaid beneficiaries
- The Section 1135 approval letters are posted on the CMS website at [www.medicare.gov/state-resource-center/disaster-response-toolkit/federal-disaster-resources/index.html](http://www.medicare.gov/state-resource-center/disaster-response-toolkit/federal-disaster-resources/index.html)

# What is Appendix K

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- Appendix K is a portion of the Home and Community Based Waiver to create and submitted during emergencies
- Appendix K allows states to temporarily change how people access and receive services and how providers are paid during a crisis
- After the state creates the Appendix K, it must be approved by CMS

# What is the Process to Submit an Appendix K

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- Waiver operating agencies like the DDA submit proposals to Maryland Medicaid
- The DDA submitted one Appendix K for all of the DDA Waivers: Family Supports, Community Supports, and Community Pathways
- The Office of Long Term Services and Supports developed one Appendix K for the Autism; Brain Injury; Home and Community Based Options; Model; and Adult Medical Day Care Waivers
- Maryland Department of Health's Medicaid Director approves and submits to CMS

# Appendix K Stakeholder Input

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The DDA received recommendations and input from:

- The DD Council
- The Self Direction Advocacy Network
- Disabilities Rights Maryland
- MACS
- The Arc Maryland
- Service Coordination Inc.
- Families

# The DDA Appendix K

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- All of the requests in the Appendix K are Temporary Modifications related to changes due to the COVID-19 pandemic
- You can download this presentation to see the details of Appendix K
- DDA will post the details of Appendix K on the website

# The DDA Appendix K

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*Continued*

*Temporarily options include:*

- Modify service requirements
- Exceed service limitations or requirements
- Increase payment rates
- Include retainer payments to address emergency related issues and closures

# The DDA Appendix K

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## *Continued*

- Modify provider qualification, staff training and onboarding requirements
- Modify licensure or other requirements for settings where waiver services are furnished
- Accept verbal consents for signatures
- Add electronic method for service delivery (e.g. telephonic/remote)
- Modify incident reporting requirements

# The DDA Appendix K Modifications

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## Access and Eligibility

Example: Increase the cost limits for entry into the Family Support and Community Support Waivers so they may exceed the currently established cost limit up to \$50,000

# The DDA Changes under Appendix K

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- Allowing meaningful day services to be provided in homes and licensed residential group home sites
- Increase current limits such as adding an additional 360 hours of respite for people living at home
- Create an enhanced rate to support people that are quarantined
- Create Retainer Payments to pay providers that have closed their CDS, day habilitation, employment programs or can not provide other services at this time

# The DDA Appendix K – Next Steps

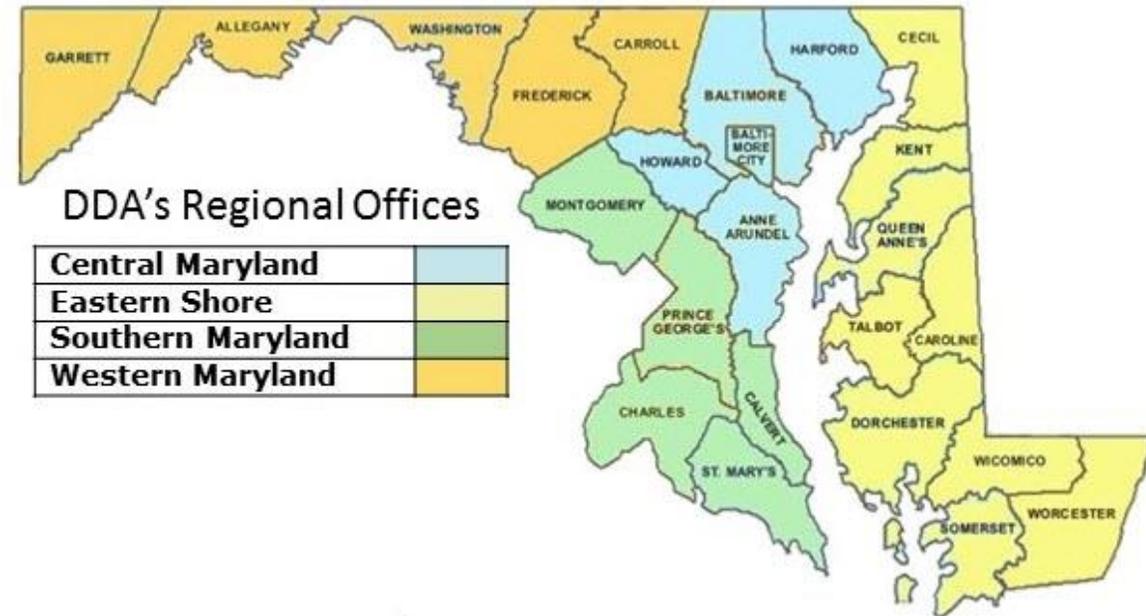
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- The DDA will create and distribute a detailed guidance on operationalizing Appendix K
- The DDA will continue its series of weekly webinars

