

Will the minimum requirements require the FMS to be Minority Business Certified?

No

If yes, what are the goals? And, can the services be subcontracted out?

Will the Board of Nursing regulations have to be followed?

Yes. Individuals will need to comply with all applicable Board of Nursing regulations pertaining to medication administration.

Will you have to contract with a nurse for 45-day visits?

If an individual requires nurse delegation functions, they may purchase nursing services with their individual budget to cover their needs.

Will the FMS be required to coordinate training for providers?

The FMS will not coordinate or conduct training for the end providers of service. They will, however, ask for verification from the individual that the appropriate training has occurred (i.e. proof of CPR/first aid certification).

Will the FMS be required to have workman's compensation?

The FMS is required to have workman's compensation for it's own employees and is required to assist the service recipient to obtain workman's compensation for their employees.

If the service recipient chooses, can the FMS issued check be a company check?

The FMS will issue a check on behalf of the individual.

How will the State deal with the IRS ruling, IRS 70-6 effective 7-1-04, that no additional FEIN #s for fiscal intermediary services are to be issued?

Depending on the proposal submissions and the qualifications of potential applicants, the State will decide how best to comply with the recent IRS ruling.

Can the individual hire anyone they want, even if they know there is criminal activity in the person's history?

While the State will certainly consider individual circumstances, waiver participants will be precluded from hiring individuals with records of crimes demonstrating moral turpitude or fiscal misconduct.

Will the individual be able to say they do not want the Board of Nursing interfering with their life?

No. An individual must comply with all applicable Board of Nursing regulations.

The proposal states the FMS must verify expenditures and that providers are qualified; what is required?

The FMS will essentially verify, through documentation or individual attestation, whether required trainings have been completed by the chosen provider of service.

When verifying expenditures/provider qualifications, does the FMS deny the release of funds, or does it go back to the Support Broker?

The State will request the FMS to closely monitor the budget for monthly spending.

Will the FMS be required to check the State debarment list when verifying background checks?

Yes. The exclusions database can be found at <http://oig.hhs.gov>

Will the FMS have to ensure providers are qualified?

No, the FMS only verifies provider qualifications.

If the FMS only verifies that a provider of service is qualified, will the FMS be taken to court, if someone is abused/hurt, as a result of not ensuring that the provider was qualified?

DDA cannot say with certainty that the FMS will be held harmless in a matter involving the courts. However, keep in mind that, the FMS is simply issuing checks on behalf of another employer.

Are the DDA Core Competencies required for the employee?

There are different training requirements for individually arranged providers (employees of the individual) and for agency providers. Please refer to the waiver application for the requirements of each of the covered waiver services.

Will the FMS chosen by the individual be paid 4-3-3-2?

DDA will forward individual budgets to FMS providers on a 4-3-3-2 schedule to ensure adequate cash flow to allow individuals to purchase services as approved in their approved budgets.

If someone discriminates, say in hiring someone physically disabled, does the FMS have any responsibility as the employer of record?

DDA, and our partners in implementation, will work to ensure that ample information is provided to individuals about using sound employment and management practices.

Because the FMS is not the employer of record, and is not active in the hiring decision, DDA does not anticipate FMS liability in this regard.

Why is there a requirement that the person in the waiver have their own FEIN?

The individual needs their own personal EIN because they will be the employer of record if they choose to hire their own staff.

Will the fiscal agent be responsible for giving the individual guidance regarding a contract worker or stipend?

Although the FMS will be acting as the employer agent, they will not be involved in the hiring decisions or the staffing arrangements. It will be incumbent on the individual and the people he/she chooses to support them to make those decisions. DDA will provide,

however, resources that the individuals can use to determine whether an individual is truly an independent contractor or should become an employee.

Are we prohibited from writing the individual a check for a bunch of services?

Yes

Are we prohibited from writing a member of the household a check for a bunch of services?

Someone legally responsible for the individual cannot be reimbursed for the service. If the individual has hired a caregiver who is not legally responsible for the individual, then the FMS may pay that employee.

Do you expect face-to-face interaction between the FMS and the individual?

