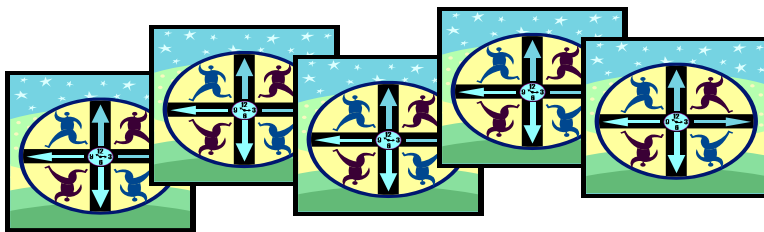


Maryland *New Directions* Waiver



**A Manual to Assist Participants
and Their Support Brokers**

The Maryland Developmental Disabilities Administration would like to thank the following states for sharing their manuals and resources on self-direction: Connecticut, Iowa, Louisiana, Missouri, New Jersey, Pennsylvania, Utah, and Wisconsin. As well, DDA would like to thank the Maryland Developmental Disabilities Council and its grantee, TASH, for training materials developed as part of the My Life Going Far project that have been incorporated into this manual.

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Maryland *New Directions* Waiver
A Manual to Assist Participants and Their Support Brokers

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Self-Direction Using the *New Directions* Waiver

Self-Direction is the process by which an individual selects and directs their support services in order to meet their daily needs and long-term goals. The process of Self-Direction builds on the principles of Self-Determination:

- FREEDOM to make choices
- AUTHORITY over services and support
- RESPONSIBILITY for organizing resources
- SUPPORTS necessary to live in the community

The *New Directions* waiver is the mechanism through which the Developmental Disabilities Administration (DDA) has chosen to provide self-directed services for those receiving DDA-funded services. *New Directions* is a 1915(c) Home and Community Based Services Waiver, which began on July 1, 2005 and has been renewed by the Centers for Medicare and Medicaid Services (CMS) through June 30, 2013. *New Directions* is a consumer-directed service delivery system rather than a traditional provider directed system. It is not designed to be an increase in services but rather an opportunity to explore a new way of supporting individuals with developmental disabilities and their families to have increased power and control over planning, budgeting, expending and managing service dollars. Through the *New Directions* waiver:

- Participants plan their lives, identifying needed supports and services for inclusion in their Individual Plan;
- Participants control a fixed dollar amount for the purchase of permissible waiver services and supports as specified in their *New Directions* Individual Plan and Budget;
- Participants select and arrange for services and supports to implement their Individual Plan;
- Participants are accountable for the use of public dollars in their Individual Budget;
- Participants are encouraged to be creative in the development and implementation of their Individual Plans and Budgets to more effectively meet their needs and more efficiently use public dollars and;
- Participants serve as leaders and self-advocates for their self-directed services.

New Directions may be right for you if:

- You have been found “DD eligible” for DDA funded services;
- You would like to be more involved in directing how, when and by whom your services are delivered;
- You are able to make your wishes, ideas and desires known to others, either by yourself or with support from people you trust;
- You are willing to take on additional responsibilities, in addition to taking greater control of your services;
- You are energetic, optimistic and focused on positive outcomes for your future; and
- You are currently receiving DDA services, or
- You have been identified as a priority for funding by your Regional Office.

New Directions may not be right for you if:

- You do not have DDA funding
- You have not been identified by your Regional Office as a priority for funding
- You do not wish to take on more responsibilities in managing your services
- You are satisfied with your current services.

Philosophy and Values of Self-Determination

Self-determination is asserting your right to life, liberty and the pursuit of happiness. It is the freedom and autonomy to date, marry, work, play, and enjoy hobbies. It is the ability to make and spend money, even if sometimes it isn't how others would spend it. It includes accepting and stepping up to responsibilities. Self-determination embraces life; it is about respect, achievements, health and happiness.

Natural Supports

The concept of natural supports is not something unique to people with disabilities. All people have a need for natural supportive relationships in their lives. These relationships are important to assist in promoting the development of a healthy and happy life. A natural support can be any relationship in a person's life that is unpaid and meaningful. This may include family members, friends, church members, neighbors, co-workers, and other organizational affiliations. A wealth of opportunities is available to people if the time is taken to foster relationships.

Self-Sufficiency

The ideal outcome when working with people with disabilities is to support people to become as self-sufficient as possible. Some people will not be able to live independently or be able to function without support from their family or paid staff, but when working with people, we should keep in mind the question - what can people do for themselves? Self-sufficiency is about self-esteem, independence, choice making, and most of all individualization. What does the person need and how can the person's strengths help him/her become as successful as possible?

Safety

Every person has unique abilities and limitations, resulting in unique safety considerations. Safety requirements that are to be incorporated into individual support plans should be based on real, assessed risks, not on speculation, stereotypes, or generalizations about people with disabilities. Additionally, safety issues should be considered within the context of the life desired by the individual.

Eligibility

An individual may be eligible for *New Directions* if they:

- Have been determined to be "DD eligible" by the Developmental Disabilities Administration (DDA);
- Are currently receiving services funded by DDA and want to convert to the *New Directions* waiver; or,

- Have been identified by their Regional Office as a priority for funding as funding becomes available.

If you have not applied for services from DDA in the past, you may request an application from the Regional Office that serves your county/jurisdiction (if you reside on Maryland’s Eastern Shore you can also request an application through your local health department) or download an application from the DDA website (www.ddamaryland.org) and send it to the Regional Office that serves your area. To be determined as “DD eligible” you must have a disability:

- That is severe and chronic (such as mental retardation, cerebral palsy, Down syndrome);
- Manifested prior to the age of 22 years old;
- Is attributable to a physical or mental impairment other than a sole diagnosis of mental illness, or to a combination of mental and physical impairments;
- Is likely to continue indefinitely;
- Results in the inability to live independently without external support or continuing regular assistance; and
- Reflects the need for a combination and sequence of special interdisciplinary or generic care, treatment or other services that are individually planned and coordinated for the individual.

Your DDA Regional Office will determine if you meet these criteria. If so, your name will be placed on a waiting list with your request for service.

If you already receive DDA services and want to self-direct your services, notify your Resource Coordinator and submit a Regional Information Form (RIF) to the *New Directions* Coordinator in their Regional DDA Office. Contact information and the RIF are available on the DDA website at www.ddamaryland.org.

You should be aware that individuals participating in *New Directions* must reside in either their own home (rented or owned) or the home of their family. *New Directions* participants may not live in a licensed long-term care facility, a home owned or operated by a licensed DDA provider (called a Community Residential Services Program), an Individual Family Care (IFC) program, an Adult Foster Care program, or, for a child, an Out-of-Home Placement program, as a living arrangement while in the waiver.

Services Provided under the *New Directions* Waiver

Services provided under the *New Directions* waiver are similar to those in DDA’s more traditional waiver – *Community Pathways* – with two exceptions:

Fiscal Management Services (FMS): Fiscal Management Services assist the individual or family to manage and distribute funds contained in the Individual Budget including, but not limited to, providing assistance in the employment of service workers regarding new hire paperwork and the paperwork required for the purchase of services by the individual or family, including Federal, state, and local tax withholding/payments, unemployment compensation fees, wage settlements, fiscal accounting and expenditure reports, etc. This is a required service under

the *New Directions* waiver. Individuals must choose one of the two agencies that provide FMS Statewide.

Support Brokerage: Support Brokers play an important role in facilitating effective interdependence among people with developmental disabilities who depend upon the human services system, agency and individual providers of support and services, family members and guardians. Support Brokerage is a service that assists participating individuals and families to make informed decisions about what will work best for them and about what services and supports are consistent with their needs and reflect their individual circumstances. Serving as the agent of the family or participant, the service is available to assist in identifying immediate and long-term needs, developing options to meet those needs and accessing identified supports and services. A family or person-centered planning approach is used. Supports Brokerage offers practical skills training to enable families and individuals to remain independent. Examples of skills training include providing information on recruiting and hiring personal care workers, managing personal care workers and providing information on effective communication and problem-solving. The service/function provides sufficient information to assure that participants and their families understand the responsibilities involved with self-direction and assist in the development of an effective back-up and emergency plan. The Support Broker will be involved in the day-to-day management of services for an individual, and will assist individuals and families in the necessary and ongoing decisions associated with self-direction. Support Brokers assist the individual as needed with hiring and supervising employees, including participating with interviews, hiring staff, disciplinary actions, firing, and participating in unemployment insurance or Worker's Compensation hearings. Individuals may self-direct their Support Broker and a Support Broker is required for participation in *New Directions*. Arrangements, scope and duration may vary depending on an individual's need for support, assistance or existing natural supports, although a minimum of 4 hours per month is required. Supports Brokerage differs significantly from Case Management or Resource Coordination in its intensity, frequency, level of detail and personal advocacy involved in the service. Your Resource Coordinator assists you with planning, informs you about resources, and acts as a liaison with the Developmental Disabilities Administration with regard to your service quality and health and safety. Although your Support Broker will also do some of these things, he or she will be much more involved in the implementation of your Individual Plan and Budget (IP&B).

Beyond these two required services, individuals and their families have the choice to self-direct any of the following services based on their needs. How those services look and are delivered, however, may look very different from how they look when delivered by a traditional service provider. Each service plan will be individualized so as to suit the needs of each participant.

Accessibility Adaptations: Accessibility adaptations are physical modifications to an individual's home that are provided to enable the individual to live safely at home. Such modifications may include the widening of doorways; installation of grab bars; construction of access ramps and railings; installation of chair glides along stairways; installation of detectable warning on walking surfaces, installation of visible fire alarms for an individual who has a hearing impairment, etc. As with all services, they must be preauthorized by DDA in the Individual Plan.

Assistive Technology and Adaptive Equipment: Assistive technology and adaptive equipment means the technology necessary to enable an individual to live successfully in the community. Such services may include communication devices, equipment needed to adapt the participant's or family's vehicle; or any piece of technology or equipment that enables an individual greater ability to live independently. These services shall only be provided if approved in the plan of care and not otherwise available under Medicaid State plan or through other resources.

Community Learning Services: Community Learning services provide an alternative to facility-based Traditional Day Habilitation services for individuals currently unable to work be it due to their disability, age, or circumstances. These services support individuals to be involved in activities in integrated community settings that improve their communication, social skills, health, and employability. Except in the case of self-advocacy groups, Community Learning Services must be provided in community settings with nondisabled individuals, and in groups of no more than 4 individuals with developmental disabilities all of whom have similar interests and goals.

Community Supported Living Arrangement I (CSLA I): CSLA I services offer personal assistance, supervision and training for individuals living in their own homes or in the family home. While these services are provided regularly based upon a specified number of hours required weekly, the individual plan allows flexibility in scheduling needed to accommodate the variety a quality lifestyle requires. CSLA I offers a range of home and community-based services intended to assist the individual to participate fully in home and community life. CSLA I services are provided based upon the needs as articulated in the Individual Plan. CSLA I may include assistance, supervision and training in housekeeping; menu planning, food shopping, meal preparation and eating; hygiene and grooming; any task to ensure health and safety, including nursing services and medication administration; maintaining and cleaning adaptive devices; providing 24-hour emergency assistance; and engaging in activities to improve social skills. In addition, CSLA I includes services necessary to link someone with their community, often referred to as "community integration." These services could include assisting the individual to establish relationships in the community; assisting the individual to enhance skills related to expressing preferences and desires; assisting the individual with or providing training related to finances, including money management, banking, and tax preparation; facilitating the opportunity for the individual to acquire skills, including self-advocacy training and participation; assistance with securing and maintaining government and community resources; and assistance with securing and maintaining housing.

Community Supported Living Arrangement I – Retainer Fee (CSLA I-Retainer Fee): CSLA I-Retainer Fee allows the direct care staff to be reimbursed to support the individual during a hospitalization. CSLA I-Retainer Fee may not exceed a total of 21 days per fiscal year (July 1 – June 30) per individual. Use of the CSLA I-Retainer Fee must be approved by the *New Directions* Regional Coordinator.

Community Supported Living Arrangements II (CSLA II): CSLA II services offer assistance that enables the individual to accomplish tasks they are unable to perform independently due to a physical disability. CSLA II services are provided to individuals living in their own homes or in the family home. CSLA II services offer hands-on assistance specific

to the functional needs of the individual with a physical disability and includes assistance with activities of daily living. Activities of daily living are tasks or activities that include: bathing and completing personal hygiene routines; toileting, including bladder and bowel requirements, bed pan routines, routines associated with the achievement or maintenance of continence, incontinence care, and movement to and from the bathroom; mobility, including transferring from a bed, chair, or other structure and moving about indoors or outdoors; moving; turning, and positioning the body while in bed or in a wheelchair; eating and preparing meals, and; dressing and changing clothes. CSLA II is provided to individuals requiring that another person physically perform the activity for the participant or physically helps the participant to perform the activity and includes nursing supervision.

Community Supported Living Arrangement II – Retainer Fee (CSLA II - Retainer Fee):

CSLA II-Retainer Fee allows the direct care staff to be reimbursed to support the individual during a hospitalization. CSLA I-Retainer Fee may not exceed a total of 21 days per fiscal year (July 1 – June 30) per individual. Use of the CSLA I-Retainer Fee must be approved by the *New Directions* Regional Coordinator.

Employment Discovery and Customization: Employment Discovery and Customization services are time-limited assessment, discovery, customization, and training activities to assist an individual in gaining competitive employment at an integrated job site where the individual is receiving comparable wages, and where most of the employees do not have disabilities. Employment Discovery and Customization services include but are not limited to the following: community-based situational assessments; job development; job and task analysis activities; job training; work skill training; training in social skills, acceptable work behaviors and other skills such as money management, basic safety skills, and work-related hygiene. Employment Discovery and Customization services include an annual assessment of the individual’s employment goals and may be provided for a 3-month period; additional monthly increments must be preauthorized by the *New Directions* Regional Coordinator.

Family and Individual Support Services (FISS): FISS cover a wide array of supports in the life of a child or adult who lives in their own home or in their family home, and are provided by making use of resources available in the community, while at the same time building on the individual’s existing support network. FISS are the supports provided to the individual and/or his or her family to enable the community participation of the individual. These services are typically low-cost, are provided more intermittently than Personal Support and often utilized to purchase items or services necessary to maintain the individual’s community living that are not available from other sources. Examples include: budgeting; counseling, assisting the individual to gain skills; accessing community activities and services; purchase of materials/supplies/equipment not otherwise covered by other sources, but necessary for the successful community living of the individual; 24-hour emergency service; self-advocacy training activities; and family training on issues related to the individual’s needs. For the purposes of this service, “family” is defined as the persons who live with or provide care to a person served on the waiver, and may include a parent, spouse, children, other relatives, foster family, in-laws or other people who have a close personal relationship to the person, similar to that of a relative. To be covered under the waiver, family training must be included in the Individual Plan.

Live-in Caregiver Rent: Live-in Caregiver Rent includes rent for an unrelated personal caregiver who is residing in the same household with an individual. A caregiver is defined as someone unrelated by blood or marriage who is providing Community Supported Living Arrangements I or II (CSLA I or II) services in the individual's home. Live-in Caregiver Rent for live-in caregivers is not available in situations in which the individual lives in their family's home, the caregiver's home or a residence owned or leased by a DDA-licensed provider. Live-in Caregiver Rent must be approved by the *New Directions* Regional Coordinator, before services start, based on the following:

- 1) Within a multiple-family dwelling unit, the actual difference in rental costs between a 1 and 2-bedroom (or 2 and 3-bedroom, etc.) unit. Rental rates must fall within Fair Market Rent (FMR) for the jurisdiction as determined by the Department of Housing and Urban Development (HUD).
- 2) Within a single-family dwelling unit, the difference in rental costs between a 1 and 2-bedroom (or 2 and 3-bedroom, etc.) unit based on the Fair Market Rent (FMR) for the jurisdiction as determined by the Department of Housing and Urban Development (HUD).

Explicit agreements, including detailed service expectations, arrangement termination procedures, recourse for unfulfilled obligations, and monetary considerations must be executed and signed by both the individual receiving services (or his/her legal representative) and the caregiver. This agreement will be forwarded to the *New Directions* Regional Coordinator as part of the request for authorization. For 2009, Fair Market Rents are available by looking up your community at:

http://www.huduser.org/datasets/fmr/fmrs/fy2009_code/select_Geography.odb

Respite: Respite care is a relief service provided to the primary care provider to meet planned or emergency situations. Respite care gives the caregiver a period of relief for scheduled time away from the individual. It may also be used in case of emergencies. Respite also gives the *New Directions* participant a temporary change in the routine of their care. Respite may be provided in the individual's home or in another non-institutional setting determined appropriate by the individual or his/her family, including respite homes and camps. Out-of-home respite may not exceed 45 days within any 1 year period, and may not be provided for more than 28 consecutive days. Many families use camps for their children so that they can have respite and, while *New Directions* does not cover vacations, when an adult is living at home with their family "supported vacation programs" can be used as respite care for family caregivers. To use *New Directions* funds, the function of a "supported vacation program" must be for respite care for the family caregiver whom the individual resides with. Several organizations specialize in travel for individuals with developmental disabilities.

Supported Employment: Supported Employment includes (a) individuals who are self-employed and need supports or are working in community business for pay with funded supports; or (b) any work program, except for one in an ICF/MR that includes supports necessary for the individual to achieve the desired outcomes outlined in the person centered plan and articulated in the plan of care. This may also include vocational services that may include the following: work skill training and placement programs; training in acceptable work behaviors and work-related personal presentation issues. Additionally, this may also include

support to pursue volunteer activities that enable the individual to gain desired work experience, personal satisfaction, and to contribute to the community.

Transition Services - Residential Set-Up: Residential Set-Up is for individuals moving into their own homes in the community. Residential Set-Up is not available for individuals moving into their family home. These services include necessary furnishings, household items and services that an individual needs for successful transition to more independent community living. Such services may include: bedroom furniture, dining room furniture, living room furniture, kitchen ware (dishes, pots, pans, flatware), telephone, moving expenses, set-up fees or non-refundable deposits for utility or service access (e.g. telephone, electricity, heating), health and safety assurances, such as pest eradication, allergen control or one-time cleaning prior to occupancy. Residential Set-up excludes any item designed for entertainment purposes only, such as televisions, game stations, and DVD players. An itemized list of the requested Residential Set-Up items/expenses must be submitted to the *New Directions* Regional Coordinator for pre-approval. Residential Set-Up is available during the first fiscal year (July 1-June 30) that the individual has moved into their own home. The *New Directions* Regional Coordinator will review the items/expenses and approve those they deem necessary for a successful transition. The total of all requested items/expenses may not exceed \$3,000.

Transportation: Transportation services are designed to specifically enhance an individual's ability to access community activities in response to needs identified through the individual's plan of care. Transportation service may be provided by different modalities, including public transportation, taxi services and non-traditional transportation providers. Transportation services must be provided by the most cost efficient mode available. Transportation services under this authority cannot be utilized if other transportation service is available or covered, including under the Medicaid State Plan, IDEA or the Rehabilitation Act. For this reason, *New Directions* cannot pay for transportation to medical appointments as such transportation is a Medicaid State Plan service. Mileage costs are an appropriate way of providing transportation, however *New Directions* cannot pay directly for the purchase of a vehicle, gas, car insurance, or vehicle maintenance or repairs. Remember, mileage payments above the IRS-approved rate are considered taxable income.

