



1.0 SERVICE DEFINITION

1.1 Support for Participant Direction provides assistance to participants who self-direct personal attendant services. Providers of this service perform various functions to support participants in planning for and carrying out their responsibilities as common-law employers of personal attendants. The service includes two components: 1) Information and Assistance in Support of Participant Direction (Support Brokerage); and 2) Financial Management Services. Providers of Support for Participant Direction carry out activities associated with both components.

2.0 SERVICE GOAL

2.1 The goal of Support for Participant Direction is to enable recipients of self-directed personal attendant services to successfully manage their responsibilities as employers and to utilize personal attendant services to live as independently as possible in home and community-based settings.

3.0 SERVICE UNIT

3.1 The unit of service for Support for Participant Direction is one month.

4.0 SERVICE AREA

4.1 Support for Participant Direction services are available to eligible participants in the State of Delaware.

5.0 SERVICE LOCATION

5.1 Support for Participant Direction is conducted in the service provider's business location, in the residence of the participant, and/or in other locations based on the needs of the participant.

6.0 SERVICE DESCRIPTION

6.1 In carrying out the Support Brokerage component of the service, the provider will:

- 6.1.1 Coordinate with participants to develop, sign, and update Individual Service Plans (ISP's).
- 6.1.2 Recruit personal attendants.
- 6.1.3 Maintain a roster of personal attendants.
- 6.1.4 Secure background checks on prospective personal attendants on behalf of participants.
- 6.1.5 Provide information on employer/employee relations.
- 6.1.6 Provide training to participants and personal attendants.
- 6.1.7 Provide assistance with problem resolution.
- 6.1.8 Maintain participant files.
- 6.1.9 Provide support in arranging for emergency back-up care.

6.2 In carrying out the Financial Management component of the service, the provider will:

- 6.2.1 Assist participants in verifying personal care attendants' citizenship status.
- 6.2.2 Collect and process personal care attendants' timesheets and/or electronic time records.
- 6.2.3 Submit invoices (or claims) on behalf of personal attendants for services rendered to participants.



- 6.2.4 Process payroll and withhold, file, and pay applicable federal, state, and local employment-related taxes and insurance as a fiscal agent acting on behalf of participants.
 - 6.2.4.1 Responsibilities for these duties will commence upon the participant's enrollment in the program regardless of the date that the IRS grants the authority to act as agent.
- 6.2.5 Disperse paychecks or direct deposit verifications to personal attendants as fiscal agent acting on behalf of participants.

7.0 SERVICE STANDARDS

- 7.1 The provider must make services available only to those persons deemed eligible and referred by Delaware Health and Social Services (DHSS) staff.
- 7.2 The provider must comply with all applicable Federal, State, and local rules, regulations and laws related to the provision of the service.
- 7.3 The provider must not enter into any subcontracts for any portion of the service contract without obtaining prior written approval from DHSS.
- 7.4 The provider must develop and maintain policies and procedures for the delivery of Support for Participant Direction services.
- 7.5 The provider must establish contact with the participant within five (5) working days of referral from DHSS.
- 7.6 The provider must conduct a face-to-face visit to initiate the ISP process within five (5) working days of establishing contact with the participant (except in extenuating circumstances, such as inability of the participant to meet within that timeframe).
- 7.7 The provider must furnish DHSS with a copy of the ISP within ten (10) working days of signature.
- 7.8 The ISP must include at a minimum the following items:
 - 7.8.1 Number of service units (hours) to be delivered.
 - 7.8.2 Specific services planned.
 - 7.8.3 Planned service schedule.
 - 7.8.4 Back-up plan.
 - 7.8.5 Name(s) and the relationship(s) of the regular personal attendant(s) and the backup personal attendant(s).
 - 7.8.6 Name(s) of other paid or unpaid support person(s) or support agencies in the home.
 - 7.8.7 Training plans.
 - 7.8.8 Any unique circumstances or conditions.
 - 7.8.9 Description of the responsibilities of the provider, the personal attendant(s) and the participant.
- 7.9 The provider must notify DHSS if personal attendant services are not initiated by the participant within 45 days of the referral.
- 7.10 The provider, in coordination with the participant, must review and update the ISP at least annually.
- 7.11 The provider must conduct at least one face-to-face meeting with each participant annually.
- 7.12 The provider must conduct at least two face-to-face meetings annually with each participant who chooses to hire a relative or legal guardian as his/her personal attendant.