# Regional Updates

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- **SMRO**- Onesta Duke  
[onesta.duke@maryland.gov](mailto:onesta.duke@maryland.gov)
- **ESRO**- Kim Gscheidle  
[kimberly.gscheidle@maryland.gov](mailto:kimberly.gscheidle@maryland.gov)
- **CMRO**- Nicholas Burton  
[nicholas.burton@maryland.gov](mailto:nicholas.burton@maryland.gov)
- **WMRO**- Cathy Marshall  
[cathy.marshall@maryland.gov](mailto:cathy.marshall@maryland.gov)



# Resources

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- DDA's dedicated email to submit questions - [dda.toolkitinfo@maryland.gov](mailto:dda.toolkitinfo@maryland.gov).
- We post responses to your questions at [DDA COVID-19 Questions and Answers](#)
- Updated [FAQ's](#)
- Toolkit- [Coronavirus Disease 2019 \(COVID-19\) Guidance for Maryland Community Providers of Services for Individuals with Developmental Disabilities](#)

# Resources Continued

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## Maryland Department of Labor

- As I mentioned during last Friday's webinar, we are aware that staffing needs of provider has increased to meet the demands of social distancing and day programming closures
  - To assist in this matter, the DDA has partnered with the Maryland Department of Disability and the Maryland Department of Labor to connect Marylanders currently out of with provider agencies in need of staff
- Please put the information into the shared google sheet that providers were given access to last Friday

# Business Resources

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## **Covid-19 Layoff Aversion Fund**

<http://www.labor.maryland.gov/employment/covidlafund.shtml>

## **Maryland Small Business COVID-19 Emergency Loan Relief**

<https://commerce.maryland.gov/fund/maryland-small-business-covid-19-emergency-relief-loan-fund>

# Business Resources

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*Continued*

## **Maryland Small Business COVID-19 Emergency Relief Grant Fund**

<https://commerce.maryland.gov/fund/maryland-small-business-covid-19-emergency-relief-grant-fund>

## **United States Small Business Administration:**

<https://www.sba.gov/page/coronavirus-covid-19-small-business-guidance-loan-resources>

# Child Care Resources

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- Designated essential personnel may find child care programs using [LOCATE: Child Care](#), a free service available by phone Monday - Friday at 877-261-0060 between 7:00 AM and 7:00 PM
- The child care programs established by the State are at no cost to designated essential personnel only
- This service is being offered to those who are not able to keep their child at home or find other child care arrangements but must work as part of the essential workforce related to the COVID-19 response

# Child Care Resources

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## *Continued*

- Initially, a limited number of providers and facilities have been identified to serve children of essential health care workers, first responders, and other designated essential direct care service providers
- An [online registration system](#) is currently available
- A full list of MSDE Approved Emergency Personnel child care providers is listed on the [MSDE Office of Child Care](#) website
- Please visit the [MSDE's Office of Child Care COVID-19](#) for more information and links to register for the state-funded program and for other information about locating child care services

# Federal Resources

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## Three (3) stimulus packages have been passed into law:

- Package #1 (Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020, [HR 6074](#)) is an \$8.3 billion emergency supplemental funding bill designed to treat and prevent the spread of COVID-19
- Package #2 (Families First Coronavirus Response Act, [HR 6201](#)) provides targeted relief for individuals, including paid family leave
- Wednesday night, the Senate passed Package #3, the Coronavirus Aid, Relief, and Economic Security ("[CARES](#)") Act. This estimated \$2 trillion federal stimulus package provides emergency assistance and health care response for individuals, families, and businesses affected by the 2020 coronavirus pandemic