In addition to these available self-directed services, individuals on the *New Directions* waiver can access a number of services that are not self-directed. These include:

Behavioral Supports: Behavioral Supports are an array of services to assist individuals, who, without such supports, are experiencing or are likely to experience difficulty in community living as a result of behavioral, social or emotional issues. These interventions may include behavior consultation; in-home behavioral support; behavioral respite; temporary augmentation of staff (TAS); intensive behavior management program; alternative arrangements; and other treatment, therapy or supports that are geared to helping the individual successfully manage challenging behaviors. These services may not supplant services available through other resources, including the Medicaid State Plan.

Day Habilitation: Day habilitation (traditional day services) is services provided to an individual during the day in facility-based settings. Day habilitation includes individuals

participating in structured activities designed to increase or maintain motor skills, communication skills, personal hygiene skills, leisure skills and community integration. Transportation to and from the day activity will be provided or arranged by the licensed provider. The licensee shall use the mode of transportation which achieves the least costly, and most appropriate, means of transportation for the individual with priority given to the use of public transportation when appropriate

Medical Day Care (MDC): MDC services are provided to an individual during the day in facility-based settings and is a program of medically supervised, health-related services provided in an ambulatory setting to adults with significant health conditions who, due to their degree of medical needs, need health maintenance and restorative services supportive to their community living. MDC services include: Health care services supervised by the director, medical director, or health director, which emphasize primary prevention, early diagnosis and treatment, rehabilitation and continuity of care; Nursing services performed by a registered nurse or by a licensed practical nurse under the supervision of a registered nurse; Physical therapy services, performed by or under supervision of a licensed physical therapist; Occupational therapy services, performed by an occupational therapist; Assistance with activities of daily living such as walking, eating, toileting, grooming, and supervision of personal hygiene; Nutrition services; Social work services performed by a licensed, certified social worker or licensed social work associate; Activity Programs; and Transportation Services.

Resource Coordination: Resource Coordination is designed to assist waiver enrollees in obtaining those medical, social and habilitative services and programs which they desire and need to gain as much control over their lives as possible. The service provides three key functions – planning, coordinating, and monitoring service delivery. Resource Coordination’s goal is to ensure that a plan of care is developed for each individual through a person-centered planning process and is effectively implemented through Medicaid services, generic community resources and the individual’s support systems. Resource Coordination is responsible to individuals and their families for providing assistance in implementing individual choice, addressing individual satisfaction, and assuring that an individual’s needs and preferences are addressed. Resource Coordination will assist the individual in working with the Developmental Disabilities Administration to develop the Individual Plan and Budget. These functions are more broad in nature than those provided by Support Brokers and include: determining, through a person-centered planning process, an individual’s needs, preferences, desires and satisfaction; assisting the individual through planning in determining goals and outcomes, and the services needed to accomplish these goals and outcomes; assisting the individual in determining resources available for services (including generic services and natural supports); advocating for the individual to assure that the individual’s rights are protected and the individual’s needs and preferences are considered; monitoring and acting as a third party advocate for the Individual Plan; and providing utilization review of services being provided to individuals, as requested by DDA. Resource Coordinators have the important role of reviewing Individual Plan and Budget modifications to ensure that the health and safety of the individual is not compromised.

Transition Services – Resource Coordination is for individuals transitioning from institutions to the community. This service will be available to individuals to assist them as far as six months

in advance of their move from the institution to make selections on where they would like to live, who will provide their services, and other important planning decisions necessary for a successful community transition. These services must be preauthorized by the DDA Regional Office.

Prohibited services and supports under the *New Directions* Waiver include but are not limited to Room and Board (rent, utilities, food, etc.); household or vehicle maintenance and repairs; services or supports unrelated to an individual's disability; special education and related services that are included in a child's Individualized Educational Program (IEP) or Individual Family Service Plan (IFSP) under the provisions of Individuals with Disabilities Education Improvement Act of 2004 (IDEA); and services and items that are otherwise covered under private insurance, Medicaid state plan services, through the Rehabilitation Act (Division of Rehabilitation Services), as accommodations provided under the Americans with Disabilities Act (ADA), or equipment or services designed primarily for entertainment or recreational purposes. If a participant is denied a State Medicaid plan service, including assistive technology or adaptive equipment, based on a lack of medical necessity, the Developmental Disabilities Administration may consider inclusion of such service or item in the *New Directions* Individual Plan and Budget if it is a justifiable disability-related expense. If you are uncertain whether an item or service is covered under *New Directions*, you can contact your *New Directions* Regional Coordinator. Individuals may request a service not covered by the waiver, however the DDA Regional Office has complete discretion over whether to grant the request based on the justification and funding availability.

Training for Individuals, Families, Support Brokers, and Others

Before beginning to develop your Individual Plan and Budget (IP&B), individuals, families, and Support Brokers must attend DDA offered training. Support Broker training, which is offered regularly (with a minimum of 5 registrants), is required for anyone acting as a Support Broker (paid or unpaid), however it is strongly recommended that individuals and/or family members take the Support Broker training so that they are fully informed about the Support Broker's roles and responsibilities. As of January, 2009, Support Broker certification is valid for a two year period and must be retaken in order to maintain Support Broker status. Before attending a Support Broker training, individuals and families considering *New Directions* must have submitted a Regional Information Form (RIF) to their DDA Regional Office and received the "OK" to move forward and their budget amount from the *New Directions* Regional Coordinator. In addition to Support Broker training, DDA offers an introductory workshop on the *New Directions* waiver designed for individuals and families considering self-direction, as well as technical assistance sessions in which individuals planning to self-direct their services or who are in the *New Directions* waiver can get direct assistance from DDA staff. Since *New Directions* is a relatively new program and aspects of the program continue to develop, individuals are also encouraged to occasionally retake the Support Broker training as a "refresher."

Groups of individuals who would like an introductory workshop or subject specific workshop on *New Directions* should contact the *New Directions* Advocacy and Training Coordinator, Edward Willard at WillardE@dhhm.state.md.us or (410) 767-5634. Edward is a part-time employee and will get back to you on his next scheduled day in the office. On occasion DDA offers additional training for individuals, families, and Support Brokers. Notice of required trainings will be mailed

to individuals and their Support Brokers, however all are encouraged to regularly check the DDA training calendar and *New Directions* page at the DDA website (www.ddamaryland.org).

Person-Centered Planning

Fundamental to self-directed services are person-centered planning and individualized budgets. In the *New Directions* waiver - a person-centered plan is very important because it will be what the individual's Individual Plan and Budget (IP&B) for services is based upon and it will serve as the map for those directing their services.

If you are receiving DDA or other services, you may already have a person-centered plan that was developed by you, your resource coordinator, and your team of supporters. You may be very happy with the plan, or you may want to see it changed. As you consider developing a new plan for the *New Directions* waiver consider first:

If your person-centered plan is self-directed it should include:

- Information about what is really important TO you and/or your family -- the things you like to do, what you like, the people you care about
- Information about what is and what is not working in your life
- Great things about you, what you are good at, what you are proud of, what you like about yourself
- Actions that explain clearly how you are going to get the life you want, and who is going to do what to help you get there.
- People who are willing to work with you as partners in making your plan happen.
- Plans to overcome obstacles that may be present in your life that you need others to be aware of as they support you.

If your plan is not self-directed - it may include:

- Information that other people think is important FOR you or your family that you do not agree with
- Information about all the things you do wrong or cannot do

The *New Directions* waiver calls for every person to have a written annual Individual Plan (Plan Of Care) utilizing a family or person-centered planning process. That means that the process to develop your plan, who helps develop the plan, and what it says, are all directed by you along with your family or other key stakeholders that you designate.

Person-centered planning is intended to identify your preferences, strengths, needs and desired outcomes or goals. The process includes participants freely chosen by you and/or your family, who are able to serve as important contributors to helping you achieve your goals. The person-centered planning process enables and assists you to access a personalized mix of paid and non-paid services and support for all of the identified personally-defined outcomes. It also helps you to decide upon the training, supports, therapies, treatments and/or other services you and your team determine are needed to help you achieve those outcomes. Having a person-centered plan is the first step to self-

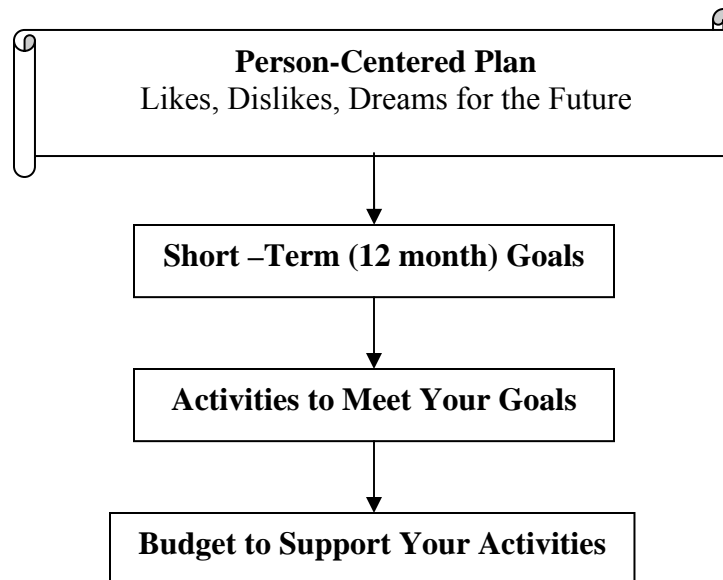
directing services. Your person-centered plan forms the basis of your IP&B which will describe the services and supports you will need to achieve your goals, i.e.: how often you will get each service, and the type of provider you would like to use to provide services.

The following individuals should be involved in the development of your person-centered plan:

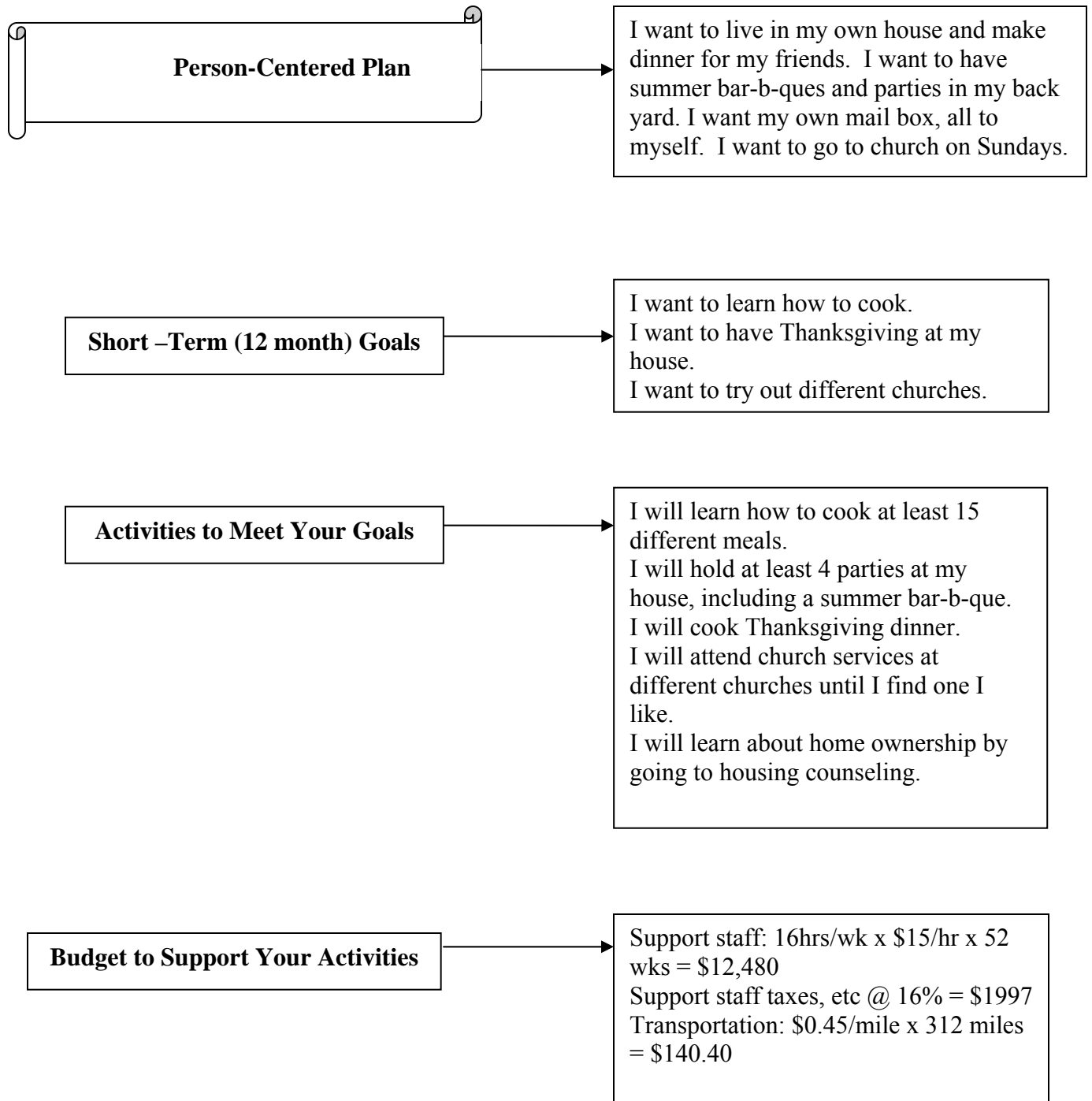
- You and your family,
- Your Resource Coordinator
- Your Support Broker,
- and any other persons that you and your family choose to have involved.

Individuals coming into *New Directions* for the first time must complete 3 documents – the person-centered plan, the Individual Plan (IP), and the individualized budget – all referred to as the IP&B. If you have current person-centered plan that you like and contains similar information, you may use that person-centered plan instead of the one DDA has created. The IP&B, which includes and is based on your person-centered plan, will be subject to the approval of the Developmental Disabilities Administration and needs to be renewed and updated by July 1 of each year. You will not need to do a person-centered plan each year, however, your team should review it to make sure it is current. Person-centered plans should be written in the first-person (ie. “I am a fabulous dancer.”). If first-person language is not used because team members truly feel they are guessing at an individual’s likes, dislikes, dreams, etc., please indicate who is making the comment about the person (ie. “Susan’s mom said that Susan seems to like country music.”).

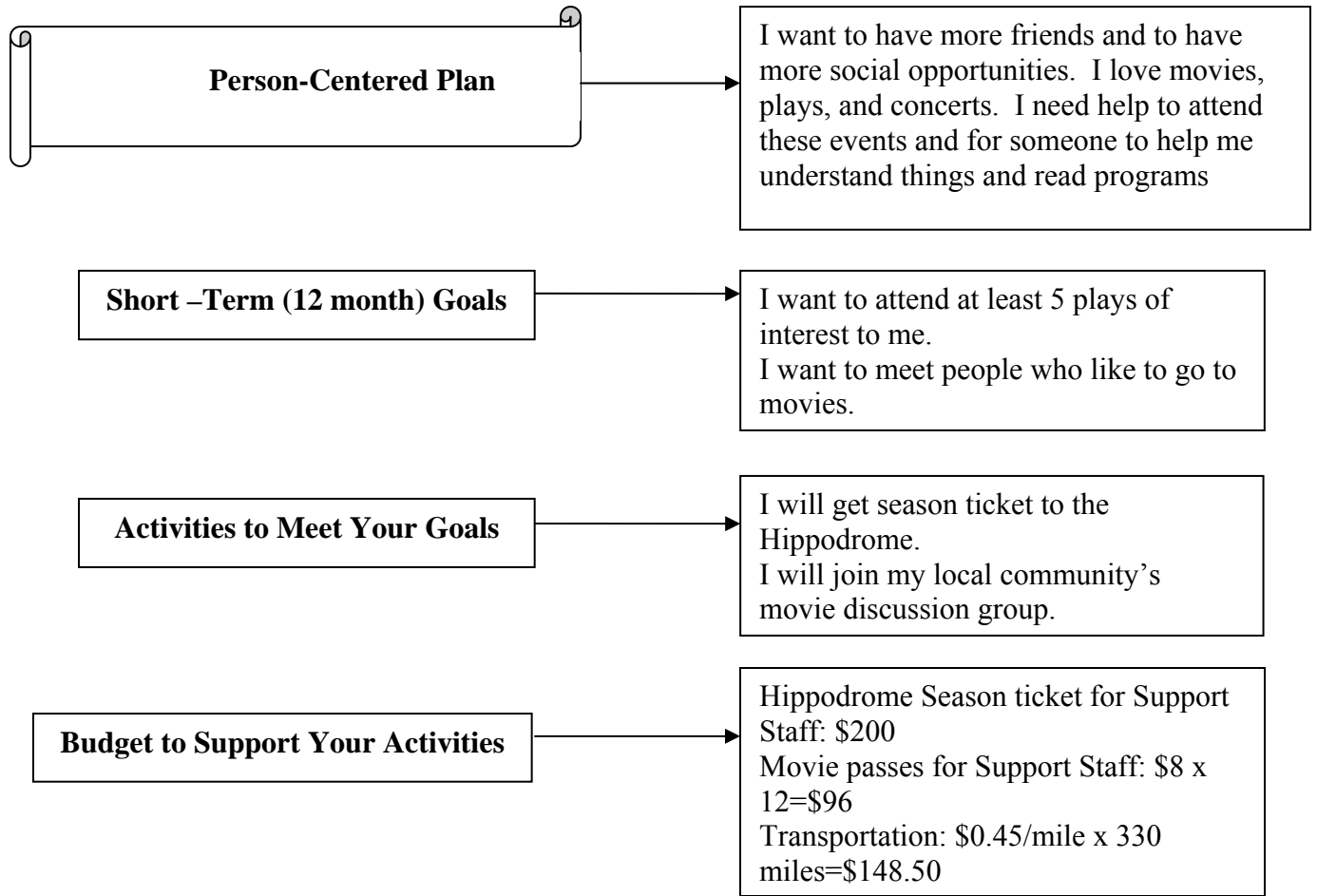
The *New Directions* Waiver Individual Plan and Budget (IP&B)



Example of how an IP&B should align:

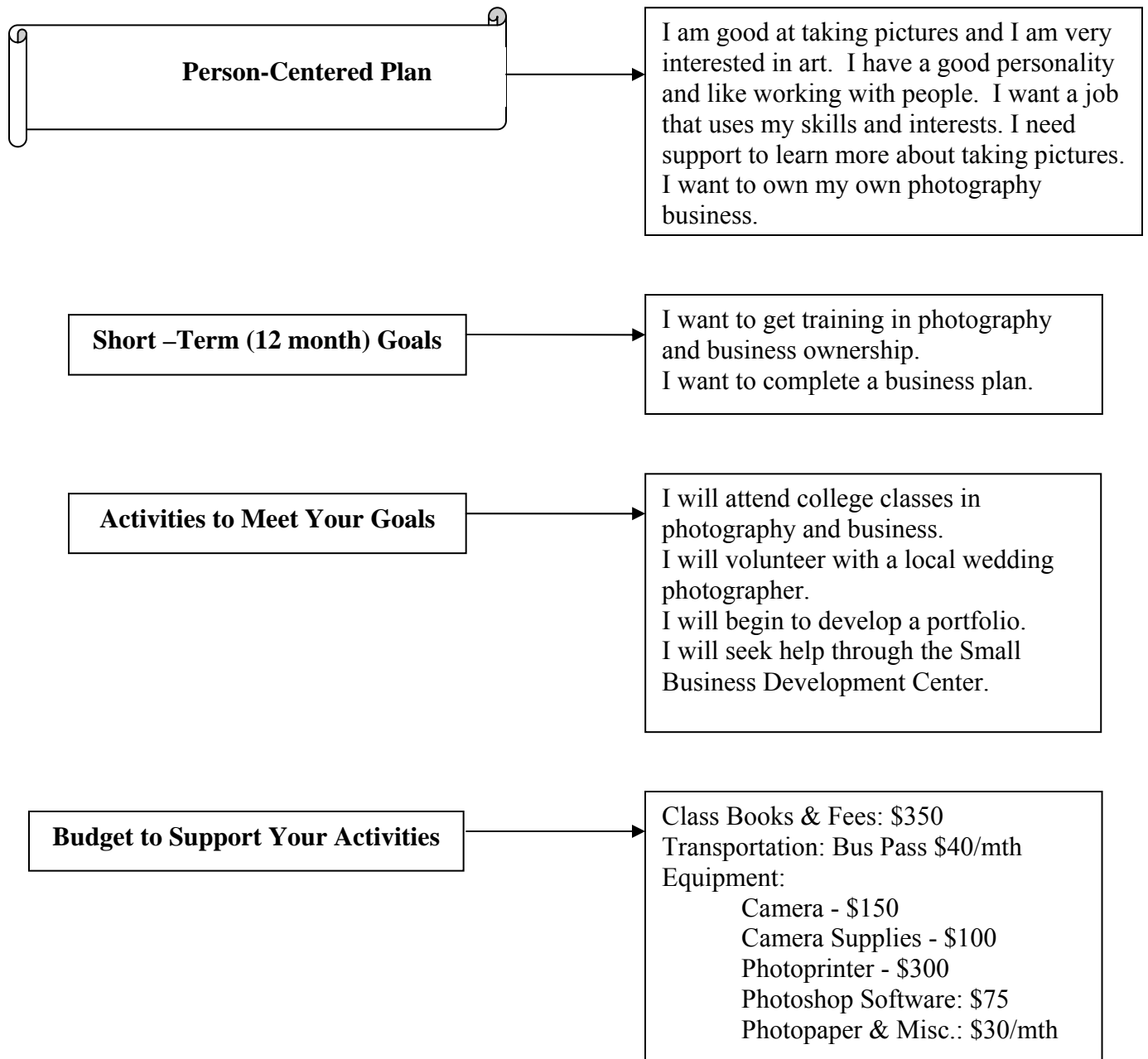


Example of how an IP&B should align:



Remember: The waiver cannot cover services or items primarily used for entertainment; however it can cover services and items that would allow you to access the same services and items that a person without a disability can. In this example, the *New Directions* waiver is being used to support an individual to access generic community services and to expand his or her social network.

Example of how an IP&B should align:



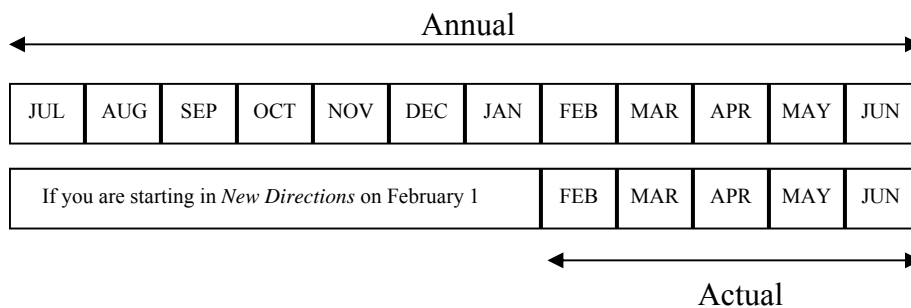
Remember: The waiver cannot cover services offered through other programs. In this example, the individual would have first sought services through the Division of Rehabilitation Services (DORS) and only if he or she couldn't get the services there, would they become part of the IP&B through the *New Directions* waiver.

Individualized Budgeting

The essence of individualized budgets is very simple. Instead of money passing from the Maryland DDA through service providers who then deliver services to people with disabilities and their families, the money is put under the control of the individual and their family through a fiscal intermediary, called a Fiscal Management Service (FMS). You can then use that money to hire and supervise your own support staff and purchase your own services. This simple change has a very important effect – it turns the whole service delivery system upside down and puts you in the driver seat! This new funding mechanism is not for everyone. Individualized funding, however, is currently the best option for people who wish to gain greater control of their lives.

If you are currently receiving DDA services, have been determined “DD Eligible” and have indicated a desire to self-direct your services by submitting a Regional Information Form (RIF) to the *New Directions* Coordinator in their Regional DDA Office, the DDA will provide you with the total budget amount for your current services. Since self-direction is a method of service delivery and not a service itself, you must work within your current service budget. Your budget for self-directed services cannot be larger than what it would cost to provide services in the traditional service delivery system. If you are new to DDA services, your overall budget amount will be based on your assessed level of need within DDA’s established rates for services. These are available on DDA’s website. Any request that surpasses the base rate costs are approved at the discretion of DDA and require a complete justification. Once you know your overall budget and have attended training, you can begin creating your IP&B – individualizing it to meet your life goals and support needs.

Depending on the starting date in the *New Directions* waiver, an individual will be directed to develop an individualized *New Directions* budget with an actual and/or an annual budget for their services. The State fiscal year runs from July 1 to June 30 of each year, which is considered an annual budget. If an individual starts services on February 1, for example, a 5 month actual budget must be developed based on allocated funds, as well as an annual budget. If an individual begins services on July 1, the annual budget also acts as the actual budget.



Developing the Individual Plan and Budget

After you complete Support Broker training, in order to begin developing an Individual Plan and Budget (IP&B) you will first want to bring together your team or Circle of Support. Included in the team must be your Resource Coordinator who will be involved with you from the beginning planning stages. The Resource Coordinator will adjust their level of involvement in response to the amount of help that you want or need. He or she has expertise in person-centered planning and will help coordinate development of a person-centered plan. If you have already identified a Support Broker, that person should also serve on your team or Circle of Support and should be charged with the responsibility of helping you write your IP&B.

Based on the person-centered plan, the team should help you prioritize what services you need. Your Resource Coordinator will have knowledge of community resources and generic supports that you can access before using your *New Directions* service dollars. He or she will also be able to help you think about what natural supports you have in your life. By using generic services that anyone can access, other community resources, and the natural supports offered by family, friends, neighbors, faith communities, and coworkers, you can develop an IP&B that increases your independence and access to your community, while making more efficient and effective use of your service dollars.

Once you have a team of people who know you well together – your Circle of Support – you can begin the planning process. The IP&B should be written in the first-person (“I”) and, even if someone is helping you create your plan, it should be written from your perspective based on your goals. The IP&B is divided into several areas:

All About Me: This section of the IP&B is your person-centered plan which will form the basis for the goals written throughout the rest of your IP&B. In it you should discuss your strengths, talents, support needs, interests, and joys and fears. Also needed is information about where and who you live with, important people in your life, what you currently do during the day, your health and support needs, how your health and support needs are currently being met, and specific suggestions about how you want people to support you. Consider your long-term goals as part of your person-centered plan.

Managing My Supports: In this section, you will describe what assistance you will need to manage all of your services and supports. This will include the services of your Support Broker (SB), Resource Coordinator, (RC), and Fiscal Management Service (FMS). You should include a general narrative description of what you need the RC, SB & FMS to do for you and how often you plan to use their services. In the Budget Detail box you will need to be specific about how many hours, how often, scheduling, cost, etc. Each FMS has a monthly fee and/or a start-up fee. You need to talk with the FMS provider you’ve chosen to determine the correct amount to figure in your budget.

You need to decide how you will pay your SB. You can pay them by the hour or contractually. They can also provide the service as a volunteer. If you plan to pay them by the hour, you must decide what the hourly rate will be and how many hours each month you want their assistance.

If you plan to pay them a flat monthly fee, you need to agree upon and show the minimum hours you expect to receive for that rate. Every SB, whether paid or unpaid, must provide at least 4 hours of support brokerage per month. If the SB is your employee, you must include employment related taxes, etc. If you are getting your services from a Support Broker through an agency or using an independent contractor, you are not their employer and are not responsible for the employment related expenses. You will retain your Resource Coordinator when you participate in *New Directions*, however, Resource Coordination is not an expense that you pay for out of your budget.

Meeting My Daily Support Needs: This is the section in which you should describe what your life at home will look like. What are your goals? Think about what kind of help you need to lead the life you describe. Who will be helping you? How many hours of supports do you need? You may want to create a daily or weekly schedule to help you make sure you've covered all your needs. Think about personal support needs like help with bathing and eating. Do you need help getting up and going in the morning and/or getting to bed at night? Do you need direct support or do you want any training (i.e. cooking, balancing your checkbook, etc.) during your free time at home? Do you need someone to train or assist you in keeping your house clean, shopping for groceries and cooking your meals? Are you going to arrange for a live-in caregiver and provide them free or reduced rent in payment or partial payment for their services? Your plan should describe the best ways to assist you in accomplishing what you've planned for. Be as specific as you can about when, where, how much, how long, with who, schedules, hours, etc. Describe why you need this amount of service, why it will cost this much and what life would be like if you weren't able to get this service/support. Once you develop the plan, you need to figure out how much each item will cost. If you are purchasing items or services from a company or agency, you need to find out what it will cost. If you plan to hire staff remember to include all those costs, including taxes and other deductions at 16%.

Work/Education/Training: This section of the IP&B should describe what you would like to be doing during the day, steps towards your employment goals, and what kind of support you will need. Who will be helping you? What kind of help do you think you might need? Your plan should describe what will be needed to help you accomplish what you've planned for. Be as specific as you can about when, where, how much, how long, with who, schedules, hours, etc. As in all of the sections of the IP&B, once you decide what your plan will include you need to figure out how much each item will cost. If you are buying items or services from a company or agency, you need to find out what it will cost. If you are planning to hire staff you need to decide how many, how much you will pay them, and how many hours you will need them. You must also include the cost of being an employer like all the taxes, insurance, etc. You may also be including expenses related to your work such as clothing (uniforms), supplies or costs related to running your own business. Describe why you need this amount of service, why it will cost this much and what life would be like if you weren't able to get this service/support. If you are including work related expenses you must apply to and utilize vocational services through the Division of Rehabilitation Services (DORS), as available. If you are including expenses for classes/college you must apply for and utilize any and all grants/subsidies available to you.

Emergency Planning: Everyone has occasional emergencies in life. As part of your planning process, you and your Circle of Support (team) should conduct a needs assessment. A needs

assessment tool is on the New Directions page of the DDA website. You need to plan for when staff might not show up or when plans for your support “fall through.” It’s important in all parts of your life, but essential if your health and safety would be in danger if supports were not available at the scheduled time. Be as specific as you can about which situations might put you in danger and how you plan to have access to help. The second level plan is if your first plan for back-up doesn’t work either. Remember, that your Support Broker (even if your Support Broker is a parent) can not be listed as an Emergency Back-up. A Support Broker may provide no other service. Be specific about who will provide the back-up, how, etc. These plans can include natural and informal support as well as paid supports. Calling 911 is not an acceptable first or second level back-up. Of course it is expected that you will utilize 911 services when appropriate. Once you develop your back-up plan you need to figure out how much each item will cost and include that in your plan. If you are planning for alternative staff, how will you pay them and will it cost more than you already have budgeted for staff? If you are planning to use an agency for back-up, what will their fee be? Describe why you need this amount of service, why it will cost this much and what life would be like if you weren’t able to get this service/support. If you plan to use an emergency response system, include the set-up and monthly fee amount in your budget.

Health and Adaptations: In this section you should include health services, durable medical equipment, assistive technology, and home modifications you may need. It is important to be clear about what supports and services you need to be healthy and safe. This includes routine medical care as well as any therapies, nursing, equipment, etc. For routine medical care you will utilize your health insurance and/or Medicaid Card. You do not need to include those costs in your plan. Waiver dollars are available for certain home and community-based services above what your Medicaid benefits provide and for services available under the waiver that are not available through Medical Assistance. Unfortunately, dental care cannot be covered as a waiver service, however, habilitative services such as speech, occupational, and physical therapies may be included. If you need help with administration of medication, the staff you hire must be trained by a nurse who has been approved to teach the Medication Technician Program in DDA and meet the Board of Nursing requirements to provide the nursing oversight required for delegation duties. A delegating nurse trains staff who will be administering medications, has oversight over those staff as it relates to medication administration, and conducts 45-day reviews of your health. A listing of nurses approved to teach the Medication Technician Program in DDA is available on the Board of Nursing website at www.mbon.org. Family members administering medication are not required to undergo Medication Technician training. You must budget for the training costs if you plan to pay for your employees to take the Certified Medication Technician training and for the hours of nursing oversight. Your employees may not assist you with administration of medication until they have completed the training so you must think about the “timing” of when staff can start working. If you need assistive technology, you will need an assistive technology assessment done to ensure the assistive technology (i.e. communication boards, etc.) is the right piece of technology for you.

It is important to note that children receiving Medicaid are covered by the EPSDT (Early Periodic Screening Diagnosis and Treatment) benefit, meaning that the Medicaid State Plan will cover services like nursing, assistive technology (AT), and durable medical equipment (DME), if they are medically necessary. *New Directions* participants should check their health insurance

or Medicaid state plan coverage before putting assistive technology or durable medical equipment services in their IP&B. For children and adults, *New Directions* cannot pay for services that are paid for under the Medicaid state plan. *New Directions* cannot pay for dental care for children under any circumstances and can only pay for dental care for adults if the dental work is 1) not covered under the Medicaid State Plan and 2) is the suspected cause of challenging behaviors (ie. self-injurious behaviors, aggression, etc).

Once you have written specific plans outlining how you will be safe and healthy you need to describe how much your plans will cost. If you are buying items or services from a company or agency, you need to find out what it will cost and include the details in your plan. If you are planning to hire staff you need to decide how many, how much you will pay them, and how many hours you will need them. Be specific and calculate the monthly total for each expense. Remember that anything that is covered by your private health insurance, the Medicaid state plan, or other health benefits, may not be included. Describe why you need this amount of service, why it will cost this much and what might happen if you weren't able to get this support.

Household Start-Up: This section can only be used if you are moving into your own home (renting or buying) in the community for the first time. Identify what you will need to be able to set up a home in the community for the first time. Most people moving into their own place for the first time get some of what they need from family and friends, buy some second hand furniture and buy some new items. What are your plans? Your plan needs to be specific as to what the purchase or cost will cover and how it will meet your needs. Once you have identified your needs and what you might be able to get from family and friends, itemize the cost of what will need to be paid for with your budgeted funds. You need to be realistic about what items and start up services cost and keep in mind that you must be able to develop a plan to live safely and successfully in the community within your allocated budget amount. It is expected that you will use personal funds to pay for what you can. *New Directions* can pay for utility set-up costs but not your monthly utility costs. Items used for entertainment like televisions, VCRs, DVD players, stereos, and other items used primarily for entertainment or diversion may not be covered under *New Directions*. Your total itemized list may not exceed \$3,000 and must be within your allocated budget amount. Household start-up is available the first year fiscal year (July 1st to June 30th) that you move into your own home.

Community Expenses: Living in the community is more than just having a physical address. Being active and having relationships are critical to a person being happy, healthy and safe. Your plan needs to be specific about what you want to do, who will help you, how much help you need, how often you need it, how long will it will take or continue for. Expenses for strictly entertainment items should come from your personal budget and not from your *New Directions* plan funds. An example might be that you want to go to the movies. Your personal funds would pay for your movie ticket. Your *New Directions* funds could pay for a support person to go with you, for transportation to get there, and for a movie ticket for your support person. Some individuals may require training in order to become part of their community and these expenses could also be included in this section. Such requests must meet a specific therapeutic goal or address a disability-related barrier you are experiencing. For example, your disability may put you at risk of social isolation and act as a barrier to you being a full member of your

community. Some fees for social groups and activities may be appropriate to ensure that you can be a fully integrated member of your community. Once you have developed your plan you need to figure out what, if any, of it you need to pay for with DDA funds. Itemize expenses as well as any staffing costs. You need to show how many hours of support you will need and what you are planning to pay for that support. Keep in mind that you must be able to develop a plan to live safely and successfully in the community within your allocated budget amount. Describe why it will cost this much and what might happen if you weren't able to get this support.

Transportation: Living in the community, being active, having a job or other daytime activities and having relationships requires you to be able to get around. If you do not drive you will need to figure out how you get to all your activities and appointments. Sometimes family and friends may be able to help out. You should plan to make full use of any Medicaid State Plan covered transportation for medical care before you plan to use waiver dollars for medical care transportation. If Medicaid State Plan-funded transportation for medical care (available by calling your local health department) cannot meet your needs due to your disability (ie. need for personal assistance, temperature-controlled vehicle, etc.), explain this in your IP&B and DDA may make an exception. For other types of transportation needs, you may need to buy a bus pass or you might pay someone to train you on new bus routes or you might pay for a cab. Once you have developed your plan for meeting your transportation needs you need to describe what types of transportation you will use and the costs. Be sure to check whether the fees/rates paid for other services you pay for includes transportation. In that case you should not be charged for additional transportation costs. Some public transportation also offers reduced-cost fares for individuals with disabilities. Transportation must be in the most cost effective manner possible. Itemize expenses as well as any staffing costs. If you plan to pay someone for their time providing transportation, you need to show how many hours of support you will need and what you are planning to pay for that support. If you are paying a mileage reimbursement estimate the number of miles per month, determine a rate per mile and show the total cost for mileage. Describe why it will cost this much and what might happen if you weren't able to get this support.

Designing Your Services

Although some of the rules governing the *New Directions* waiver are very specific, you should be creative with your services. If you want to pay a neighbor or friend for personal assistance, go for it! If gym membership meets your health and community integration goals, go for it! If you want to take classes at your community center or college rather than train at a day habilitation program, go for it! Just remember that services must be covered by the waiver, must ensure your health and safety, must be related to your disability, and must help you take steps toward meeting your goals. You and those assisting you should always consider ways to provide services and supports in the most integrated settings possible. Creative ways of increasing individuals' inclusion and participation in their communities are encouraged.

Your Resource Coordinator will play an important role in helping you decide how you would like your overall services to look. Using the listing of available Support Brokers on the DDA website and other resources, they may be able to help you identify a Support Broker if you have not already found one. Your Resource Coordinator is also a critical link between you and the Regional DDA

Office. Once your IP&B has been approved, your Resource Coordinator will monitor the Individual Plan with your help to make sure that services being provided are helping you to achieve the outcomes identified in your plan. The Resource Coordinator will also check-in periodically to make sure that you are happy with your services, including your Support Broker. Your Resource Coordinator will also play an important role in reporting areas of concern to DDA. Each year your Resource Coordinator will also help you become recertified for Medicaid so that your health care and waiver services can continue.