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- 7.13 The provider must contact each participant at least quarterly to verify that the personal attendant services are meeting the needs of the participant.
- 7.14 The provider must monitor each participant's utilization of personal attendant service hours to ensure that s/he does not exceed the amount authorized by DHSS.
- 7.15 The provider must coordinate with the participant to respond to emergency care needs.
 - 7.15.1 Emergency care is defined as service provided for one week or less, when neither the regular attendant nor backup attendant is available.
 - 7.15.2 The use of subcontractors is permitted for the provision of emergency care.
 - 7.15.3 The provider agency is not required to obtain background checks on attendants used for emergency care.
- 7.16 The provider must establish and maintain for each participant a case file which contains:
 - 7.16.1 Documentation of service referral from DHSS.
 - 7.16.2 The ISP signed by the participant and provider.
 - 7.16.3 Documentation of participant and personal attendant(s) training activities.
 - 7.16.4 Documentation of routine contacts with the participant.
 - 7.16.5 Documentation of any problems or concerns raised by the participant, personal attendant(s), or other parties; attempts to investigate the problems or concerns; and the disposition of the problems or concerns.
 - 7.16.6 Documentation of the annual reassessment of the ISP.
- 7.17 The provider must operate the program and maintain records in a manner which is consistent with a participant's right to privacy and confidentiality.
- 7.18 The provider must ensure access to participants' case files and medical records by authorized representatives of DHSS and/or the federal funding agency.
- 7.19 The provider must develop an agreement with personal attendants.
 - 7.19.1 Agreements must delineate the responsibilities of the provider, including responsibilities related to support brokerage and financial management supports.
 - 7.19.2 Agreements must include copies of the Personal Attendant Service Requirements provided by DHSS, which establish parameters for the provision of the personal attendant service delivered by the personal attendant.
 - 7.19.3 Agreements must be signed by both parties.
- 7.20 The provider must secure a waiver from DHSS prior to developing an agreement with a personal attendant who is under the age of 18.
 - 7.20.1 The provider must ensure that personal attendant services provided by an individual under the age of 18 is delivered in compliance with child labor laws and related rules and policies.
- 7.21 The provider must submit invoices (or claims) on behalf of personal attendants in order to secure payment for services rendered by the attendants.
 - 7.21.1 When non-Medicaid funds are made available to cover the cost of personal attendant services, the provider must submit invoices to DHSS to secure payment for services provided by personal attendants in accordance with section 10.0.
 - 7.21.2 When Medicaid funds are made available to the provider to pay for the cost of personal attendant services, the provider must carry out the following activities in order to collect and disperse Medicaid funds for these services:



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- 7.21.2.1 The provider must establish an agreement with the Delaware Division of Medicaid and Medical Assistance to execute and hold provider agreements with personal care attendants.
 - 7.21.2.2 The provider must enroll with the State's Medicaid provider relations agent in order to file claims for personal attendant services.
 - 7.21.2.3 The provider must submit claims for personal attendant services through the Medicaid Management Information System (MMIS) on behalf of personal attendants.
- 7.21.3 Authorized service hours may be flexed with the specified pay period, if permitted by the funding source, and cannot be "banked" for use in a future pay period.
 - 7.21.3.1 In the rare occurrence that the flexing of hours results in overtime pay for the attendant, DHSS must be notified.
- 7.22 The provider must complete all necessary requirements at the federal, state, and local levels to act on behalf of the participant as a legally-recognized fiscal agent, including those requirements put forth by the Internal Revenue Service, the U.S. Department of Labor, the Delaware Division of Revenue, the Delaware Department of Labor, and/or other entities of federal, state and local government which have jurisdiction over the functioning of a fiscal agent.
- 7.23 The provider must make use of standard accounting practices in conducting financial management activities on behalf of participants and personal attendants, and maintain accurate and complete records of all such financial transactions.
- 7.24 The provider must process and distribute payroll checks or direct deposit verifications for personal attendants in a timely manner.
- 7.25 The provider must comply with DHSS quality assurance initiatives related to this program.
- 7.26 The provider must notify DHSS in the event of a hospital admission or nursing home placement of a participant.
- 7.27 The provider must notify DHSS about issues or problems which threaten the continuation of self-direction opportunities for a participant (such as difficulty on the part of the participant in carrying out employer responsibilities; issues or problems which present health and welfare risks; or other related issues or problems) and when practicable, work with DHSS to resolve these issues or problems.
- 7.28 The provider must notify DHSS of situations which may result in the involuntary termination of participant-direction opportunities by DHSS, such as:
 - 7.28.1 The inability of a participant to self-direct (or to identify an individual to serve as his/her representative).
 - 7.28.2 The presence of a health and welfare risk that has not been mitigated by intervention on the part of the provider, DHSS, and/or other parties.
 - 7.28.3 The fraudulent use of funds by a participant (such as, for example, the falsification of timesheets).
- 7.29 The provider must establish policies and procedures related to the resolution of participant complaints and grievances.
 - 7.29.1 Procedures must specify how unresolved complaints or grievances will be communicated to DHSS.



- 7.30 The provider must conduct an annual satisfaction survey among participants using survey questions provided by DHSS and supply DHSS with the results, including all comments as written in the surveys.
- 7.31 The provider must submit an annual report to DHSS which provides information specified by DHSS about service participants, activities carried out as part of the service, and other relevant information.

8.0 PROVIDER QUALIFICATIONS

- 8.1 The provider must have staff with knowledge, experience, and abilities to sufficient to carry out the support brokerage component of this service.
- 8.2 The provider must have staff with knowledge, experience, and abilities to sufficient to carry out the financial management component of this service.

9.0 CONTRIBUTIONS/CO-PAYMENTS

- 9.1 Contributions or co-payments to help defray the cost of providing the personal attendant service may be requested or required from participants depending on the source of funding for the service.
- 9.2 For funding sources which require the solicitation of voluntary contributions:
 - 9.2.1 DHSS will inform participants of the cost of providing personal attendant services and will offer them the opportunity to make voluntary contributions to help defray the cost, thereby making additional service available to others.
 - 9.2.1.1 DHSS will determine the recommended contribution amount per unit of service. The amount will be documented by DHSS on the service referral form.
 - 9.2.2 Providers must have procedures in place to:
 - 9.2.2.1 Collect the contributions.
 - 9.2.2.2 Report on contributions collected.
 - 9.2.2.3 Protect privacy and confidentiality with respect to contributions.
 - 9.2.2.4 Safeguard and account for contributions.
 - 9.2.2.5 Use the contributions to expand services.
 - 9.2.3 No eligible participant will be denied service because of his/her inability or failure to make a contribution.
- 9.3 For funding sources which require co-payments:
 - 9.3.1 DHSS will determine the amount of required co-payment (if any) for each participant.
 - 9.3.1.1 DHSS will inform participants of co-pay requirements (if any)
 - 9.3.1.2 DHSS will document the required co-payment amount on the service referral form.
 - 9.3.2 Providers must have procedures in place to:
 - 9.3.2.1 Collect co-payments.
 - 9.3.2.2 Report on co-payments collected.
 - 9.3.2.3 Protect privacy and confidentiality with respect to co-payments.
 - 9.3.2.4 Safeguard and account for co-payments.
 - 9.3.3 The provider must communicate with DHSS in cases in which participants do not comply with co-payment requirements.



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10.0 INVOICING REQUIREMENTS

- 10.1 The provider must invoice DHSS pursuant to the current version of the provider policy manual(s) associated with the service funding source(s).
- 10.2 The provider must invoice DHSS using the current version of invoicing format(s).
 - 10.2.1 For invoicing on behalf of personal attendants (non-Medicaid), the provider must use invoicing formats provided by DHSS.
 - 10.2.2 For invoicing on behalf of personal attendants (Medicaid), the provider must follow all policies and procedures related to invoicing through MMIS.