# Personal Protective Equipment Request

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- The DDA is working with the Maryland Department of Disabilities to supply providers with personal protective equipment (PPE)
- We submitted a list to MEMA on behalf of our provider network; however, and understandingly, hospital staff and first responder's are top priority to get PPE at this time
- Please contact your local Emergency Operations Center at <https://mema.maryland.gov/Pages/Local-EOC.aspx> for vetting and processing for further requests for your organization

# The DDA Commitment

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- We will continue to keep you updated as we learn about our Appendix K application
- We will respond to requests within 24 hours to the best of our ability
- We will continue to collaborate and advocate on behalf of the people you support, their families and staff
- We will continue to share resources
- We will help Marylanders with intellectual and developmental disabilities thrive

# Questions

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# Details of the DDA Appendix K and Approval of 1135 Waiver



# Appendix K Overview

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- States may submit an “Appendix K” application to the Center for Medicare and Medicaid Services (CMS) before or during emergencies to request amendment to waiver operations for current approved waivers during an emergency like the COVID-19 state of emergency
- MDH Office of Long Term Services and Supports is submitting one Appendix K to address the Autism Waiver, Brain Injury; Home and Community Based Options Waiver; Model Waiver; and Adult Medical Day Care Waiver
- The DDA has submitted to Medicaid for their review and submission to CMS, one Appendix K for the DDA’s Family Supports, Community Supports, and Community Pathways Waivers

# Appendix K Overview

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## Options DDA include:

- Temporarily modify service requirements
- Temporarily exceed service limitations or requirements
- Temporarily increase payment rates
- Temporarily include retainer payments to address emergency related issues and closures

# Appendix K Update

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## Options DDA include continued:

- Temporarily modify provider qualification
- Temporarily modify staff training and onboarding requirements
- Temporarily modify licensure or other requirements for settings where waiver services are furnished
- Accept verbal consents for signatures
- Add electronic method for service delivery (e.g. telephonic/remote)
- Temporarily modify incident reporting requirements

# Appendix K – Modify Services

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## Community Living - Group Home

Residential Retainer Fee may be extended beyond 30 days per year, up to 60 days per year, unless otherwise authorized by the DDA

- Additional authorizations may be added, in lieu of day services, for individuals in each group home, based on the participants' needs, as follows unless otherwise authorized by the DDA:
  - Up to 8 additional hours in a home serving up to three participants
  - Up to 16 additional hours in a home serving up to five participants
  - Up to 24 additional hours in a home serving up to nine participants

# Appendix K – Modify Services

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## Supported Living

- COVID-19 Retainer Payment up to 30 days unless otherwise authorized by the DDA
- Additional authorizations may be added, in lieu of day services, for shared supports in each home based on the participants' needs, as follows unless otherwise authorized by the DDA:
  - Up to 8 additional hours in a home serving up to three participants

# Appendix K – Modify Services

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## Meaningful Day Services including: Employment Services, Supported Employment, Employment Discovery and Customization, Career Exploration, Community Development Services, and Day Habilitation

- Services can take place in a variety of settings, instead of the community, including but not limited to the participant's home; family and friend's homes; residential settings; or other community settings
- Individualized schedule and updates related to what the participant will do and where the participant will spend their time when in service is suspended
- Personal care assistance can comprise the entirety of the service
- Services can be provided any day of the week and exceed eight hours a day and 40 hours per week within a person's authorized budget

# Appendix K – Modify Services Continued

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**Meaningful Day Services including: Employment Services, Supported Employment, Employment Discovery and Customization, Career Exploration, Community Development Services (CDS), and Day Habilitation**

- CDS can be provided in a variety non-community-based settings (i.e. homes and residential sites)
- The timeframe for completion of Employment Discovery and Customization activities may exceed the currently required six (6) month authorization period
- Participants enrolled in the self-directed services delivery model and receiving Employment Services may exercise employment authority for Follow Along support