The design of your services is very much up to you. You can schedule your employees and services in ways that meet your needs and make sense for you. If you have round-the-clock support needs, you might consider having a live-in staff person and provide them free or reduced rent, as opposed to staffing in shifts, which is often very expensive and doesn't offer the same level of continuity. You can include staff bonuses for staff that display outstanding work performance, who recruit other support staff for you, or as a way to retain quality staff. Under no conditions can bonuses be provided to immediate family members acting as employees. The total cost of staff taxes, insurance, workers compensation, and benefits (vacation pay, bonuses, health insurance, retirement contributions, etc.) may not exceed 26% of an employee's annual salary. You may want to consider how assistive technology could reduce your reliance on staff. If you are currently unemployed and employment is your goal, you can look at many training options to help you reach your goal of finding a job or creating your own business (You must check to see if your training needs can be met through the Division of Rehabilitation Services first). If you are employed and need supports on the job, you can hire a job coach to assist you. If employment is not a goal at this time, you can look at ways to make your days more meaningful by building on your interests, increasing your skills, and getting involved in activities where you can meet new people.

The Centers for Medicare and Medicaid Services (CMS) stipulates that the *New Directions* waiver cannot cover entertainment. It will, however, provide supports and services to allow you to access entertainment that any non-disabled individual would be able to access. For example, the "Staff Supports" portion of the IP&B can include funds to pay staff to accompany you to the movies/amusement parks/restaurants, etc. TVs, DVD players, Game Stations, etc are all items that are used primarily for entertainment and therefore cannot be covered. The waiver cannot cover vacations for individuals, however if you are going on vacation paid for with your personal funds and require staff support, the waiver can pay for the cost of the staff person's time. Transportation, hotel or other costs for your staff person while you are on vacation can be covered to a maximum of \$1500 per year, however are not allowable for immediate family members acting as staff. The waiver will cover certain costs (classes, activity fees, charges, etc) to support community integration, meaningful day and leisure activities, and activities that will assist you in gaining more independence, etc. if the activities relate to you disability and your goals. If there are barriers to your social integration (communication, behavioral, etc.) talk about these barriers and how the activities in your IP&B will address those barriers. Activities that help increase your social connections, particularly if you are at risk of being socially isolated, are encouraged. Research tells us that the more connections you have in your community, the greater the quality of life and the safer individuals with disabilities will be.

Staff training is a service covered under the *New Directions* waiver. In addition to trainers, workshops, and technical assistance for staff, materials and equipment needed to train staff may

also be included in an individual's plan. DDA expects that training for staff First Aide/CPR and training beyond the basic waiver requirements – training specific to your needs and preferences – will be part of your IP&B. You may want to train your staff by hiring a trainer, on-the-job training, required workshops, or on-line training opportunities. If you are someone who sometimes has some challenging behaviors, you must have a behavior plan and staff must be trained in how to implement the behavior plan. Your Support Broker must also train all of your staff on DDA's Critical Incident Reporting Requirements; a Powerpoint presentation is available for download from the DDA website for this purpose.

On a limited and short-term basis and at the discretion of DDA, *New Directions* services may be furnished in another state to a waiver participant if it is more convenient for a waiver participant to obtain services in a bordering state or if a service, such as personal assistance, is needed by a participant to travel to another state to visit family members or for other purposes. Given Maryland's proximity to several states and the District of Columbia, this may be important to you. The out-of-state provider that provides the services must meet the same qualifications as Maryland providers (i.e. criminal background check and training requirements) and there must be a provider agreement in effect as part of your IP&B. As well, when services are furnished out-of-state, they are subject to the same monitoring requirements as if they were furnished in-state. You must maintain your residence in Maryland to receive services through the *New Directions* waiver although special considerations may be given to individuals going to college in another state.

There are some other limitations on how much you can spend for a service. Check the "Reasonable and Customary Rates" document on the DDA website for basic guidance. This document shows the ranges of rates *New Directions* participants are paying for services as well as the average rate. Please be aware that the use of rates above the average rate cannot jeopardize other services or levels of service required to meet your health and safety needs. If you are moving into your own home for the first time, residential set-up (basic furniture, household items, nonrefundable deposits, etc.) may not exceed \$3000 and must be itemized as part of your IP&B. *New Directions* funds can cover computer hardware for employment or self-advocacy-related activities but will not typically fund these items over \$1600. If internet access is needed in order to address your employment or self-advocacy goals, *New Directions* funds can be used to pay for internet costs only; bundled services of telephone, cable, and internet cannot be covered. *New Directions* funds cannot be used to supplant payment for what you already are paying for, so you will be required to show the date of internet hook-up when you submit your first invoice to your FMS. This is also true of cell phones used for emergency back-up. *New Directions* funding cannot be used to pay for the phone itself unless it is a phone with accessibility adaptations, but can pay for monthly charges up to \$50/mth. *New Directions* cannot be used to pay for home telephone lines unless required for use with Lifeline® or a similar emergency response system. When setting mileage rates for your staff remember that any amount set over the IRS standard mileage rate is considered income and your employees will be taxed on that additional amount. Fax machines for the individual to fax in timesheets and invoices to the Fiscal Management Service (FMS) can be covered under the "Managing My Supports" section of the IP&B.

The Fiscal Management Service (FMS) you choose will play an important role in ensuring payment to your employees and any vendors you choose. Each FMS has a slightly different fee structure, the costs of which will reflect your services and that will need to be included in your IP&B. Although

each FMS provides essentially the same services, you should meet with them to determine which FMS best meets your needs and best supports your service delivery design.

Non-Waiverable Services

Individuals may request services and support not covered by the *New Directions* Waiver, however, approval of such requests is at the discretion of your DDA Regional Office and dependent upon available funds. Services not covered by the *New Directions* waiver must be paid with State funds only and such funding is *extremely* limited. Non-waiverable services are not an entitlement under Medicaid law. If DDA provides a non-waiverable service, the individual may be asked to budget 1.5 times the cost of the item or service in order to offset the federal match and maintain the cost neutrality of the individual's service budget.

Given the importance of transportation to individuals' accessing their communities, DDA may consider assisting individuals with the purchase of a vehicle under very specific conditions.

Vehicle Purchase Guidelines:

The DDA Regional Offices have discretion over the use of state-only funds and may approve funding towards a wheelchair lift vehicle purchase for a *New Directions* participant equivalent to funding provided to provider agencies under the following conditions:

- 1) The individual is moving from existing DDA services into the *New Directions* waiver.
- 2) The individual has funds within their existing budget to allocate towards a wheelchair lift vehicle purchase and no additional General Funds from the DDA are necessary.
- 3) Modification or adaptation of an existing vehicle cannot be accomplished.
- 4) The purchase of a wheelchair lift vehicle is justified on the basis of the following criteria:
 - (a) physical accessibility, inability to use public transportation, health and safety of the individual or primary caregiver(s), and/or cost effectiveness;
 - (b) extenuating circumstances.
- 5) If a purchase is justified based on the above criteria a wheelchair lift vehicle down-payment up to \$7,500.00 of State only funds can be authorized towards the purchase of a wheelchair lift vehicle as a non-waiverable service in the individual budget provided the following has been met:
 - The individual or their family has applied for a low-interest vehicle loan from MDTAP, or has a loan with equivalent terms.
 - The individual does not include in their Individual Budget regular vehicle maintenance, vehicle insurance, taxi, public transportation, or paratransit costs.
 - The individual accepts a reduction in their funds to offset the federal match, equating to 1.5 times the amount (i.e. \$11,250 out of the individual's budget for a \$7500 van down-payment).
 - The individual understands that down-payment towards a vehicle is considered one-time-only (OTO) start up funding and can only be considered once every 10 years while the individual is in the *New Directions* waiver.

As with significant home modifications, which are typically a covered service under *New Directions*, DDA has the right to require that a lien be placed on a vehicle purchased. A lien means that if the home or vehicle is sold, DDA has the right to recoup the funds it invested in the purchase or upgrade.

DDA Approval of Your Individual Plan and Budget

Once you and your Circle of Support have completed your Individual Plan and Budget (IP&B), you have two (2) options:

- 1) send it to your *New Directions* Regional Coordinator, as a draft, for their review; or
- 2) send it to your *New Directions* Regional Coordinator as a final submission.

It is strongly recommended that you send a draft for review before sending it as a final submission. Your *New Directions* Regional Coordinator will be reviewing your IP&B to determine whether all requirements of the *New Directions* waiver are met, health and safety needs are addressed, there are specific goals based on the person-centered plan, services planned are covered services under the waiver, there are justifications for all of the services included in the plan, and the budget aligns with the services in the written plan. The most timely way to send it is via email, however a mailed or faxed copy will also be fine if you do not have access to email.

DRAFT Submission

This is an opportunity to get feedback from DDA about your plan for services. The *New Directions* Regional Coordinator may also share the draft IP&B with staff at DDA headquarters to get feedback if your plan includes services not previously considered in a *New Directions* IP&B or services that are out of the ordinary. Since *New Directions* is relatively new, your creative idea might be a first for the program!

Your DDA *New Directions* Regional Coordinator will then give you feedback on your plan (this back and forth may occur several times if the plan is very complicated or has need of several changes). The most common feedback to *New Directions* IP&B drafts relate to:

The need for clarifying language: Anyone should be able to pick up the IP&B and get a sense of who you are and what your services and supports look like. The more specific your IP&B, the clearer your supports and services are to the reader.

The need for further justification: All services covered by the *New Directions* waiver must be based on your individual needs. Each service must, therefore, be justified based on your needs and your person-centered plan. Why did you include a certain service and what goal does it address? How is the service you are requesting related to your disability?

The service isn't covered by the *New Directions* waiver: Remember, if a service is available through any other program, including the Medicaid state plan, it cannot be included in the IP&B. This is the most common reason a service or support is denied. Services covered by the waiver are limited to those outlined previously in the "Developing the Individual Plan and Budget" section of this document.

The plan and budget do not align: Most people find the budgeting portion of the IP& B the most difficult. It is likely that you have never created a budget for services before and, if you have high support needs, the budget can get complicated. Before submitting the draft IP&B to DDA, consider having a detail-oriented person review it. Ask them to make sure that the figures listed in the written portion of the plan match the figures on the budget spreadsheet.

Once the draft is revised and ready to go, you and/or your parent/guardian will need to sign it and get the other required signatures on the signature page, including your Resource Coordinator's signature. The proposed IP&B will now have to be approved by the *New Directions* Regional Coordinator, the DDA Regional Director, and the DDA Director. Once approved, you will also need to sign a contract between you and DDA stating that you will abide by the *New Directions* program rules and will implement the plan as it is approved.

If your IP&B is not approved, DDA will provide you with the reasons. It is unusual for a plan to be denied if you have made revisions based on your *New Directions* Regional Coordinator's feedback, however, if your draft IP&B has not incorporated needed changes, a denial could occur.

FINAL Submission

Under this option, your *New Directions* Regional Coordinator will review your IP&B for final processing. If your IP&B is approved, you will receive an award letter notifying you of the official effective date of the plan. If there are any issues or concerns with the IP&B (i.e. the plan & budget do not align, services/support are not waiverable, etc) you will receive a denial letter with an explanation for the denial and information about your rights to appeal.

If your IP&B is not approved, and you are currently receiving services through the *Community Pathways* waiver, your services with a provider agency will remain in place. If you are not currently in services, but have been identified for services, with the help of your Resource Coordinator you may choose a provider agency to serve you and enter the *Community Pathways* waiver. Following a denial, you are welcome to submit a new IP&B at any time for DDA's consideration.

Once your IP&B is approved you will receive a letter which gives you a start date and your budget amount, along with the approved IP&B and a copy of your contract. The letter of approval, the contract between you and DDA, and your budget will be faxed to the FMS that you have chosen so that they can begin to set up your accounts. The FMS will need at least 10 business days to do this. If you are currently receiving services through the *Community Pathways* waiver, the day prior to your start date in *New Directions* will be the last day you receive services through your existing provider. You are given 30 days from your start date to begin implementing your IP&B. If you are currently in services and think the transition from provider-directed to self-directed services may be difficult (you have to hire and train staff, etc), you may want to contract services with your current provider for a few weeks (no more than 30 days). You will have to arrange this with your provider and include it in your IP&B.

Quality Assurance

The *New Directions* waiver is a unique individualized approach to plan and control services, which places choice and responsibility more firmly on the individual and their family. The State is, however, still responsible under State and Federal requirements to provide quality management. This includes assuring that there is, among other things, an incident management system, emergency backup procedures, and criminal background checks.

DDA and Resource Coordination's Role

DDA and your Resource Coordinator want to make sure that:

- You (or your family member) are healthy and safe;
- You are receiving the services that are identified and approved in your plan;
- You are happy with the services that you are receiving; and
- The staff who support you have the skills and training they need to support you effectively.

Key to DDA's Quality Plan, which has been approved by the Centers for Medicare and Medicaid Services (CMS) as part of the *New Directions* waiver, is the role of the Resource Coordinator. Your Resource Coordinator will meet with you to assure that the services are being implemented as outlined in your Individual Plan and Budget. Your Resource Coordinator will visit you in your home or during the day, talk with you about your services, and check to make sure that your plan is being implemented as approved. If you are holding monthly or quarterly meetings of your Circle of Support, your Resource Coordinator should be invited to attend. He or she may not be able to attend every meeting, so be sure to let them know when you need their input and e-mail or mail them any notes from your meeting. Your Resource Coordinator needs to know whether you are receiving the services you need and whether you are happy with them. Your Resource Coordinator is also responsible to provide you with information regarding the availability of community resources. This information could lead to greater use of generic resources, which may lead to your *New Directions* funds being used with greater efficiency, as well as improvement in the quality of your services and the quality of your life.

Your Resource Coordinator is a resource to you and an advocate for you within the DDA system. If you have any concerns about the quality of your services or your health and safety, you should call upon your Resource Coordinator. This includes when you are unhappy with your Support Broker. Because *New Directions* participants sometimes pick a family member or friend to be their Support Broker (which often makes sense), it can be difficult to address any issues that arise regarding the quality of their work. That is why you need a Circle of Support – a group of people concerned with your well-being that includes your Resource Coordinator. Your Resource Coordinator can help you say what you need to say or, at your request, say it on your behalf. Your Resource Coordinator should be involved to minimize conflicts of interest when a family member or friend are either a Support Broker and/or employee.

Your Role

When you agree to self-direct your services, you also agree to play an important role in making sure that you receive quality services that are delivered in a way that makes the most sense for you and makes the most effective use of public funds. You should talk to your Support Broker, your Resource Coordinator, or the DDA Regional office if you have issues or questions regarding your services.

DDA has a policy that everyone receiving services must follow. This policy – Critical Incident Reporting Requirements – spells out when you must report certain things. If something serious happens (like a serious medication mistake or if someone hurts you), your Support Broker must report this to your DDA Regional Office *New Directions* Coordinator within 24 hours of the incident. Additionally, anyone you trust can report these types of occurrences to DDA. This helps us make sure that you continue to be safe and that you continue to receive quality services. You and your Support Broker are responsible for ensuring that all of your staff are aware of the Critical Incidents Reporting Requirements and have access to the reporting form (which is available on DDA's website). If the incident involves your Support Broker, staff should contact your Resource Coordinator to assist in submitting a Critical Incident Report.

In addition to telling us about your services, you will also play an important role in training your staff. Your plan will spell out what your staff will need to know. It is important that you tell your staff about yourself, what you expect of them, and other information they need to be great staff for you!

Finally, you may at some point be asked to participate in the Ask Me! Survey or other surveys. The Ask Me! Survey is conducted by individuals with developmental disabilities through a DDA contract with The Arc of Maryland. It is just one way that DDA gauges whether individuals receiving DDA services are receiving what they need and whether they are satisfied with their services.

Becoming an Employer

As an employer in self-directed services, you have additional *benefits* and *responsibilities* that you did not have with the traditional provider agency-directed services.

- You have the *benefit* of setting the pay rate and benefits for your employee(s). You also have the benefit of hiring your own employee(s) and backup provider(s).
- You also have the *responsibilities* that come with being an employer. As an employer, in conjunction with your support broker, you are required to:
 - ✓ Recruit, hire, train, manage, and if necessary, fire your employee(s).
 - ✓ Comply with all federal and state laws governing nondiscrimination, fair labor standards, etc.
 - ✓ Complete all employer-related paperwork and the duties related to payroll and employer-related duties.

- ✓ Review your employees' time sheets to verify that they are accurate.
- ✓ Send your employees' time sheets to the FMS in a timely manner so that your employees can be paid on time.
- ✓ Participate in the development of your plan of care and purchasing plan.
- ✓ Have a backup plan in place in the event that an employee does not show up for work or other essential services are inadequately provided.
- ✓ Participate in required training.
- ✓ Maintain your waiver eligibility.
- ✓ Follow all rules and requirements pertaining to your program, including documentation of services. A copy of your program provider manual will be provided to you upon request.
- ✓ If you do not have work for your employee, either due to a hospitalization or a vacation, your employee may file for unemployment.

Recruitment and Advertising

There are many methods of advertising and recruitment that a person can utilize when looking for a good, dependable direct support workers or other employees. Do not discount any possibility. Below are some suggestions for finding prospective employees:

1. Newspaper Advertisements

Classified ads in newspapers are an efficient method to reach a large audience. Neighborhood newspapers are cheaper than major citywide newspapers, and are good to target potential employees who live closer to your home.

2. Local Newsletters

Sometimes disability and other community organizations and churches will run short ads in their newsletters.

3. Colleges and Universities

Colleges can be an excellent source for finding employees. Many students are looking for extra income to help them through college. Students that have majors in the area of health and human services are often looking for work experience. To advertise a position, contact the career placement office or the student housing office on campus. You might also try health related education departments such as physical therapy, occupational therapy and nursing.

4. Word of Mouth

Don't forget to ask family, friends and neighbors if they, or if they know of anyone who would make a good employee for you. Let them know what qualifications you are looking for, and ask them to tell others about the position, too.

5. Local Agencies

Social or human service organizations like independent living centers often keep a registry or list of direct service workers who may have received some basic training or have work experience.

7. **Bulletin Boards in High Traffic Areas**

Hang flyers on bulletin boards in high traffic areas, such as: grocery stores, banks, apartment buildings, restaurants, community centers, churches and laundromats.

8. **Local Employment Offices/Rehabilitation Agencies**

One source often overlooked is rehabilitation agencies.

9. **Networking**

Exchange of information, names, resources, and services among and between individuals.

10. **Internet**

There are many employment websites (often connected to newspapers) where you can post job announcements, usually for a cost. Common websites include CareerBuilder.com and Monster.com, however you may want to consider posting jobs on sites aimed at nonprofit workers such as Idealist.org. Other good sources may be Craigslist.org or local area yahoo groups. Remember to be careful about posting personal information.

11. **Other –**

Locating eligible services through the Yellow Pages, newspaper advertising state and local professional organizations, etc.