At the outset of services, and periodically as needed by the individual, the FMS may need to meet with the individual to share educational information and to execute agreements. The frequency of meetings will depend on the individual's needs. DDA anticipates that most individuals' business can be conducted via mail, email or telephone.

There is a lot of paperwork involved with FMS, (i.e., explaining rights, executing documents) so if the FMS is not required to do a face-to-face, who/how is this being done? Will probably have to have an initial face-to-face

See above. Thank you to the meeting participants for the suggestion.

Wouldn't the Support Broker be involved with this (meaning the paperwork and explaining of rights)?

The individual's Support Broker should be involved in assisting the individual to complete needed paperwork, as needed by the individual. They should play a role in making sure that the individual understands their obligations in managing their budget, hiring and supervising staff, and buying the services they need.

Can someone put their employee on their automobile insurance policy?

The FMS will assist individuals in obtaining and maintaining workers compensation and unemployment insurance and other necessary employer-related insurance coverage, as needed.

Some people will want the FMS to do all the legwork (as with investigating the insurance policy) can you submit a proposal that addresses this?

Yes

Will the FMS be part of the individual's budget negotiations?

No. The budget negotiation includes the individual, people that the individual wishes to include and the DDA Regional Office. The FMS comes into the picture after the individual budget is developed.

Will Medicaid Billing be done by the FMS?

Yes, for the services provided through contract. Rate-based services billed through PCIS2 will not have to be done by the FMS.

Who is going to enter the attendance for the rate-based services for Medicaid billing?

As is the case now, the provider of service will enter attendance, (i.e. the day service provider).

If a person is getting vocational services, i.e. Supported Employment, can the employee use that agency as their FMS?

No. The stakeholders who developed this waiver with DDA expressed clearly that the structure should contain no opportunity for conflicts of interests or the appearance of conflicts of interest. For that reason, the FMS may provide no direct service to an individual.

How many FMS are expected to be awarded per region?

DDA may contract with one to four FMS providers statewide.

If there is just one award statewide, does this preclude the agency from providing direct services to an individual?

Yes. See above.

If there are four FMS' selected, one per region, can an individual select an FMS in another region?

They may be able to select any FMS serving their region.

Not all 100 individuals will start on 7-1-05; will the budgets be adjusted for the actual start date?

As DDA does with traditional services, the budgets for the year in which services begin will be adjusted to reflect the time remaining in the fiscal year.

Can you establish grant proposals and what will be the review criteria of the proposal?

DDA will be basing the decisions of the award on the quality of the proposals, the demonstration of fiscal acuity and the financial soundness of the organization. DDA will be using an internal review panel, and will seek assistance from a national expert during the award process.

Will the criteria for review be available prior to proposals being submitted?

It will be reviewed against criteria in the invitation for proposal and the weighting will be 50% technical and 50% financial.

If two FMSs are selected, will the client pick who they want to serve them?

They may be able to select any FMS serving their region.

Are there qualifications for household employees (i.e., age, relatives)?

Basic qualifications are spelled out in the waiver application. Aside from those requirements, individuals may not, at this time, hire legally responsible caregivers.

Who is responsible for assuring the employee has the necessary qualifications?

The individual and people supporting them (support brokers, family) are responsible for ensuring the qualifications of providers. The FMS will simply ask for verification that the providers are, indeed, qualified.

If the family has a 16 year old son/daughter, can they hire a 16 year old fellow student to provide services?

Because individual circumstances may arise that make such an arrangement desirable, DDA has not instituted age restrictions. However, as indicated in the approved waiver, all providers' qualifications are subject to approval by DDA or its agent.

Are the evaluations/survey, i.e., Client Satisfaction Survey, to be developed by DDA or by the FMS?

To be developed by DDA.

Will the FMS be responsible for collecting and analyzing the data from the Client Satisfaction Survey?

No.

Can the FMS also employ Support Brokers to help individuals that have chosen fiscal services from another FMS?

If you offer Support Broker services then you cannot offer anything else for that person.

If the FMS creates the Client Satisfaction Survey, sends it out and the data goes back to DDA, will DDA share the information with the FMS?

The FMS will not create the survey, and the results of the survey will be made public.

How will wage rates be established?

