

DRAFT

Live-In Caregiver Supports

I. APPLICABILITY

A. This policy applies to:

1. People receiving Developmental Disabilities Administration funded services through its Traditional or Self-Directed Services Delivery Model;
2. Their families and/or legal representatives; and
3. Coordinators of Community Services; Self-Directed staff, vendors, Support Brokers; Financial Management and Counseling Services agencies; DDA providers; and DDA staff.

II. IMPLEMENTATION DATE

- A. This policy begins 30 days after posting and overrides all other policies or guidance related to Live-In Caregiver Supports.
- B. In the event of a public health or state of emergency, this policy can be overruled by any and all federal authorities.

III. PURPOSE

This policy describes the requirements and guidance for Live-In Caregiver Support services funded through a DDA-operated Medicaid Waiver Program or State funds.

IV. DEFINITIONS

- A. "Coordination of Community Services" are targeted case management services to help people receiving and or requesting services funded by the DDA. Targeted case management services are provided in accordance with, [COMAR 10.09.48](#).
- B. "Coordinator of Community Services" or "CCS" is an individual who provides Coordination of Community Services. They can be either an employee or contractor of a DDA provider.

- C. "DDA Medicaid Waiver Program" is one of the three Medicaid Home and Community-Based Waiver Programs operated by the Developmental Disabilities Administration that serve eligible children and adults with intellectual and developmental disabilities. These programs are approved by the Centers for Medicare & Medicaid Services and include the:
1. Family Supports Waiver.
 2. Community Pathways Waiver; and
 3. Community Supports Waiver.
- D. "DDA Provider" is an individual or entity that is licensed or certified and/or approved by the Maryland Department of Health to provide DDA-funded services to people in accordance with the DDA's requirements.
- E. "Department" is the Maryland Department of Health.
- F. "Financial Management and Counseling Services" or "FMCS" [formerly called Fiscal Management Services or FMS] are services provided to support a person using the DDA Self-Directed Service Delivery Model in using their budget authority and, if applicable, employer authority. FMCS services include, but are not limited to:
1. Processing claims for payment for Waiver Program Services in accordance with the person's self-directed budget allocation; and
 2. Verifying that the DDA provider, vendor, or direct support staff meet all qualifications to provide the Waiver Program Service.
- G. "Legal guardian" is either:
1. A natural or adoptive parent of an applicant or person under the age of 18; or
 2. A person who has been appointed by a court order as guardian of the person.

- H. "Legally Responsible Person" is an individual who has a legal obligation under the provisions of Maryland law to care for another individual. This includes:
1. A parent (either natural or adoptive), legal guardian; or
 2. An individual otherwise legally responsible for the care of a minor.
- I. "Live-in caregiver" is a person that lives with a person, in the person's home, and provides support to meet the physical, social, or emotional needs of the person, in accordance with [42 CFR §441.303\(f\)\(8\)](#).
- J. "LTSSMaryland" is an electronic information system, developed and supported by the Maryland Department of Health. It is used by Developmental Disabilities Administration, the Coordinator of Community Services, and DDA Providers to create, review, and maintain records about:
1. An individual's eligibility status for DDA-funded services; and
 2. The individual's PCP and services and funding authorized by the DDA.
- K. "Organized Health Care Delivery System (OHCDs)" is a public or private organization that delivers health services. OHCDs are approved by the Department of Health to provide Waiver Program Services people in accordance with [COMAR 10.22.20](#)
- L. "Person" is an individual who receives DDA-funded services.
- M. "Person-Centered Plan" or "PCP" is a written plan that is developed through a planning process, driven by the individual with a developmental disability in order to:
1. Identify the goals and preferences of the individual with a developmental disability;
 2. Identify services to support the individual in pursuing the individual's personally defined outcomes in the most integrated community setting;

3. Direct the delivery of services that reflect the individual's personal preferences and choice; and
 4. Identify the individual's specific needs that must be addressed to ensure the individual's health and welfare.
- N. "Relative" is a natural or adoptive parent, step parent, or sibling of an applicant or person getting services, who is not also a legal guardian or Legally Responsible Person.
- O. "Section 8 Housing Choice Voucher Program" or "Section 8"" is a federally funded, locally administered low-income housing and rental assistance program that may be available to people with disabilities who qualify.
- P. "Self-Directed Services Delivery Model" or "SDS Delivery Model" is a model of service delivery that the DDA provides through its Waiver Programs. In the SDS Model the person (not the provider) has:
1. The power and responsibility for overseeing, coordinating, and directing the services they have been approved to receive;
 2. Budget authority over how the Medicaid Funds are spent to purchase authorized services; and
 3. Employer authority to recruit, hire, train, and supervise providers they want to hire.
- Q. "Traditional Service Delivery Model" or "Traditional Model" is a service delivery model that the DDA provides through its Waiver Programs. In the Traditional Model the person chooses a DDA provider who is responsible for overseeing, coordinating, and providing their approved services.
- R. "Vendor" is a DDA Provider or individual or entity contracted through an Organized Health Care Delivery Services to provide a service to a person enrolled in the Self-Directed Services Delivery Model.
- S. "Waiver Program Service" is a service funded by a DDA-operated Medicaid Waiver Program.

V. POLICY

- A. Live-in Caregiver Supports provides funding to support a live-in caregiver to provide services and supports to meet the physical, social, or emotional needs of the person, in exchange for room and board.
- B. Live-in Caregiver Supports are available to people who need them as documented in their Person-Centered Plan (PCP).