Contents of an Advertisement

The more complete the information, the more you can be sure that the prospective employees that contact you are truly interested, and potentially qualified for the job. It is a good idea to include:

1. Your first name (It is recommended that you not use your last name.)
2. Job title and a short description of the job
3. Phone number

Helpful information you may include:

1. Hours
2. Qualifications required
3. Compensation and benefits offered
4. General Location (i.e. near downtown Baltimore)

Do NOT include your address or other private information in the ad. You may want to have your first meeting with an applicant in a public place rather than in your home.

Screening Applicants¹

The Initial Telephone Contact

1. Give a brief description of the duties of the position, amount of hours the job requires, and the amount and method of pay and any benefits you will be providing.
2. If the applicant is interested, ask the applicable questions, and record answers:

¹ Adapted from *Recruiting, Managing, and Training of Personal Assistants: A Handbook for People with Disabilities* by the Coalition of Texans with Disabilities and the Texas Planning Council for Developmental Disabilities.

- a) Will you give me your name, phone where you can be reached, and address?
 - b) What days/hours are you available to work? Do you have any restraints on your schedule that I need to consider? Are there days you definitely cannot work?
 - c) Have you ever assisted or worked for a person with a disability before? (If yes) Tell me a little about the kinds of tasks you performed.
 - d) Do you have reliable transportation?
 - e) Are you at least 18 years of age and do you have a valid Social Security number?
 - f) Are you allergic to pets? (If you have a pet in your home.)
 - g) Are there tasks you object to performing (i.e. bathing, toileting, and dressing?)
 - h) Do you have any experience in lifting, transferring, and positioning?
 - i) Can you teach me to cook and assist me so I can do my housework?
 - j) Do you have any objection to the requirement of a criminal background check?
3. Tell the person you will call back to make an appointment for an interview (if you are interested in a face-to-face interview). Ask them to bring a Maryland Identification Card or Driver's License and proof of address when they come for an interview. You may consider meeting at a "neutral" location outside of your home for personal safety purposes.
 4. Even if the person is unsuitable for the job, always thank them for their interest.

Conducting An Interview

The Personal Interview

Call those applicants that appeared to be good prospects and schedule each for a face-to-face interview. Allow plenty of time between each interview. About one hour for each interview is usually good. The interview is important because this is the time when you let the applicant know about the job in detail and gather information about the person that you may hire as an employee.

When the applicant arrives there are a few suggestions that can make the interview successful. Some things may need to be repeated from the telephone contact for clarification purposes:

1. Help the person feel as comfortable as possible, and get to know each other a little. Introduce them to your Support Broker.
2. Tell the person about your disability in general. You will speak more in specifics during training if the individual is hired.
3. Ask the applicant to fill out an application. Applications are useful because they are a good way to keep up with the persons that you have interviewed. They also simplify record keeping and are an easy way to have quick access to the information you will need to make a final decision. It will give you good information to ask questions about during the interview as well as provide a good resource for backup or substitute workers if your regular employee is unable to get to work.
4. Give him/her a copy of your job description to read and explain the duties and responsibilities of the job thoroughly. Ask if he/she can safely perform the functions of the job. (i.e. lifting, transferring, etc.)

5. Ask them to tell you about him/herself. Be sure to ask questions about past work history, reasons for leaving other employment, any past experience with personal assistance and why they are interested in this position. Ask if you may contact former employers for a job reference. Ask about their career goals and why they are pursuing this type of work.
6. Describe the work schedule, pay method, any benefits and leave plan, and your method of evaluating an assistant.
7. Give the applicant an opportunity to ask questions.
8. Tell the applicant you will call as soon as you make a decision. (Be sure to contact the applicant even if you decide not to hire him/her). Thank them for their interest and time.

Sample Questions for a Face-to-Face Interview with an Applicant:

The following are a few sample questions you can ask during the personal interview to help choose your assistant:

1. How far do you live from here? (Turnover tends to be higher among workers who commute long distances.)
2. Have you had any experience giving personal care?
3. Tell me how you approach multiple tasks to ensure that all are performed.
4. Are you comfortable performing personal care duties such as bathing and toileting?
5. What do you think will be the best and worst part of this job? What did you like best and least about your last job?
6. What are your best and worst qualities?
7. Why are you interested in being a personal assistant?
8. Give me an example of how you have handled disagreements with your past employers.
9. Describe a hypothetical "scenario," and ask what the applicant would do in that situation.
10. Are you now trained or are you willing to receive training on first aid/CPR, giving medications, and other health care needs?

Warning: When interviewing applicants, apply the same standard that is applied to selection of job applications – ask only about things that are directly related to the job requirements for the position under consideration. Do not ask personal questions that do not apply directly to the job requirements. If you have a non-smoking home and you don't want anyone to smoke there, let the person you are interviewing know this.

Employment Laws

In Support Broker training you will learn about several employment laws you should be aware of:

The **Fair Labor Standards Act (FLSA)** establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. Maryland's **Labor and Employment Article** establishes minimum wage and other labor laws in Maryland.

Equal Employment Opportunity (EEO) laws prohibit specific types of job discrimination in certain workplaces.

The **Age Discrimination Act of 1975** prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. The Act, which applies to all ages, permits the use of certain age distinctions and factors other than age that meet the Act's requirements.

Section 504 of the **Rehabilitation Act of 1973** prohibits discrimination on the basis of disability in programs and activities that receive federal financial assistance and in federally conducted programs.

Title I of the **Americans with Disabilities Act (ADA)** prohibits employers of 15 or more workers, employment agencies, and labor organizations of 15 or more workers from discriminating against qualified individuals with disabilities.

Title VII of the **Civil Rights Act of 1964** prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex or national origin. This law is enforced by the Equal Employment Opportunity Commission (EEOC). Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities that receive federal financial assistance. This law is enforced by the Civil Rights Center.

The **Immigration and Nationality Act** prohibits employers (when hiring, discharging, or recruiting or referring for a fee) from discriminating because of national origin against U.S. citizens, U.S. nationals, and authorized aliens or discriminating because of citizenship status against U.S. citizens, U.S. nationals, and the following classes of aliens with work authorization: permanent residents, temporary residents (that is, individuals who have gone through the legalization program), refugees, and asylees.

While you will be exempt from most occupational health and safety laws enforced by Occupational Health and Safety Administration (OSHA), you should consider your employees' health and safety. You must create a safe working environment for all of your employees, and for employees doing hands-on personal care, train them in the handling of any bodily fluids to ensure your and their safety. You will need to learn about universal precautions that need to be taken to ensure worker safety and any supplies needed should be available to your staff (If these supplies are not available through your health insurance or the Medicaid State Plan, you should include their cost in your IP&B).

Information regarding these and other employment laws can be found on the U.S. Department of Labor's website at <http://www.dol.gov/> and helpful information regarding employee health and safety can be found at <http://www.osha.gov/>.

Checking References

Before you decide which applicant(s) you want to hire, check the work and personal references. Call former employers listed on the application, and look carefully at how long they were employed at each place. Be sure to ask the applicant if you may contact the current employer for a reference check and honor their wish should they not want that employer contacted.

Ask former employers if the applicant worked there and the dates worked; does their response match the applicant's response? You can ask the following, but the previous employer is not legally required to provide you the information: Is the person reliable, did they arrive on time for work, did they do satisfactory work, were there any problems and would you hire him/her again? Be sure to check work and personal references.

Staffing Requirements

Under *New Directions*, you will be the Employer of Record for any staff you hire, meaning you have the legal capacity and responsibility as the employer and supervisor of an employee. As you consider your staffing needs, you need to first determine whether the individuals working with you are employees or contractors. An Employee is an individual hired by you who performs services that are directed and controlled by you, with assistance from your Support Broker, including scheduling of employees, designation of duties, and how duties should be performed. Regularly scheduled support staff members are always designated as employees. Contractor means an individual with specific expertise who is contracted by you who themselves determines the means and methods of accomplishing the results or outcomes specified in the contract. A delegating nurse or occupational therapist could very likely be a contractor under a *New Directions* plan if they meet the definition above. It is important that you follow Internal Revenue Service (IRS) rules governing who is a contractor and who is an employee, so that taxes and other deductions are paid. If you classify an employee as an independent contractor and you have no reasonable basis for doing so, you may be held liable for employment taxes for that worker.

Employees are typically paid on an hourly basis, though some employees may be salaried if they meet IRS qualifications to be considered exempt staff. Exempt employees are generally expected to devote the number of hours necessary to complete their respective tasks, regardless of whether that requires 35 hours per week or 55 hours per week. Their compensation doesn't change based on actual hours expended. Exempt employees aren't paid extra for putting in more than 40 hours per week; they're paid for getting the job done. On the other hand, nonexempt employees must be paid overtime if they work more than 40 hours per workweek. Employees who are paid less than \$23,600 per year (\$455 per week) are nonexempt. Generally, an employee is paid on a salary basis if s/he has a "guaranteed minimum" amount of money s/he can count on receiving for any work week in which s/he performs "any" work.

DDA will not consider direct care staff as "exempt." Support Brokers or other professionals may be considered exempt if they:

1. regularly supervise two or more other employees, and also
2. have management as the primary duty of the position, and also,
3. have some genuine input into the job status of other employees (such as hiring, firing, promotions, or assignments).

The job duties of the traditional "learned professions" may also be exempt. These include doctors, dentists, teachers, registered nurses (but not LPNs), and other employees who perform work requiring "advanced knowledge" similar to that historically associated with the traditional learned

professions. Professionally exempt work means work which is predominantly intellectual, requires specialized education, and involves the exercise of discretion and judgment. Professionally exempt workers must have education beyond high school, and usually beyond college. Advanced degrees are the most common measure of this, but are not absolutely necessary if an employee has attained a similar level of advanced education through other means (and perform essentially the same kind of work as similar employees who do have advanced degrees).

Whether an employee is exempt or not, hourly timesheets must be submitted to the FMS and will be reviewed periodically by DDA to ensure that services are being delivered and payment rates do not exceed the “reasonable and customary” standard.

All of your employees must be at least 18 years of age. All of your employees, including your Support Broker (paid or unpaid), must have a criminal background check. If a potential employee has been convicted of a serious crime (abuse, assault, neglect, etc.) or has been convicted of Medicaid fraud or other serious financial crimes, DDA will not approve payments to that individual. If the potential employee feels that a mistake has been made on their criminal background check, they have a right to appeal it to the Director of the Criminal Justice Information System Central Repository within the Department of Public Safety and Correctional Services.

All of your employees must be certified to perform First Aid/CPR, with the exception of the Support Broker who cannot perform any other service other than support brokerage. As well, each employee administering medications to you must be trained and overseen by a Delegating Nurse who has been approved to teach the Medication Technician Program in DDA and meets the Board of Nursing requirements to provide the nursing oversight required for delegation duties. As you develop your IP&B make sure you include these activities in your plan and budget. The Fiscal Management Service (FMS) requires proof of these certifications before they can pay an individual and will check the effective periods of licenses, credentials, and certificates. An employee cannot work any hours for the participant before they have the First Aid/CPR certification and any other required certifications; the FMS cannot pay for hours worked prior to certification and the criminal background check being run. On occasion, individuals and families have chosen to contract with a staffing agency as a vendor instead of directly hiring their employees. Staffing agencies providing support staff to you must provide a Statement of Assurances and Compliance that all staff providing services and supports to the participant have undergone a criminal background check and meet all training, licensing, certification, credentialing, or permit requirements. If you use a staffing agency, they cannot charge you for any criminal background checks and they must allow DDA or its agents, upon request, to review all staffing agency records relating to your services and the qualifications of their personnel.

As an employer, you may tell an employee when to work. If you are planning to go on vacation or do not need staff for some other reason, you may tell your employee(s) that they have to take paid vacation time at the same time that you do. As the employer, you may schedule an employee’s vacation time to meet your needs. If you do not notify your employee(s) that they have to take vacation time at the same time, then your employee does not have work and is not being paid, so they may apply for Unemployment Insurance. Unemployment Insurance will be awarded if the employer does not have work for the employee. If you have questions regarding your obligations as an employer, please talk to your FMS.

If you are hiring employees you should be aware that under *New Directions* an individual cannot act as both a Support Broker and a staff member *under any circumstances*. This is one of the critical checks and balances in the system to ensure program and fiscal accountability. Unlike DDA's *Community Pathways* waiver, under *New Directions* you may hire family members under the following conditions:

- An individual, paid or unpaid, may not fulfill the role of both Support Broker and paid employee;
- A family member, including a parent, step-parent, or sibling, or a guardian *may* act as an *unpaid* Support Broker or employee for a child participant;
- A family member, including a parent, step-parent, or sibling, or a guardian *may not* be *paid* as a Support Broker or an employee of a child participant;
- Family members or guardians paid to support an adult participant may not fulfill the roles of both paid Support Broker and paid employee;
- Family members (parents, step-parents, siblings) or guardians may not be paid for more than 40 hours per week of services and hourly wages may not exceed reasonable and customary standards;
- A family member (parent, step-parent, siblings or guardian) may not be reimbursed for expenses incurred during an approved vacation (hotel, meals, travel). They may continue to be reimbursed their hourly-rate if they being paid as staff to support an adult participant.
- A participant's Representative Payee may not act as their Support Broker. Individual exceptions may be made by DDA, after consultation with the Social Security Administration.
- A family member, including a parent, step-parent, or sibling, or a guardian may be the paid employee of an adult participant, if the Individual Plan establishes that:
 - ✓ the provision of services by the family member or guardian are in the best interests of the participant;
 - ✓ the provision of services by the family member or guardian are age-appropriate and based on the participant's individual support needs;
 - ✓ the services provided by the family member or guardian will increase the participant's independence and community integration and;
 - ✓ there are documented steps that will be taken to expand the participant's circle of support so that they are able to maintain their health, safety, independence, and level of community integration should the family or guardian caregiver no longer be available.

Within the DDA system, someone becomes an adult when they turn 21. As an adult, you and your family should consider very carefully whether having a parent or other family member as support staff makes sense for you. *New Directions* is about increasing your independence and participation in your community. Some parents, with the best of intentions, want to act as their adult child's support staff because they feel they know their son or daughter best. In the role of support staff, however, they can become a barrier to their son or daughter meeting peers, making independent choices, challenging authority, or learning how to handle new situations by themselves. Sometimes having your mother or father support you might be appropriate, however, think very carefully about

when it is appropriate and when you should have a different staff person. This is an important discussion to have at your Circle of Support meeting where your Resource Coordinator and others you invite can help you make decisions about your IP&B. A series of questions is available in the appendices to help you think about this issue.

Employee Considerations

Individuals need to be aware that any time there is no work for a regularly-scheduled employee, the employee may apply for Unemployment Insurance. To avoid your employees having to claim Unemployment Insurance, you may pay vacation time and stipulate upon hiring that paid vacation must be used when the individual being supported is on vacation. Likewise, employees may apply for Unemployment Insurance upon separation from a position. If you are firing an individual due to unsatisfactory performance, you must document that the individual is being let go (fired) or the individual is eligible to make Unemployment Insurance claims.

Employee Benefits

Individuals may include employee benefits in their IP&Bs, such as vacation pay, health insurance, bonuses, etc. The cost of taxes and benefits may not exceed 26% of the individual's projected annual pay under the *New Directions* budget. Bonuses must be clearly explained in the IP&B and, with the exception of bonuses paid for the recruitment of additional staff, should be based on employee performance. Health insurance payments must be made directly to the insurance company or carrier.

Role of the Support Broker

A Support Broker is one of the requirements for enrollment in the *New Directions* waiver. The Support Broker is a person who will help you make decisions on the supports or services that are best for you. They will work with you on recruiting and hiring staff, work with DDA Regional Office staff and make sure that you have the supports in place to live successfully in the community. How often and what type of help you get will depend on your specific needs. The individual or family can either hire the Support Broker themselves or they can buy Support Broker services from an individual contractor or an agency. A listing of Support Brokers is available on the DDA website, www.ddamaryland.org/waiver.htm. The list of Support Brokers is being provided by the Developmental Disabilities Administration (DDA) as a service to individuals participating, or interested, in *New Directions*. By providing this list, it does not constitute DDA's approval or endorsement of any of these Support Brokers. The information provided is compiled solely from information provided by the Support Broker.

The Support Broker must:

- Have a criminal background check
- Be trained on person-specific information
- Be familiar with self-directed services and the DDA service system

- Have completed DDA Support Broker training
- Be familiar with local, state, and federal employment laws and aspects of employment and termination of support workers

Support Broker duties:

- With you, advocate for your needs
- With you, develop your plan and plan annual updates
- With you, develop and manage your budget
- With you, develop an emergency back-up plan
- With you, manage your services
- With you, recruit, hire, supervise and terminate your staff (including preparing you and accompanying you to any unemployment insurance or Workers Comp hearings)

Who Can be a Support Broker?

- A member of your family (only certain members can be paid), or
- A trusted friend, or
- Anyone who meets the requirements above, and who you trust!

Each individual with developmental disabilities who chooses to self-direct their services and supports has the responsibility of hiring a Support Broker. Support Brokers assist individuals in planning, setting up support, assuring over time that goals are met, facilitating opportunities to have and make choices, and monitoring safety. The following information was adapted from "Understanding the obligations of supported living," a section of *Assistance With Integrity*, by John O'Brien and Connie Lyle O'Brien, Responsive Systems Associates, Lithonia, GA., 1993. It is written from the perspective of the Support Broker.

People with developmental disabilities need committed, capable allies if they are going to overcome the barriers imposed by widespread prejudice and discrimination. It is important for a Support Broker to be committed to becoming such an ally. Being someone's ally doesn't necessarily mean becoming a close friend or endorsing everything the person does or wants. From the point of view of the Support Broker, whose primary role is to help people obtain what they want, it means being willing to be involved in a constructive way in helping a person discover and move toward a desirable personal future.

Support Broker Certification

A Support Broker may be denied certification, or certification can be revoked, if:

- a criminal background check reports any activity that may jeopardize the individual's health and safety or fraudulent activity;
- it has been determined that actions or inactions of the Support Broker have placed an individual's health and safety at risk
- it has been determined that a Support Broker has not followed the DDA's Policy on Reportable Incidents (Critical Incidents Policy)
- it has been determined that fraudulent activity has been committed after employment has begun;

- there is mismanagement of funds

Obligations to the Person

There are a variety of obligations that Support Brokers accept in relation to the person or people they assist. They acknowledge that in order to assist an individual effectively, a Support Broker must earn trust and the distinction of being an ally by:

- respecting the individual who hires them
- listening and observing carefully so that they can keep getting to know the person better
- learning about the kind, amount, and style of assistance needed by the individual to live successfully in her/his home and community
- learning about the individual's interests and preferences and helping identify the kind of support that will offer a safe and reasonable basis for participation in community life
- working with the individual, and her/his family and friends, to identify ways to obtain the assistance needed
- recognizing the social, financial, and personal barriers to the kind of life each individual wants, and helping identify ways to overcome them
- understanding each person's vulnerabilities related to her/his disability and personal history, and carefully negotiating safeguards with each person to balance risk and safety in a responsible way
- using knowledge and experience to help individuals be flexible and creative with all the resources available, and responding as her/his interests, preferences, and needs change
- keeping responsibilities clear so that, in every area in which the Support Broker works together with the individual that hires them, all team members are aware of each other's contributions and responsibilities minimizing intrusion into the person's life. This is done by periodically checking to make sure team members are doing only necessary tasks in the least intrusive ways.
- sticking with the person during difficult times. The Support Broker should plan on there being significant challenges.
- following through on commitments to the individual and not making promises that cannot be kept.