The budget is formed on existing range of wages and the individual determines distribution of the funds.

Do the rates take into account regional differences?

The amount allocated for an individual for the development of the budget will account for regional cost factors.

Are only Maryland based agencies being considered?

Eligible applicants will be providers licensed to offer Family and Individual Support Services providers in the State.

What is the FMS responsibility if \$10.00 per hour for 5 hours is approved in the budget, but the individual wants to pay a neighbor at \$50.00 per hour?

The FMS only has a responsibility to notify DDA, the individual, the Support Broker, the Resource Coordinator and the Regional Office if they suspect an ill advised use of funds.

Are there minimum qualifications for the Support Broker?

See the waiver application pgs 19 -20. The individual should have some basic core competencies. DDA will assist the individual in helping Support Brokers selected by the individual to get the information they need to be effective.

Are the individuals participating in the New Directions waiver already receiving services from DDA?

Individuals participating in New Directions may be new to services from DDA, may be transferring from the Community Pathways waiver, or may be receiving State-only funded services.

If an individual can select whoever they want to be their Support Broker, how will the rate be established?

The number of hours used by the Support Broker will be taken into account using the CSLA rates.

The Support Broker will be providing a lot of direction, but there are no Core Competencies?

Because each individual's needs will differ, the Support Broker competencies will need to be individually tailored. As a result of the human resource aspects to the position and the advocacy role the Support Broker will play, DDA will work to provide resources to help Support Brokers gain and maintain needed skills and knowledge.

Will it be easy to move money around in the budget, and who is responsible?

It will be easy for the individual to move money around in the budget, and the FMS will not be held responsible for the consequences of those moves.

Are you looking for unit based, per check, proposals? Not specifically per check; by transactions and the # of transactions to be included at what \$ amount.

The proposals submitted by prospective FMS vendors should include a defined rate that covers up to a certain number of transactions, and include unit costs for additional transactions if needed. The FMS may include other information as the deem appropriate.

Who is ultimately responsible for overspent budgets?

While DDA bears the responsibility of ensuring the individual's health and safety, there is no guarantee of additional funding for an individual if the budget is spent. The FMS may not issue payment if the individual does not have sufficient resources to cover the expenses. The monthly detailed accounts statements will help DDA track this.

On the documentation of expenditures, and plan itself, what will licensing be looking at and expecting of the FMS?

DDA will be working with OHCQ to help them identify what aspects of the service that should be the focus of the survey. Because this model of service is new to Maryland, DDA will be working with OHCQ to establish protocols that make the most sense for the types of services rendered.

If the individual overspends the budget can the FMS stop issuing checks?

Yes, FMS can deny if no money remains.

Will definition of who is an independent contractor be provided to the individual?

The IRS and DOL have defined policies to be used and it is expected that the FMS will comply with these requirements in regards to the requirements of a reporting agent.

Can the FMS set policy for releasing checks to independent contractors?

Yes, as defined by IRS and DOL standards. The FMS should avoid instituting policies that could be construed as having oversight or responsibility for the hiring and/or managing of staff.

Under the Reportable Incidents Policy, will the FMS be responsible for reporting incidents?

Individuals, their Resource Coordinators and their support brokers will be required to comply with the Policy on Reportable Incidents. And, while DDA does not anticipate a widespread need, the FMS may certainly file a report if they deem it necessary. A more likely scenario is that the FMS will notify DDA immediately when they suspect that funds have not been used in accordance with the approved budget or in a suspicious manner.

If an individual has a limited amount of money left, is there a responsibility of the FMS to limit the spending?

The FMS should not take steps to make decisions about the individual's budget. The FMS will be performing administrative functions. DDA will act on potential budget issues based on the monthly account statements.

Will the criminal background check include a credit check?

DDA will not require a credit check.

Why do we need a separate EIN for this service?

As the employer agent, an organization must have an EIN number for this function in addition to the individual's EIN. Because there is a need to keep the records separate and distinct, the IRS had historically issued an EIN number specifically for this purpose. As of 1.1.05, the IRS will issue no new EIN numbers for this purpose. However, DDA will work with prospective agencies to ensure that the requirement is covered if the organization does not otherwise possess a separate number.