VI. STANDARDS

A. Live-In Caregiver Supports

1. Live-In Caregiver Supports include the payment for the additional cost of rent and food that can be reasonably provided to an unrelated caregiver who lives with the person and who provides services and support.
2. The person with the support of their team, their legal representative (if applicable), and the Live-In Caregiver will develop a written agreement.
3. The written agreement includes:
 - a. A description of what services will be delivered and how they will be delivered;
 - b. Conditions or reasons under which the agreement will be terminated;
 - c. Rules for what happens if the agreement is broken, including monetary considerations; and
 - d. The cost of room and board.
4. The written agreement must be signed by the person receiving services or their legal representative (if applicable) and the Live-In Caregiver.
5. This service will only be provided for the months that are outlined in the written agreement.

6. The DDA provider will send a signed copy of the written agreement to the Coordinator of Community Services (CCS), who will submit a copy to the DDA along with the PCP.
7. If the person receives Section 8 rental assistance, the CCS will upload a copy of the rental agreement and the Section 8 status into the person's *LTSSMaryland* Client Attachments.

B. Criteria to be Eligible

1. A person may be eligible to receive funding for Live-In Caregiver Supports if the person:
 - a. Is enrolled in a DDA Medicaid Waiver Program;
 - b. Has an assessed need for this service, which is documented in their approved PCP; and
 - c. Lives in their own home.
2. The request for funding of this Waiver Program Service meets all requirements in this policy, guidance and the DDA Medicaid Waiver Program application.

C. Special Service Requirements and Limitations

1. The person cannot receive this service if they live in:
 - a. Their family's home;
 - b. The Live-In Caregiver's home; or
 - c. A residence owned or leased by a DDA-licensed provider.
2. The Waiver Program is not liable for any violation of a written agreement, including any unfulfilled rental obligations such as unpaid rent, security deposits and/or lease term.

3. Live-in Caregiver Supports must comply with [42 CFR §441.303\(f\)\(8\)](#) and be approved by DDA.
4. The person has the right to occupy the home, but the Live-In Caregiver does not, although they are listed on a lease.

D. Requirements to be Paid for Services

1. A provider of Live-In Caregiver Supports must be an Organized Health Care Delivery Services provider.
2. Organized Health Care Delivery Services providers must:
 - a. Meet the criteria outlined in [COMAR 10.22.20](#) and the [Organized Health Care Delivery System Policy](#);
 - b. Ensure that entity(s) and vendor(s) are qualified, including that;
 - i. The property manager and/or landlord chosen by the person provides the residence at a reasonable and customary cost;
 - ii. There are local and community grocery stores available for the purchase of food at reasonable and customary rates based on the [U.S. Department of Agriculture's Monthly Food Plan Cost](#) at the 2-person plan level;and
 - c. Maintain documentation and records regarding delivery of services in accordance with the applicable laws, regulations, policies, and guidance, and the DDA Medicaid Waiver Program application. This includes:
 - i. Keeping a copy of lease contract; and
 - ii. Documented expenses; and
 - iii. Providing documents and records to the DDA, upon request.

3. Under the Self-Directed Service Delivery Model all qualifications must be met:
 - a. As outlined in the approved DDA Medicaid Waiver Program application at the time of service delivery; and
 - b. As confirmed by the Financial Management and Counseling Services (FMCS) agency.

E. Rates/Billing

1. The funding for the Live-In Caregiver's room and board will be the difference between a 1-bedroom and 2-bedroom unit or (or 2-bedroom and 3- bedroom, etc.)
2. That cost shall be based on, and not exceed, the Fair Market Rent for the jurisdiction where the home is located, as determined by the Department of Housing and Urban Development.
3. The service will only cover the cost of food for the Live-In Caregiver and will be calculated as follows:
 - a. The cost of food for the Live-In Caregiver only; and
 - b. That cost shall be based on, and not exceed, the [U.S. Department of Agriculture's Monthly Food Plan Cost](#) at the 2-person moderate plan level.
4. Providers of Live-In Caregiver Supports and FMCS agencies must follow authorization and documentation in accordance with the [DDA Guidelines for Service Authorization and Provider Billing Documentation](#).
5. Under the Self-Directed Service Delivery Model people must submit invoices as per their FMCS agency's policies and practices.

F. Legally Responsible Individuals, Legal Guardians, or Relatives Requirements

A Legally Responsible Person, relative, or legal guardian cannot be paid by the Waiver Program, either directly or indirectly, to provide this Waiver Program Service.

VII. LEGAL REFERENCES

- A. [42 CFR §441.303\(f\)\(8\)](#)
- B. [Family Supports Waiver](#)
- C. [Community Pathways Waiver](#)
- D. [Community Supports Waiver](#)
- E. [COMAR 10.09.48](#)
- F. [COMAR 10.22.20](#)

VIII. RELATED POLICIES

- A. [Organized Health Care Delivery System](#)

IX. REFERENCE MATERIALS

- A. [DDA - Service Authorization and Provider Billing Documentation Guidelines](#)
- B. [Department of Housing and Urban Development Fair Market Rents](#)
- C. [Maryland Housing Choice Voucher Program \(HCVP\)](#)
- D. [USDA Food Plans: Cost of Food \(Monthly Reports\)](#)

X. ATTACHMENTS

At A Glance - Live-in Caregiver