Support Brokers recognize that social, legal, and service developments may open many new possibilities for an individual, and accept responsibility to:

- provide current information to the individual who hires them
- invite and encourage the individual to try new experiences that are safe and health promoting
- invite and encourage the individual to widen her/his circle of friends and contacts
- hold high expectations for the quality of the individual's life, and assist her/him in participating as a full citizen and community member
- stretch their own awareness of possibilities by actively seeking contacts with people involved in building up our communities, and with people who are developing more effective and practical ways to assist people with disabilities such as organizations run by self advocates.

Support Brokers realize that team members may disagree with them or be dissatisfied with their assistance to the individual who hire them, and accept responsibility to:

- negotiate openly with each individual in search of mutually satisfying outcomes
- try new ways to assist, then check to see if the new approach has good results
- work hard to understand communication about the adequacy and acceptability of their assistance, especially when an individual more often communicates with behavior than words
- help each individual explore other sources of assistance, if she/he wants to do that.

Obligations to the Person's Family and Friends

A Support Broker also acknowledges the importance of family and friends to the individuals they assist. They want to invite and encourage active support for a positive future for the person who hires them, and the Support Broker does not in any way seek to replace family and friends in the person's life. A Support Broker must recognize that family and friends may disagree with them or be dissatisfied with the support they provide. Thus, a Support Broker accepts responsibility to:

- respond to concerns about the person's safety and well being
- negotiate openly in search of mutually satisfying outcomes.

A Support Broker needs to realize that the individual they assist and their family and friends may have different, perhaps even conflicting ideas about what is possible and desirable for the individual. In the event of these differences, a Support Broker agrees:

- to uphold the importance of mutually respectful relationships among family members
- to assist everyone involved to negotiate a satisfactory resolution to the conflict, if their help is acceptable to the person they assist and to involved family and friends
- that if the conflict is serious and cannot be resolved, they maintain respectful contact with all parties but honor the choice of the person they assist. If this level of disagreement exists amongst team members, the participant's Resource Coordinator needs be made aware and can assist in efforts to build a consensus.

To help each individual build the future she/he wants, a Support Broker must invite and assist others within the community to do what the human service system cannot do alone, which is to help people create satisfying lives and fulfilling community relationships.

The role of Support Broker is multifaceted and requires certain skills and personal characteristics. Every Support Broker grows and evolves in this role and may not initially possess all of these qualities and skills, but should work towards attaining them. The following list is a compilation of skills and traits originally authored in two separate documents by the Dane County Human Services Department in Wisconsin, and by Ellen Cummings from the Center for Self-Determination.

A Support Broker is someone who has:

- Experience assisting individuals with disabilities or a specific individual with a disability
- The ability to develop close relationships with individuals who receive support and all of the people who are important in their lives
- Knowledge of how to lead

- The capacity to listen
- Negotiation skills and the ability to resolve conflicts
- Approachability
- Availability
- The ability to understand budgets and work within them
- Knowledge of the community and its resources through experience and being an active community member
- Commitment and the ability to uphold the concepts of self-determination
- The ability to assist people with disabilities (or a specific individual), their family members, and support team members in the evaluation of services and supports
- Organizational skills
- Skills in coordinating services
- Skills in designing, organizing, and facilitating person-centered planning
- A clear vision of the role of Support Broker, and the ability to “check one’s ego at the door”
- Trustworthiness, creativity, flexibility, and responsiveness
- The ability to work in an environment of ambiguity

The following general job description that outlines the duties of all Support Brokers is adapted from the description developed by the Wisconsin Support Broker Coalition:

Support Broker Job Description

The following categories are an outline of the job duties expected of the Support Broker.

Planning: If possible, the Support Broker is expected to be involved in the initial planning process with the person and her/his team as they create a Person Centered Plan. While the initial Person Centered Plan may be coordinated and facilitated by a Resource Coordinator (and the Support Broker hired at a later date), it is expected that under the *New Directions* Waiver, the Support Broker will take an increasing role in coordinating planning meetings. The Support Broker should help ensure all key people have input, and document the planning sessions. A written copy of the Person Centered Plan will be submitted with the Individual’s Plan and Budget (IP&B).

Training: The Support Broker is expected to complete all mandatory Support Broker training offered by the Developmental Disabilities Administration (DDA). Support Brokers whether paid or volunteering may be required to attend information sessions throughout the year as a means of gaining resources and learning more about Self-Directed Services.

Fiscal Responsibility: The Support Broker is charged with assisting the person with choosing and coordinating their services. To accomplish this, the Support Broker must be aware of various service funding programs, both for personal funds and support funds, and how this relates to the *New Directions* Waiver. In addition, a Support Broker should understand how an individual may blend their personal funds, family resources and public funding to help an individual achieve their goals.

- Knowledge of Personal Funds. It is expected that all Support Brokers will have some knowledge of the individual's personal funds, including SSI and SSDI benefits. There must also be an understanding of how Medicaid (Medical Assistance) is related to personal funds, including what services or items Medicaid can and cannot cover. If the individual has a representative payee, the Support Broker should understand the representative payee's responsibilities.
- Knowledge of public funding. It is expected that all Support Brokers learn how funding works through the waiver program. The Support Broker will be working with the individual's Fiscal Management Service (FMS), so should be knowledgeable about an individual's *New Directions* Waiver budget.

Communication and Coordination: The Support Broker is expected to complete a minimum of four hours per month of contact with the consumer and coordination of services. For many individual's much more contact and coordination is needed.

Mandatory Reporting: Each Support Broker is required to be proficient in DDA's Critical Incident Reporting Requirements and the Abuse and Neglect Laws of Maryland, and are required to report any situation of suspected abuse or neglect.

Paperwork/Documentation: The Support Broker is responsible to complete a variety of paperwork for people to receive services through the *New Directions* Waiver. This includes annual updates, fiscal paperwork, and requests for plan and budget modifications. It is recommended that Support Brokers establish a written communication log for an individual's team, including support workers, that details pertinent information, progress towards goals, health status, etc, as well as any administrative time spent.

Knowledge of Community Resources: It is expected that the Support Broker will work with the Resource Coordinator to gain knowledge of community resources. These include both paid and natural supports, as well as "generic" (services available to everyone) and specialized services.

Team Building and Conflict Resolution: A Support Broker is expected to assist individuals in building and maintaining strong teams (Circle of Support) that help a person live the life they desire. Teams typically include a combination of family, friends and paid supports. Each Support Broker must be proficient in facilitating team meetings when necessary. There also may be a need for the Support Broker to mediate conflicts in order for the team to find a resolution with a situation.

Minimally Support Brokers must:

- Be selected, hired and work under the direction of the person receiving support
- Implement and assist in any revisions of an individual's person-centered plan
- Assist a person in identifying and obtaining needed supports that can be purchased within their Individual Plan and Budget, including the hiring and firing of staff and related employment activities such as preparing the person and accompanying the person to unemployment insurance and Workers Comp hearings.
- Have at least four hours per month of contact with the person receiving services
- Communicate with the individual's Circle of Support, resource coordinator, and the DDA Regional *New Directions* Coordinator as required

- Conduct and/or coordinate staff training
- Assist a person in developing their own personal record keeping system to help organize supports and services and ensure communication among support staff
- Review timesheets, other receipts/invoices for services and supports, and the monthly financial statement
- Assist a person to complete and maintain required on-going forms and records, including:
 - Individual Plan and Budget (IP&B)
 - Budget and Plan Modifications
 - Plan Annual Updates
 - Monthly financial statements from the Fiscal Management Service (FMS)
 - Important health records and emergency back-up plan information
 - Staff employment applications and training records

Minimally Support Brokers must assure that:

- A person receives necessary health care
- A person is living in safe, decent conditions
- A person's money is being appropriately managed
- All workers are adequately trained and aware of the person's support needs
- The person is receiving adequate support to maintain health and safety
- If one or more of these conditions are not met, the broker must be actively involved in trying to assure that they are met.

Standards for Support Brokers

Under the *New Directions* Waiver individuals with disabilities have the right to choose their own Support Broker. This manual is written with the presumption that a Support Broker chosen is not a friend or family member familiar with the individual, however, if you are a friend or family member who is acting as a Support Broker for a child or adult, the same standards apply.

Individual, Family & Community Relations

A1. Building an Individual/Support Broker Relationship

Standard: Through an interviewing process, the Support Broker is chosen by an individual to help her/him make plans, and to coordinate services on her/his behalf.

Goal: During the interview, the Support Broker and the individual are able to discuss the individual's needs, wants, and desires, as well as the Support Broker's roles, responsibilities, and availability.

Intent: An individual chooses a Support Broker with whom she/he is compatible. Through interviews, the individual with assistance from others he/she chooses when appropriate is able to find the best available match and eventually hire a Support Broker. The assumption is that both the individual and the Support Broker are aware of the roles and responsibilities each will have in their relationship. It is also assumed that each has the choice to change the relationship if necessary.

A2. Initial Acquaintance

Standard: The Support Broker meets each new individual or family before conducting or participating in an individualized planning meeting.

Goal: Support Brokers develop positive working relationships with the individuals they support so that there is effective communication as well as progress toward meeting each individual's needs and achieving her/his goals.

Intent: Support Brokers need to be familiar with the wishes and dreams of the individuals they support in order to ensure that the service provided is person-centered. The intent is to make certain that the Support Broker gets to know the individual as soon as possible after being hired.

A3. Knowing the Individual

Standard: The Support Broker gets to know each individual through visits with the individual in his/her environments, and learns what the individual likes to do.

Goal: Support Brokers develop positive working relationships with the individuals who hire them so there is effective communication, as well as progress toward meeting each individual's needs and achieving her/his goals.

Intent: In order to promote self-direction, the Support Broker should be familiar with the preferences of the individuals they support. This includes understanding significant information about the individual's life experience, including likes and dislikes. Service quality is enhanced when there is continuity of information over time, maintained by the Support Broker. To understand the individual's needs and suggest ways to help meet these needs. The Support Broker should know who the individual is and how she/he lives in her/his environment. This knowledge provides a baseline from which the Support Broker can assess change, and thus help ensure the happiness, health, and safety of the individual.

A4. Working Relationship

Standard: The Support Broker develops and maintains a professional and respectful working relationship with individuals and families.

Goal: Support Brokers develop positive working relationships with the individuals who hire them to ensure effective communication as well as progress toward meeting each individual's needs and achieving her/his goals.

Intent: To work well with an individual and her/his team, the Support Broker should develop an effective working relationship with the individual and those important to her/him. This may include family members, guardians, service providers, or other community members.

A5. Regular Contact

Standard: The Support Broker maintains regular contact with the individual and the Circle of Support or team.

Goal: Support Brokers develop positive working relationships with the individuals they support and the teams involved so that there is effective communication, as well as progress toward meeting each individual's needs and achieving her/his goals.

Intent: To provide consistent support to the individual to achieve her/his goals over time, the Support Broker offers and provides regular contact with the individual. A Support Broker must provide a minimum of 4 hours of Support Brokerage per month, however the number of hours may be a great deal more, especially as they begin setting up services for an individual.

A6. Responsiveness

Standard: The Support Broker is prompt in returning telephone calls and email messages.

Goal: The Support Broker develops positive working relationships with the individuals who hire her/him, and other team members by using effective communication. This will enhance progress toward meeting each individual's needs and achieving her/his goals.

Intent: Timely response to telephone and email messages is important to convey that communication is valuable while ensuring that the needs of the individual and her/his team are addressed in a timely manner. Support Brokers are expected to respond to all communication promptly. Some communication may take a higher priority than others. *New Directions* participants who have challenges communicating will require a Support Brokers that is able to find alternative ways for the person to indicate his or her needs and desires.

A7. Changing Support Brokers or Ending Support Broker Services

Standard: Transitioning from or between Support Brokers will be smooth and well-coordinated to ensure quality support for individuals.

Goal: Support Brokers develop positive working relationships with the individuals who hire them so that there is effective communication as well as progress toward meeting each individual's needs and achieving her/his goals. When a transition needs to occur, it will be well-coordinated and as well-planned as possible.

Intent: The current Support Broker should facilitate the transition to a new Support Broker. Degree of involvement will vary based on the individual's (or her/his family's) wishes. Generally, the outgoing and incoming Support Brokers will work with the individual to mutually agree upon a transition date. The new Support Broker notifies the DDA *New Directions* Regional Coordinator, the Resource Coordinator, and the FMS that a new Support Broker has been hired. All paperwork pertinent to the individual should be transferred to the new Support Broker, including the approved

IP&B, documents pertaining to staff and staff training, FMS records, communication logs, meeting notes, etc.

A8. Information Sharing

Standard: Each Support Broker will provide necessary information when requested by the individual's Fiscal Management Service (FMS), Resource Coordinator or the Developmental Disabilities Administration.

Goal: The Support Broker will follow policies regarding confidentiality while ensuring that necessary information is provided to the FMS, Resource Coordinator, and DDA.

Intent: Availability of information regarding a person is vital to the development and success of an individual's *New Directions* IP&B. Certain documentation and information is necessary for implementation and continuation of an individual's services. Support Brokers should also be aware of laws governing the privacy of individual's health information and records.

Individual Goals and Plans

B1. Preplanning—Planning the Plan

Standard: Each individual who receives support has a current written Individual Plan and Budget (which is inclusive of a person-centered plan, Individual Plan, and an Individual Budget) that addresses her/his dreams, goals, needs, and supports.

Goal: Support Brokers facilitate the development of an individualized plan as an effective person centered process for the individual and her/his team. The purpose of the plan is to state the individual's dreams, needs, and goals, and to develop steps toward achieving success in these areas. The plan also documents pertinent social history of the individual and identifies important people in the individual's life.

Intent: Assisting individuals with planning is a principal role of the Support Broker. The Support Broker facilitates a planning process that makes sense to the individual and puts the plan in writing, which honors the vision the individual has for her/himself and her/his future. In addition, it specifically defines the supports needed to make her/his goals happen.

B2. Planning for the Future—The Meeting or Information Gathering Process

Standard: The Support Broker actively guides and supports the individual to articulate her/his needs and goals while planning for the future.

Goal: Support Brokers facilitate development of an Individual Plan and Budget as an effective person-centered process for the individual and her/his team. The purpose of this plan is to state the individual's needs and goals, and to develop steps toward achieving those goals, especially regarding independence, community integration, and quality of life.

Intent: The Support Broker actively supports person-centered planning principles to assist the person in developing a life plan and long term goals. To achieve this, the Support Broker helps the individual and her/his support team to identify shorter-term goals, develop realistic steps toward attaining those goals, evaluate progress toward goals, identify barriers to goal achievement and remedies, and decide on the next steps. The Support Broker ensures that the person has as much control over her/his planning process as possible. Plans should be self-determined and services self-directed to the greatest extent possible. When an individual is not able to fully communicate for her or himself, the Support Broker will find ways for the person to direct the process and communicate her/his goals.

B3. Documenting the Plan

Standard: When an Individual Plan and Budget (which is inclusive of a person-centered plan, Individual Plan, and Individual Budget) is developed, the Support Broker effectively and efficiently facilitates team discussion and decisions based on the individual's dreams, goals, and needs.

Goal: Support Brokers facilitate development of an individual plan as an effective person-centered process for the individual and team. The purpose of the plan is to state the individual's needs and goals, and to develop steps towards achieving those goals, especially regarding independence, community integration, and quality of life. Planning should be done within the individual's budget for support.

Intent: The planning process involves the people whom the person chooses to include in the planning process. The Support Broker facilitates this team to assist the individual in articulating her/his needs and desires, and achieving her/his goals. Support Brokers should encourage individuals to lead their own planning process, if they choose to do so, and also provide guidance with the individual's budget for support. Effective person-centered planning promotes respectful communication and a sense of partnership among all team members. The yearly plan is individualized and person-centered so it will reflect the needs, desires, and goals of the individual. The foundation of this plan should include the preferences of the individual, although negotiation may be necessary to address health, safety, individual rights, or other concerns. The individual and the team will identify roles and responsibilities for each team member. The Support Broker will facilitate or participate in other types of individualized planning processes and/or meetings as necessary. The Support Broker documents discussion and decisions on all required or pertinent issues within and related to the IP&B. Steps for helping the individual attain her/his goals are developed and discussed during the planning process. In team meetings, roles and responsibilities of team members are clearly assigned.

B4. Monitoring the Plan

Standard: When an Individual Plan and Budget (which is inclusive of a person-centered plan, Individual Plan and Individual Budget) is developed, the Support Broker monitors its elements on a schedule set by the person and the team, at a minimum of 4 hours per month.

Goal: Support Brokers facilitate development of an Individual Plan and Budget as an effective person-centered process for the person and her/his team. The purpose of this plan is to state the

person's needs and goals, and to develop steps toward achieving those goals, especially regarding independence, community integration, and quality of life.

Intent: Monitoring of a person's plan promotes a proactive approach to assist the person in achieving her/his goals and to review the progress toward stated goals. Thorough and consistent monitoring leads to flexibility in determining whether to change course if the person is not satisfied with rate of progress, a strategy is not effective, or a goal needs modifying. The Support Broker works in conjunction with the individual and other team members. The individual and her/his team are in the best position to understand and identify the appropriate type and frequency of monitoring for any given issue, which respects the knowledge and role of the team while allowing flexibility to ensure that monitoring is reasonable and effective. Monitoring helps ensure that the person's health, safety, and rights are protected so that concerns are identified and intervention can occur in a timely manner. Monitoring can promote stronger partnerships between individuals receiving support, Support Brokers, families, and service providers, while also increasing opportunities to influence the improvement of quality. Support Brokers monitor the tasks they have agreed to fulfill. The Support Broker will write a Critical Incident Report if she/he observes or has knowledge about concerns in areas outlined in the DDA Critical Incident Reporting Requirements and submit the appropriate report to Child or Adult Protective Services. Difficulties with services may require an increase in hours of a Support Broker's assistance and monitoring. If the Support Broker is a paid employee, any increase in hours must be supported by the approved IP&B.

Ongoing Support

C1. Self-Directed Decisions

Standard: The Support Broker will help the individual in her/his self-advocacy efforts.

Goal: Support Brokers will actively support individuals in identifying their goals, and utilizing their voices to do so.

Intent: To promote self-advocacy, the Support Broker will ensure that each individual receives support to: 1) develop and maintain personal relationships, 2) pursue inclusion in community functions and memberships, 3) for partnership and collaboration among team and community members, and 4) for increased decision-making by providing active support with learning opportunities. Whenever possible, the Support Broker will encourage individuals to facilitate their meetings and/or actively participate in discussions to the fullest extent possible.

C2. Advocacy Through Coordination of Supports

Standard: The Support Broker will advocate for each individual to lead a life of her/his choosing.

Goal: Support Brokers will help individuals obtain and maintain their chosen supports.

Intent: Support Brokers play an important role in advocating and facilitating effective interdependent relationships that connect individuals with disabilities to services, family members and their community. Support Brokers assist individuals in finding supports and services, including

assisting with the finding, hiring, supervising, evaluation, and firing of staff, and finding and contracting with vendors. The Support Broker will remain current on resources and services in the individual's community.