# Appendix K – Modify Services Continued

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**Meaningful Day Services including: Employment Services, Supported Employment, Employment Discovery and Customization, Career Exploration, Community Development Services (CDS), and Day Habilitation**

- The requirement that a minimum of six hours of services be provided during a single day is temporarily suspended
- COVID-19 Retainer Payment for Employment Services, Supported Employment, Community Development Services, Career Exploration, and Day Habilitation, up to 30 days unless otherwise authorized by the DDA

# Appendix K – Modify Services

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## Behavioral Support Services

- Behavioral Support Services can be provided at the same time as the direct provision of Respite Care Services
- Behavioral Consultation and Brief Support Implementation Services can be provided without prior authorization by the DDA
- A provider organization's director or MANDT trainer, who are not otherwise licensed to write Behavior Plans, are permitted to develop temporary Emergency Behavior Safety Plans

# Appendix K – Modify Services

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## **Environmental Modifications**

Cost may exceed a total of \$15,000

## **Family and Peer Mentoring Services**

Service may exceed 8 hours per day

## **Family Caregiver Training and Empowerment**

Services may exceed 10 hours of training

## **Housing Support Services**

Service may exceed 8 hours per day

# Appendix K – Modify Services

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## Individual and Family Directed Goods and Services (IFDGS)

- Staff recruitment and advertising dedicated funding may be increased to up to \$1000 per person-centered plan year

# Appendix K – Modify Services

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## Waiving Certain Self-Directed Budget Modification Requirements

- Fiscal Management Services (FMS) providers can authorize budget modification in accordance with a participant's current authorized budget for:
  - Changes within current services authorized by DDA, and
  - Changes from current service authorized to a new service

# Appendix K – Modify Services

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## Self-Directed Budget \$2000 Funding Increase

- Fiscal Management Services (FMS) provider can authorize up to \$2000 above the authorized budget to support any of the following:
  - Increased need in services (e.g., Personal Supports, Community Development Services);
  - Increase Support Broker hours,
  - Staff Recruitment; and
  - Personal Protective Equipment/Supplies

# Appendix K – Modify Services

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## **Nursing Services including Nurse Consultation, Nurse Health Case Management, and Nurse Case Management and Delegation**

- Initial Nursing Services can be provided without prior authorization by the DDA
- Increases to Nurse Case Management and Delegation Services needed as a result of the change in the participant's health status or after the participant's discharge from a hospital or skilled nursing facility can be provided without prior authorization by the DDA

# Appendix K – Modify Services

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## Personal Supports

- Legal guardians and relatives may be paid for greater than 40-hours per week for services without prior authorization by the DDA
- Personal Support services may exceed 82 hours per week without prior authorization by the DDA within the authorized budget
- Participants may exceed the current authorization by the DDA within prior authorization within their overall authorized budget

# Appendix K – Modify Services

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## Personal Supports

- Additional services may be authorized for participants whose meaningful day services are not available due to COVID-19 closing or availability
- COVID-19 Retainer Payment for Personal Supports, up to 120 hours within the authorized limit, unless otherwise authorized by the DDA

# Appendix K – Modify Services

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## Respite Care Services

- An additional up to 360 hours specifically related to the COVID - 19 emergency can be provided without prior authorization by the DDA

## Support Broker Services

- Support Broker Services may be provided up to 20 hours per month, unless otherwise authorized by the DDA without prior authorization by the DDA

# Appendix K – Modify Services

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## Transition Services

- Subject to initial approval by the DDA, the cost of Transition Services may be up to \$5,000 for allowable expenses related to the participant moving from one residence community residential site to another location or site due to medical, behavioral, or quarantine challenges

# 1135 Waiver

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- Temporarily suspend Medicaid fee-for-service prior authorization requirements
- Extend pre-existing authorizations for which a beneficiary has previously received prior authorization through the end of the public health emergency
- Suspend Pre-Admission Screening and Annual Resident Review (PASRR) Level I and Level II Assessments for 30 days
- State Fair Hearing Requests and Appeal Timelines
- Provider Enrollment

# 1135 Waiver

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- Provision of Services in Alternative Settings
- State Plan Amendment Flexibilities: Submission Deadline, Public Notice, and Tribal Consultation
- Duration of Approved Waivers