C3. Access to Community Resources

Standard: The Support Broker, with the assistance of the Resource Coordinator as needed, ensures that the individual is offered access to community resources.

Goal: Support Brokers provide information and access to community resources in accordance with each person's needs and interests.

Intent: Community participation offers opportunities to develop ongoing social connections that enhance the individual's life. The Support Broker's role is, therefore, to help the individual identify and obtain access to community resources and supports. The Support Broker seeks out information from multiple resources, including the individual's Resource Coordinator. The goal is always to assist the individual in accessing more opportunities to participate in his/her community.

C4. Problem Solving

Standard: The Support Broker actively guides and supports the individual to make decisions while identifying and addressing problems.

Goal: Support Brokers provide ongoing problem-solving support, assisting the individual in decision making as the need arises.

Intent: The Support Broker's role in assisting with decision-making is to provide support to the individual and/or family, which may include active listening and support so the individual can resolve a problem, assisting the individual to do research as needed, identifying resources the individual already has, or could access, gathering and providing information, facilitating problem solving strategies, providing coordination between services, and applying assessment skills to determine the most important priorities. The Support Broker is skilled in these areas and is able to assist individuals to make decisions and resolve problems as they occur. When an individual is her/his own decision-maker, the Support Broker will respect her/his decision regarding the involvement of family or other significant people. The Support Broker's role is to provide education, not to prevent an individual from making a decision that may be perceived as unpopular.

C5. Managing Risks

Standard: The Support Broker provides information about benefits and risks while helping the individual to assess options and consequences.

Goal: Support Brokers provide ongoing support to assist the individual with risk management as the need arises.

Intent: In order to help the individual make informed decisions and manage risks associated with her/his choices, the Support Broker provides understandable information when discussing options and the potential consequences of each option. If abuse or neglect is reported or observed, the Support Broker understands that she/he is a mandatory reporter and follows DDA policy for reporting abuse and neglect and other critical incidents.

C6. Rights and Responsibilities

Standard: The Support Broker provides information to both the individual and those she/he cares about on rights and responsibilities.

Goal: Support Brokers provide ongoing support to assist the individual with understanding her/his rights and responsibilities and how she/he may exercise them in various circumstances.

Intent: Individuals and those with whom they interact may have different perceptions about the individual's rights and choices. Information on individual rights and responsibilities can assist in developing new relationships as an individual gains skills and experience. The Support Broker may assist the individual in communicating with others regarding the person's rights and responsibilities.

Fiscal Responsibilities

D1. Making Resource Decisions

Standard: After person-centered planning has occurred, the Support Broker works with the individual to identify and prioritize her/his support needs. The Support Broker then assists the individual in identifying the best ways to achieve the desired outcomes within the specified budget.

Goal: A Support Broker assists in developing an Individual Plan and Budget that utilizes public dollars, personal funds, and community and family resources to achieve the outcomes prioritized in the person-centered plan.

Intent: The intent is to help people purchase supports that are likely to lead to the best outcomes possible. Typically, this includes ensuring that an individual lives in a place of her/his own choosing with people of her/his choosing, generates her/his own income, has meaningful memberships in community organizations of her/his choosing, and has friends and intimate relationships, in accordance with her/his preferences. The Individual Plan and Budget is a tool for allocating public dollars in a manner that most effectively meets a person's needs. Often, it does not include enough funds to purchase every support or service a person may want. Support Brokers work with the individual to set priorities, ensuring that an individual's basic health and safety needs are met. When people have the ability to control how they spend their service funds, they also have a responsibility to spend public dollars wisely. Support Brokers help familiarize people with support and service providers within the developmental disabilities community, as well as, more generic community resources and informal or natural supports. Then, Support Brokers help individuals select the service most likely to produce the desired outcome at the most reasonable price. Before asking for additional service dollars or spending money on non-essential services, people should consider the

needs of other people who are on waiting lists to receive government funding. When additional funds are necessary, Support Brokers should advocate for funding adjustments.

D2. Financial Paperwork

Standard: The Support Broker coordinates the flow of financial paperwork to the Fiscal Management Service (FMS) necessary to ensure prompt and accurate payment to employees and vendors.

Goal: A Support Broker assists an individual to implement the Individual Plan and Budget by providing accurate and timely financial documentation.

Intent: To provide effective support, employees and vendors need timely, accurate payment.

D3. Knowledge of Fiscal Resources

Standard: Support Brokers will demonstrate knowledge and understanding of an individual's benefits as well as resources and funding streams beyond DDA-funded developmental disability services. This includes, but is not limited to Social Security benefits, Medicaid and Medicare, trust information, affordable housing options, aging resources, and a variety of generic community resources and natural supports.

Goal: Support Brokers assist individuals in maintaining a combination of service dollars, informal supports, and a variety of community resources utilized to achieve an individual's stated priorities.

Intent: DDA-funded developmental disability resources cannot fully address the personal goals, dreams, and support needs of most individuals. Other programs, community resources, and natural supports enhance the richness of people's lives and can address gaps not met by DDA funding.

D4. Preventing Financial Exploitation

Standard: Support Brokers remain mindful of potential financial conflicts of interest and financial exploitation.

Goal: Support Brokers serve as an advocate for the individual, ensuring health, safety, budget solvency and integrity, and that individual rights are maintained.

Intent: The Support Broker serves as a critical link assuring the overall quality of an individual's services. This includes looking for and trying to minimize potential financial conflicts of interest that may be present in a person's support, ensuring a system of financial oversight is in place, and immediately reporting suspected financial exploitation.

Support Broker Skills and Conduct

E1. New Support Broker Training—Core Knowledge

Standard: New Support Brokers will complete DDA required training.

Goal: Support Brokers will have knowledge of their roles and responsibilities under the *New Directions* Waiver.

Intent: New Support Brokers are provided with formal training on the functions of their jobs and relevant DDA policies. Initial Support Broker training will take place prior to an individual being hired as a Support Broker.

E2. Ongoing Training

Standard: The Support Broker will stay current with available training designed to clarify job duties and enhance her/his overall job performance.

Goal: The Support Broker will develop and use her/his knowledge and skills to offer individualized support to an individual or individuals in the community.

Intent: The Support Broker will attend various trainings each year in order to increase her/his knowledge of job responsibilities, requirements, expectations, and changes in the field. Training is developed to provide the Support Broker with opportunities to enhance her/his job performance and to encourage her/him to be responsive to the needs and desires of each individual. Training can occur in a variety of settings such as staff meetings, Brown Bag forums, and those sponsored by DDA. Some training will be mandated while other sessions will be available for Support Brokers to select as they and the individual they serve view useful.

E3. Support Broker Supervision

Standard: Support Brokers are supervised and evaluated by the individual(s) and families that they serve. Support Brokers meet with their employer, family members, and teams to discuss progress and to assess the Support Broker's strengths and needs.

Goal: Support Brokers will receive support to develop and use their knowledge and skills to support people in the community.

Intent: By means of frequently scheduled meetings, Support Brokers and the individual, their family, and team are able to monitor and ensure progress. Areas that require improvement are addressed promptly. By assessing their performance and needs frequently, Support Brokers feel confident in their roles, and are encouraged to provide the most effective services possible for individuals with developmental disabilities. Resource Coordination will be available to assure these successful relationships are occurring.

E4. Conduct and Ethics

Standard: All Support Brokers will follow rules of professional conduct and follow HIPAA confidentiality requirements.

Goal: Support Brokers will conduct themselves in a professional manner at all times as they offer individualized support to people in the community.

Intent: Support Brokers will demonstrate professional conduct at all times during working hours. Individuals and/or families being served by a Support Broker should assure that they know all rules of work conduct, consumers' rights and grievance procedures, and all confidentiality requirements. Resource Coordination will be available to assure these successful relationships are occurring.

Quality Assurance

F1. Ongoing Assessment of Quality

Standard: Support Brokers will conduct ongoing quality assurance activities.

Goal: Each Support Broker will develop Quality Assurance mechanisms and tools for individuals and team members to complete to give feedback about the quality of their services.

Intent: Support Brokers provide a variety of services for each individual and her/his team. The individual and team will be invited to give feedback to the Support Broker regarding the services and supports they receive. The feedback will provide each Support Broker with positive comments as well as suggestions for improvement. Resource Coordination will be available to assure these successful relationships are occurring. Resource Coordinators play a key role in assuring that individuals receiving services funded by DDA are healthy and safe, that the Individual Plan is being implemented as written and approved, and that the waiver participant is receiving quality services. A Support Broker must work in partnership with the individual's Resource Coordinator.

Working with Your Support Broker

The relationship between you and your Support Broker should be one of partnership, however you are their employer. You, therefore, have the right to change your Support Brokerage services or your Support Broker.

Evaluating Your Support Broker

Now that you have hired your Support Broker you need to be clear about what you want done and how they are doing in their role as your Support Broker. Remember communication is the key to success. It is better to say "I need" not "can you do it this way". Talk to your Support Broker about how they are doing, and let them know if a change is needed. Here are some communication tips:

If there is a problem:

- Talk about the problem as soon as it starts

- Listen to you Support Broker
- Stick to talking about the problem
- Discuss how to correct the problem using “I” statements. Example: “I think this is not working” or “I need you to assist me in training my personal care attendant”.

You may want to set up a time for consistent evaluations once a quarter or every six months. Here is an example of a basic performance evaluation:

Question	Always	Sometimes	Rarely
1. Is thorough in his/her work			
2. Is able to define his/her area of responsibility			
3. Respects my values and goals			
4. Communicates well with the team			
5. Shows willingness to tackle new challenges			
6. Positive attitude overall			
7. Assists me in evaluating various options and available resources, as well as in understanding the pros and cons of each option/resource			
8. Navigates community resources with me or for me			
9. Develops community connections			
10. Assists me to recruit, hire, manage, and negotiate rates and contracts with chosen staff and vendors			
11. Establishes work schedules for supports based upon the person-centered plan			
12. Trains staff and assists me in supervising staff			
13. Assists with discharging employees or vendors when necessary			
14. Assists with developing and implementing a back-up/emergency plan to meet my needs as designed in my support plan			
15. Assists with managing my individualized budget			
16. Other:			

Changes To Your Support Brokerage Services

You may negotiate with your Support Broker the types and frequency of support at any time. You and your Support Broker will need to discuss your desired changes and agree to the new expectations. If you are unhappy or dissatisfied with services from you Support Broker, you have the right to tell your Support Broker and if you want something changed you should let your Support Broker know. You might want to review the list of Support Broker expectations on the individualized job description and review the standards for Support Brokers, explain what expectations are not being met and if necessary, clarify the written job description. Explain why the changes are important to you and then if the Support Broker agrees to make the necessary changes, continue, over time, to assess the Support Broker’s performance. You may want to enlist family, friends or your Resource Coordinator to assist you with these functions.

If you are still not satisfied with your Support Broker, you may inform him/her that their services are no longer needed and hire another Support Broker. If this is your choice, you must notify your DDA *New Directions* Regional Coordinator, Resource Coordinator, and FMS of the change. But, you must have a new, certified, Support Broker within 30 days. **If you do not have a Support Broker for over 30 days, you are no longer eligible for the *New Directions* waiver.**

Discharging Your Support Broker

If your Support Broker is hindering you from achieving the life you want, they are defeating the purpose of having them. You need to get someone who can help you live more independently. After repeated attempts to correct the problem and with little or no change, you should consider terminating the Support Broker and hiring someone else. Terminating an employee is rarely a pleasant experience. Here are some possible steps to terminating an employee:

1. Set a date for termination
2. Have someone else present – a family member, friend or Resource Coordinator
3. Let them know this arrangement is not working out as you hoped and that their services are no longer needed; if the situation is right, try to give them some notice.
4. If they want an explanation refer to the discussions, the contract or job description, and/or the Support Broker standards
5. Tell them when they will receive their last check

As you develop policies and procedures for your employees, you should gather them into an employee manual. The employee manual should clarify the roles and functions of staff, outline any policies regarding holidays, vacations, and other benefits, and clarify the process for evaluations and discharges.

Critical Incidents Reporting Requirements

Reportable incidents are significant events or situations that, because of the severity or the sensitivity of the situation, must be reported by staff to the Support Broker who in turn must report it to your DDA Regional *New Directions* Coordinator. If the reportable incident involves the Support Broker, staff have a legal obligation to report the incident directly to the Resource Coordinator, who will then submit it to DDA. The Support Broker and/or the Resource Coordinator will assist the waiver participant and their Circle of Support in reporting and reviewing the incident, and identifying resources and/or corrective measures to minimize the potential for recurrence of similar incidents. Documentation of all follow up shall become a part of the individual's record.

A full copy of the Critical Incident Reporting Requirements policy and procedures is on the DDA website (www.ddamaryland.org) and in the appendices, however, in summary the following events must be reported:

- Physical Abuse
- Sexual Abuse
- Psychological Abuse
- Use of aversive techniques

- Inhumane treatment
- Seclusion
- Violations of individual rights
- Neglect
- Deaths
- Unexpected or unplanned hospital visits
- Severe injuries
- Theft of an individual's property or funds
- Medication errors
- Use of restraints
- Incidents reported to or requiring services of a law enforcement agency or fire department

A report must be filed with the DDA Regional *New Directions* Coordinator within 24 hours of any occurrence of the incidents listed above. A staff training Powerpoint is available on the DDA website for Support Brokers use in training staff and more fully explains incidents that must be reported. **According to Maryland law and regulations, if abuse, neglect, or exploitation is suspected, a report must also be filed with Child Protective Services (CPS) or Adult Protective Services (APS) through the local Department of Social Services.**

Conditions That May Lead To Abuse or Neglect

There are many factors that correlate with an increase in abuse and neglect. The following are some examples of factors that may contribute to people being abused or neglected and should be evaluated on a regular basis.

Behaviors or Characteristics of Support Staff That Are of Concern

- Personal values are not consistent with the philosophy of the individual or family
- Support staff behavior that is impatient and controlling:
 - requires immediate compliance of individuals
 - overly quick to get into behavioral confrontations
 - likes to be in control of an individual's behavior
 - overly quick to apply restraints or consequences to restrict a person
 - proud or boastful about ability to handle or control an individual's behavior
- Support staff is tired and/or stressed
 - working a lot of overtime
 - multiple jobs
 - consistently irritated or angered by a particular person or behavior
 - dealing with illness or injury (self or family)
 - dealing with personal problems
- Disrespectful to individuals or coworkers through conversations or actions
 - talks about people as if they weren't present
 - talks about people in derogatory terms
 - shows distaste or disgust with certain individuals
- Describes an individual's physical characteristics in sexual terms
- Lack of interest, commitment or motivation

- inattentive toward people’s needs for supervision or assistance
- seems to dislike or resent working with people
- doesn’t show much initiative
- Frequently shows poor judgment or carelessness
 - careless about following programs, policies, procedures and household duties
- Excessive interest in individual’s personal belongings or finances

Strategies For Preventing Abuse And Neglect

The Individual Planning team or Circle of Support must review individual needs and identify in the individual's IP&B any services or supports required to prevent the individual from engaging in or being subjected to abuse/neglect as part of the Health and Safety section.

- Use the following principles as a guide for support staff conduct:
 - Treat all people with respect. Talk to people politely, as you would like to be spoken to. Include people in conversations. Speak with them, not about them
 - Honor people's choices for how they want to live their lives
 - Assist people to identify their strengths. Teach people to do as much for themselves as possible.
 - Ensure that people participate in all aspects of home and community
 - Support people to develop relationships with people other than paid staff and the people they live with
 - Support people to be active members of their community.
- Practice good personal health and wellness habits:
 - Recognize signs of stress. Develop a personal stress management plan. Make sure you have a balance between home and work
 - Change destructive attitudes about yourself and others. Focus on their strengths
 - Get adequate sleep
 - Compartmentalize: when at work, leave personal problems at home
- Be confident in your responsibility to point out potentially abusive behavior and recommend when a co-worker should seek assistance.
- Report minor acts of abuse or neglect before they become major acts.
- Advocate for and support individuals to carry out their legal and constitutional rights.
- Remain respectful and professional at all times. This doesn't mean that you become detached but that you maintain professional judgment and approach.
- Assess your own knowledge and skills and identify where more learning can be helpful to you.

Budget Management

Under *New Directions*, you (with the help of your Support Broker and other members of your team), will take the lead in managing your budget.

- You and your team will develop a spending plan for the budget.
- You can decide what to pay for your services, as long as it is “reasonable and customary.” A guide to “reasonable and customary” rates can be found on the DDA website www.ddamaryland.org/waiver.htm

- DDA will send money to the Fiscal Management Service (FMS) for you to spend based on your approved plan.
- You will know how much money is in the budget for every service.
- You can move money among existing line items so long as the movement is in keeping with the Individual Plan and does not result in overspending, rates over those considered “reasonable and customary”, or loss of waiver reimbursement to the State.
- You will receive a monthly account statement from your FMS. DDA, your Resource Coordinator and your Support Broker will also receive this statement. This will help you keep track of your budget.
- You may not spend more than your total budget for the year. You may not spend more than what you have available in a single line item of the budget. If you are projecting to exceed the total amount available in a particular budget line item, you may make a Budget Modification

Fiscal Management Services

A Fiscal Management Service (FMS) is an organization that helps you to implement your individual budget for services. The FMS will assist you to use the money you get from DDA to pay for the services and supports you need. The FMS is not a service provider, and is not able to make decisions about the amount or type of services you receive. Instead, the FMS helps you to manage the funds for the supports that have already been approved in your Individual Plan and Budget (IP&B).

The Fiscal Management Service will:

- Act a lot like a bank for your budget;
- Help you with paperwork and insurance so you can hire your own staff;
- Pay for your services out of your individual budget and make sure that the services you buy are in your approved plan;
- Monitor your budget and provide you (and DDA and others) with detailed monthly statements (like a bank statement) to let you know if you are spending what you have budgeted;
- Pay for your services within 10 days once they receive an accurate, complete invoice or timesheet, with any needed documentation;
- Verify that the employees you choose have the training they need and have criminal background checks;
- Help you get criminal background checks on people you’d like to hire;
- Establish and maintain a toll-free number so you can call when you have problems.

Plan and Budget Modifications

Once in *New Directions*, you may transfer within or across budget categories using a Budget Modification form under the following conditions:

- You may transfer funds originally allocated to any single service or item within a budget category to any other existing service or item in the Individual Plan and Budget (IP&B) with

the review by your Resource Coordinator to assure health and safety considerations are addressed.

A budget modification addresses minor amounts of over- or under- spending for services and supports. For example, if you find you do not need all of your budgeted funds for transportation but you are projected to overspend for respite care, you could transfer some of your transportation funds to respite care. Budget modifications must be consistent with the approved services and supports in the IP&B. If you transfer funds in a way that significantly alters your approved services and supports or exceed reasonable and customary costs, DDA has the right to require that all future modifications be authorized by the DDA *New Directions* Regional Coordinator. Significant and repeated misuse of modifications that alter your IP&B may result in disenrollment from *New Directions* and/or referral for audit or investigation.

If you want to add, delete, or significantly alter a service in your IP&B, you must submit a Plan Modification (along with a Budget Modification if your budget will change as a result). Both forms are on the DDA website, as well as in the appendices.

- A request to modify the *New Directions* IP&B and transfer funds originally allocated to any single service or item to a new service or item not already existing in the *New Directions* IP&B must be submitted as a Plan Modification (with an attached budget modification form if funds are being reallocated) and reviewed by your Resource Coordinator and approved by your *New Directions* Regional Coordinator.

A Plan Modification requires a service description and justification as was required for your original IP&B, and as with your original IP&B, services should align with your person-centered plan. Unlike a Budget Modification, a Plan Modification is a permanent change to your IP&B.

The Developmental Disabilities Administration may deny a modification to the Individual Plan and/or Budget if necessary:

- To protect the health and safety of the individual;
- If the service is not needed by the participant;
- If the service requested is not a funded service under the *New Directions* Waiver;
- If the service requested is not justifiable as a disability-related expense;
- If the cost of the service exceeds reasonable and customary costs;
- If the service is available through an existing private or public local, state, or federal program, including the Medicaid State Plan or;
- If the request or transfer constitutes inefficient or inappropriate use of public funds.

All *New Directions* Individual Plans and Budgets may be modified through the end of the third quarter of each State fiscal year (by March 31), with the exception of those modifications addressing emergency health and safety concerns, which may occur at any time. Unspent funds at the end of the fiscal year revert back to the State of Maryland. Once again, Plan and Budget modifications to ensure health and safety may be made at any time. After March 31st of each fiscal year, they should be sent to your *New Directions* Regional Coordinator for approval.

The End of the Fiscal Year

As noted previously in this manual, budgets are developed on a fiscal year basis: July 1st through June 30th. Your FMS is allocated the funds in your budget for a fiscal year. At the end of a fiscal year, the FMS is responsible for reconciling your paid services/supports against the allocation they received on your behalf. In order to reconcile funds, there must be a “cut-off” date for processing services/supports for a specific fiscal year.

ALL invoices/timesheets must be submitted to the FMS no later than August 31st for services/supports provided during the previous fiscal year. For example, an invoice for a service provided in June 2009 must be submitted to the FMS no later than August 31st for payment out of your FY 09 budget. Money does not “roll-over” from one fiscal year to the next. It is assumed that you will submit your invoices/timesheets in a timely manner, as you want your vendors/employees to be paid. But, if you submit an invoice/timesheet after August 31st, the FMS will not be able to pay it and it will become your responsibility for payment.

Plan Annual Updates

By the beginning of each State fiscal year, you, your Support Broker, your Resource Coordinator, and any other person you invite, are required to conduct a *New Directions* Plan Annual Update which must be approved by your DDA Regional Office. Even if you have just started in *New Directions*, everyone must submit a Plan Annual Update that begins July 1st of each year. This ensures that all *New Directions* participants are following the State fiscal year and as a result have annual budgets.

The Plan Annual Update is an opportunity to bring your Circle of Support together to review the year and the progress you have made towards your goals. If things are going well, your goals remain the same, and you are happy with your services as they are, your Plan Annual Update may look very similar to your previous year’s IP&B. If you want to make some changes to your IP&B, you can make them easily on this document, which is available on the DDA website and in the appendices. DDA will notify you of due dates by mail. Failure to submit a Plan Annual Update for DDA approval could result in an individual being disenrolled from self-direction through the *New Directions* waiver and placed on the *Community Pathways* waiver to receive services.

As with your original IP&B, your Plan Annual Update must be within your DDA allocated budget. If you need additional services due to a change in your status, please follow the directions outlined in this manual under the heading “When Needs Change.” Remember that it cannot cost more to self-direct your services than it does to provide them through a provider-managed service delivery model. For some people, self-direction is not the most cost effective means of service delivery.

Your allocated budget may increase if the Maryland General Assembly provides a Cost Of Living Adjustment (COLA) increase as part of DDA’s budget. If this occurs you will be notified by mail of the increase in your budget so that you can allocate the funds for services in your IP&B. COLA increases are not automatic and are based on the budget approved by the Maryland General Assembly.

Waiver Recertification

Individuals enrolled in both of DDA's waivers must be recertified annually to ensure that they still meet eligibility criteria. This is done each year by your Resource Coordinator in partnership with DDA. If you have questions or concerns about waiver recertification, do not hesitate to contact your Resource Coordinator.

Termination/Disenrollment

An individual may be terminated/disenrolled from *New Directions* if:

- The individual does not have an approved plan of care (i.e., IP&B or Plan Annual Update);
- The individual no longer want to self-direct their services;
- The individual no longer meet the eligibility criteria for the *New Directions* ;
- The individual's health and safety, or that of another person, may be threatened;
- The Individual Plan and Budget is not being implemented as approved;
- The rights of the individual are being compromised;
- The individual's expenditures or attempts to expend funds are inconsistent with the approved *New Directions* Individual Plan and Budget;
- There is mismanagement of funds;
- Funds have been used fraudulently or for illegal purposes or;
- The individual has been without a certified Support Broker for more than 30 days

If you are disenrolled from the *New Directions* waiver, you will be notified by mail and provided with your appeal rights.

If Your Needs Change

Once in *New Directions*, if an individual's needs change affecting their health or safety, they, their family, or their Support Broker should contact their Resource Coordinator immediately. If a Plan or Budget Modification to your IP&B can address needed changes to your services, your Resource Coordinator will review these changes with you. However, if a significant change is required – when the *New Directions* IP&B clearly can no longer meet your health and safety needs even with its built in ability to transfer funds – you can request a change in your services.

- 1) Contact your Resource Coordinator to schedule a team (Circle of Support) meeting. Along with yourself, at a minimum your Resource Coordinator and Support Broker must be at the meeting. Ideally, your entire team should be involved including your family, supporters, and providers.
- 2) At the team meeting review the changes in your life and health status, including any updated assessments, evaluations, and data (ie. medical or behavioral reports, etc.).
- 3) At the team meeting, discuss options for addressing your needs. These options should include natural supports and generic community supports, other disability programs and

- services you may be eligible for, your private health insurance or Medicaid state plan services. Remember that as a Medicaid Home and Community Based Services Waiver, *New Directions* is the payer of last resort, meaning that all other sources of services and service funding must be used before *New Directions*. Document what options are discussed by your team.
- 4) Before requesting additional services, you and your team should prioritize within your IP&B. Any services you currently have that are not directly related to your health and safety should be of a lower priority than those services you absolutely need to stay healthy and safe. Within your budget, you may need to eliminate a service that does not directly impact your health and safety. Document what options are discussed by your team.
 - 5) If the team decides that your needs have changed and you have a substantiated need for a short-term or one-time-only service that cannot be met with existing resources, you may apply for funding from the *New Directions* Risk Pool. Application forms are available on the DDA website at www.ddamaryland.org.
 - 6) If the team decides that your needs have changed and you have a substantiated need for a long-term change in services, with assistance from your Resource Coordinator you may request changes in services by writing a letter (not an e-mail message) to your *New Directions* Regional Coordinator, outlining the changes in your status, what additional services are needed, and why the services are needed. You should include copies of any assessments, evaluations, and data, as well as the notes from the team meeting in which it was determined by the team that additional services are necessary to meet your health and safety needs. Participants are reminded that DDA funding is not unlimited and there is a long waiting list for services. Requests for additional services must therefore be based on the individual's substantiated health and safety needs.

You will be notified in writing whether the request is approved or denied. If your request is denied, you will be provided with your appeal rights and given the opportunity to file either an informal appeal with the DDA or a formal Medicaid appeal with the Office of Administrative Hearings.

Advocacy with DDA

In addition to your Support Broker and Resource Coordinator who are both your advocates, DDA has contracted with an independent advocate to assist you if you are having difficulty with DDA regarding *New Directions*. Edward Willard has over 20 years of experience advocating on behalf of individuals with disabilities and played a key role in the development of *New Directions*. Edward maintains part-time hours at DDA's headquarters in Baltimore where he can be reached. Although DDA contracts with Edward, he is an independent advocate, and can advise and assist you if you are having problems with any part of the *New Directions* process. To contact Edward, please email him at WillardE@dnhm.state.md.us or (410) 767-5634.

Glossary of Acronyms and Terms

Adult – An individual is considered an adult by DDA when he or she turns age 21.

Circle of Support – A group of friends, associates, or people who really care about you, and who agree to help you plan for your life and make your plan happen. You can hold meetings of the entire circle, or meet with each person individually, or a combination of whatever works for you.

CMS - Centers for Medicare and Medicaid Services is the federal agency which oversees Medicaid ~ the public health insurance program that regulates the *New Directions* Waiver.

Consumer-Directed Services (also called Self-Directed Services) - This means that you and your family or trusted supporters make the choices and decisions about your services. You design your plan, design your budget, and decide whom to hire to provide your supports.

COMAR – This stands for the Code of Maryland Annotated Regulations – rules about how services, supports and safeguards are provided in Maryland.

CPR – Cardio-Pulmonary Resuscitation – a way to help a person who has stopped breathing to get air until they breath on their own again, or until a medical person can help them. Your support staff will need to be trained in this technique.

Employer of Record – This means that if you self-direct services for yourself or a family member and hire and supervise your staff you are their employer – like having your own business. You are responsible for all of the things that go along with that, like picking staff, paying them, paying taxes, etc. The Fiscal Management Service (FMS) and the Support Broker help you, but you are the boss!

Fiscal Management Services (FMS) – this is also sometimes called a fiscal intermediary. FMS helps you and your family to manage and pay for services using the DDA approved funds in your individual budget. The FMS will help you act as the employer and handle paying your employees (including all the necessary taxes) and will handle all paperwork and reporting requirements to IRS, etc. Your FMS will also help you to understand your responsibilities as an employer of record.

Formal Service or Supports - These are services or supports for which you pay. They may include such services as nursing, transportation, or assistance to find a job.

Independence Plus Waiver – this is the national name for the newest Medicaid waiver that allows people to direct their own funding and services. States have to apply to Medicaid to be able to offer this waiver, and Maryland is one of the states that are approved.

Individualized Budget - This is a detailed list of what you will use your approved service dollars to pay for. You will decide how much service and support you need, and what they will cost. You will decide about the money, but your FMS will actually keep the money and pay bills for you, kind of like a bank.

Informal Supports (sometimes called Natural Supports) – these are supports that we develop through community connections or friends and family. They are *not paid* supports, and may include such things as a neighbor helping you to grocery shop once a week, or a friend driving you to church.

Medicaid (sometimes called Medical Assistance) - Medicaid is a health insurance program for eligible low-income people. It is funded and administered through a state-federal partnership. Although there are broad federal requirements for Medicaid, states have a wide degree of flexibility to design their program. States have authority to: establish eligibility standards; determine what benefits and services to cover; and set payment rates.

Medication Certification Training – this is training supervised by a nurse that teaches support staff how to give medication to individuals who are not able to take medications by themselves. Not every support person needs this training. Your Resource Coordinator can help you decide if your staff will need to be trained.

Natural Supports (sometimes called Informal Supports) – these are supports that we develop through community connections or friends and family. They are *not paid* supports, and may include such things as a neighbor helping you to grocery shop once a week, or a friend driving you to church.

Person-Centered Planning - is a tool used to help you think about your life, what is important to you and for you, and how you want to achieve the lifestyle that you would like. It's an exercise in building relationships, community connections & resources. You choose the person who will lead your planning process and how to make the plan actually happen. Some of the tools include, but are not limited to: Essential Lifestyle Planning, MAPS or PATH.

Resource Coordinator – is provided to individuals and families eligible for services under DDA. DDA pays for Resource Coordinators out of the DDA administrative budget. You do not have to pay for them out of your individual budget. They are responsible to assist and provide support in developing your plan, budgets, Support Broker and other needed assistance, at a level that makes sense for you and your family. They are responsible for monitoring your plan to assure that you are satisfied with the outcomes, and assuring your health and safety throughout the process. You must have a Resource Coordinator in order to be in *New Directions*.

Self-determination - a philosophy that is based on basic American principles! The key parts of self-determination are Freedom, Authority, Responsibility, Support, and Confirmation.

Self-Directed Services (also called Consumer-Directed Services) - This means that you and your family or trusted supporters make the choices and decisions about your services. You design your plan, design your budget, and decide whom to hire to provide your supports.

Support – This term is used many times instead of the word "service" and it is intended to mean that someone does something with you and in the way that you want, not "to" or "for" you. A support can be a piece of technology or other purchased equipment/supplies.

Safeguards - One of the important things about having freedom and responsibility is to be sure to make decisions in a way that is safe for you and your family. DDA is responsible to ensure that you think about safety, and that your plan includes information about keeping yourself safe and healthy.

Support Broker - Someone that you hire or identify to make your plan happen and work with you to get the supports and service you need. The broker is someone that works for you and does not have conflict of interest (meaning that your needs are the most important and that the brokers interest or needs are not opposite or standing in the way of yours). The Support Broker should be someone already close to you or someone you feel you can develop a trusting and effective working relationship with.

Transitioning Youth – Individuals with developmental disabilities leaving school at the end of the school year in which they turn 21. Transitioning Youth funding is available for day services only.

Trusted Allies - friends, family and people that you know well, and that you feel will work together with you to implement your plan.

Appendices

These are just a few of the forms and resources available to *New Directions* participants. Please check the DDA website (www.ddamaryland.org) for other updated forms and resources.

Sample Training Record

DDA Transitioning Youth Timeline

Sample Back-Up and Emergency Support List

DDA Transitioning Youth Timeline

Community Pathways Services (Provider Directed Services)	New Directions Services (Self-Directed Services)
<p><u>By age 14, students with developmental disabilities should:</u></p> <ul style="list-style-type: none"> □ Apply for DDA services □ After DDA eligibility is determined; the DDA regional office sends a letter to the student and their family stating eligibility category, services, and a priority category. 	
<p><u>Age 18</u></p> <ul style="list-style-type: none"> □ One month before the student turns 18; he/she can apply for Supplemental Security Income and Medicaid Health Insurance (MA) by calling 1-800-772-1213. 	
<p><u>Fall or Spring prior to final school year</u></p> <ul style="list-style-type: none"> □ Student and family should update DDA application to request Day or Supported Employment Services, otherwise known as TY services. □ Student and family should attend a local Transitioning Youth Fair (these are available most counties/areas, except on Eastern Shore, where the resource coordinator provides necessary information). □ Individuals who are determined eligible for MA may be eligible to participate in one of DDA's Home and Community Based Waivers. These services will be explained to you by the resource coordinator or DDA regional office. □ Student and family should attend a New Directions Orientation, if they are interested in self-directing their services. □ Apply to Division of Rehabilitation Services (DORS) by calling 1-888-554-0334. 	
<p><u>Spring prior to final school year</u></p> <ul style="list-style-type: none"> □ Student and family should visit and interview at least 3 DDA adult service providers, if available, in the student's local area. 	<p><u>Spring prior to final school year</u></p> <ul style="list-style-type: none"> □ Student and family should submit a Regional Information Form (RIF) to their DDA Regional Office expressing and interest in New Directions.
<p><u>Fall of final school year</u></p> <ul style="list-style-type: none"> □ If the student previously applied for DDA services and by the fall of their last year of school have not received an eligibility letter from DDA, the student and family should contact the DDA regional office to verify DDA eligibility. For DDA regional office contact numbers, call 1-877-463-3464. □ The DDA Utilization Review contractor, MAPS-MD, will contact the student and their family to conduct a level of needs assessment. This assessment will be used to help determine the level of supports needed and the rate paid to the DDA provider. □ Select a provider by no later than December 1st and inform the student's transition coordinator of the selection. The transition coordinator will help 	<p><u>Fall of final school year</u></p> <ul style="list-style-type: none"> □ If the student previously applied for DDA services and by the fall of their last year of school have not received an eligibility letter from DDA, the student and family should contact the DDA regional office to verify DDA eligibility. For DDA regional office contact numbers, call 1-877-463-3464. □ The DDA Utilization Review contractor, MAPS-MD, will contact the student and their family to conduct a level of needs assessment. This assessment will be used to help determine the level of supports needed and the individual's TY budget (based on rates paid to the DDA providers). □ When allocated a budget by the DDA Regional Office, the individual and family should attend a DDA Support

<p>with the transition.</p> <ul style="list-style-type: none"> □ Complete the provider application for the provider selected. □ If, after reviewing the application, the provider agrees to offer the student services, the provider, student, family and resource coordinator, if available, will participate in the development of a service funding plan. This plan describes the services requested and the anticipated costs. The provider or resource coordinator will submit the plan to the DDA regional office for approval. 	<p>Broker training. Support Broker training must be completed by January 15.</p> <ul style="list-style-type: none"> □ Individual and family, along with their Resource Coordinator and invited others form a team to develop an Individual Plan and Budget based on a person-centered plan. □ A draft Individual Plan and Budget is submitted to DDA for feedback. Revisions are made based on DDA feedback and a final Individual Plan and Budget is submitted to DDA. □ The Individual Plan and Budget must be submitted by March 1.
<p><u>Winter/early spring of final school year</u></p> <ul style="list-style-type: none"> □ DDA regional office reviews the service funding plan. □ Once the service funding plan is approved and prior to graduation, the student and family will receive a letter from the DDA informing them of the start date for services. (Note that because of limited funding, DDA services may not necessarily begin the day after the student exits school. Contingency plans for necessary supports should be made in the event that funding is not immediately available. This plan should be discussed at the IEP meeting, well in advance of the student's anticipated exit date.) 	<p><u>Winter/early spring of final school year</u></p> <ul style="list-style-type: none"> □ DDA regional office and headquarters review the Individual Plan and Budget. □ Once the Individual Plan and Budget is approved and prior to graduation, the student and family will receive a letter from the DDA informing them of the start date for services. (Note that because of limited funding, DDA services may not necessarily begin the day after the student exits school. Contingency plans for necessary supports should be made in the event that funding is not immediately available. This plan should be discussed at the IEP meeting, well in advance of the student's anticipated exit date.)

BACK-UP AND EMERGENCY SUPPORT LIST (SAMPLE FORM)

This is one format you could use to document who will provide back up. (A sample is shown below.) “Restrictions” are issues such as only wanting or able to do certain tasks or the lead time they may need prior to being able to work.

1st Back-up Support	Phone#	Hrs/Weekdays/Weekends/Avail.	Restrictions?	Signature of Back-up
Jane Smith	555-444-3333	Overnights. M/W not available.		
John Brown	555-777-2222	8-3:30 am M-F, all day weekends	Cannot administer medications	
Sally Jones	555-999-3232	2-10 pm, M-F, weekend nights	Need 4 hours notice	
2nd Back-up Support				
Jocelyn French	555-379-0202	Anytime M-F, weekend days	Need 12 hr notice	
Personal Back-Up Support				
Kathy Chang	555-767-3399	All day on Sunday		
Pastor Rogers	555-334-5772	6 am-10 pm/M-F/Saturday	Not available Sunday	
Kenny McDaniel	555-797-3231	After 6 pm/M-F	No day hours	

**Support Broker #: 555-111-2123 Service Coordinator #: 555-381-3945 DDA Regional Office #: 555-398-6798
IF IMMEDIATE ASSISTANCE IS NEEDED CALL 911.**