

Memo #3 - Virtual Support

DDA Waiver Amendment #3 - 2020

Virtual Supports

- Memo #3 relates to the option for participants to receive and providers to offer virtual supports for the following services:
 - Employment Services;
 - Supported Employment Services;
 - Community Development Services;
 - Day Habilitation Services; and
 - Personal Support Services

Note: Virtual supports are an electronic method of service delivery. Virtual supports are not a distinct, separate service under the DDA Waiver programs, but a means by which certain services (listed above) may be delivered to a participant

Virtual Supports

- The purpose of virtual supports is to maintain or improve a participant's functional abilities, enhance interactions, support meaningful relationships, and promote their ability to live independently, and meaningfully participate in their community
- Virtual supports are geared towards intentional learning (e.g., career planning, taking a bread making class, skill building) and can also be used towards helping a person do something more independently like remote job coaching

Virtual Supports - Requirements

Direct support can be provided via virtual supports, provided however that the virtual supports meet all of the following requirements:

1. Ensure the participant's rights of privacy, dignity and respect, and freedom from coercion and restraint;
2. Do not isolate the participant from the community or interacting with people without disabilities;
3. The participant has other opportunities for integration in the community via the other Waiver program services the participant receives and are provided in community settings;

Virtual Supports – Requirements

Requirements continued:

4. The use of virtual supports to provide direct support has been agreed to by the participant and their team and is outlined in the PCP:
 - Participants must have an informed choice between in-person and virtual supports;
 - Virtual supports cannot be the only service delivery provision for a participant seeking the given service;
 - Participants must affirmatively choose virtual service provision over in-person supports; and
 - DDA Providers shall include in their Provider Implementation Plan (PIP), which shall be uploaded to the *LTSSMaryland* PCP Documentation section;

Virtual Supports - Requirements

Requirements continued:

5. Virtual supports cannot be used for the DDA Provider's convenience. The virtual supports must be used to support a participant to reach identified outcomes in the participant's Person-Centered Plan;
6. The use of virtual supports must be documented appropriately, just like any in-person direct supports, and identify the service delivery method (e.g., Skype, Zoom, Facetime, telephonic, or direct care), name of staff person providing service, and start and end times;

Virtual Supports - Requirements

Requirements continued:

7. The virtual supports must be delivered using a live, real-time audio-visual connection that allows the staff member to both see and hear the participant. Please note text messaging and emailing *do not* constitute virtual supports and, therefore, will not be considered provision of direct supports under this Waiver program service;

Virtual Supports - Requirements

Requirements continued:

8. The virtual supports must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended by the Health Information Technology for Economic and Clinical Health (HITECH) Act, and their applicable regulations to protect the privacy and security of the participant’s protected health information;
9. The Waiver program service (for which virtual supports is used) may not be provided entirely via virtual supports. Virtual supports may supplement in-person direct supports;



Virtual Supports - Requirements

Requirements continued:

10. Virtual supports, including use of phones, cannot be used to assess a participant for a medical emergency. The DDA Provider must develop and maintain written policies to address processes for preventing and responding to a medical emergency during use of virtual supports, train direct support staff on those policies, and advise participants and their person-centered planning team regarding those policies;
11. The virtual supports must comply with all federal and State requirements, policies, guidance, and regulations; and

Virtual Supports - Requirements

Requirements continued:

12. The DDA Provider must develop, maintain, and enforce written policies, approved by the DDA, which address:
- How the provider will ensure the participant's rights of privacy, dignity and respect, and freedom from coercion and restraint;
 - How the provider will ensure the virtual supports used meets applicable information security standards; and
 - How the provider will ensure its provision of virtual supports complies with applicable laws governing individuals' right to privacy

Virtual Supports - Requirements

Provider Program Service Plan:

- DDA Providers interested in furnishing service via virtual supports must include virtual supports as a service delivery method in their provider Program Service Plan for each service as per their proposed business model
- For each service, DDA Providers shall specifically note the service delivery methods (i.e., direct in-person and virtual supports) as applicable, and include the scope and methodology in using these delivery methods

Virtual Supports - Requirements

Provider Program Service Plan:

- Current DDA Providers must submit an amendment to their current Program Service Plan to the DDA Regional Office Provider Relations liaison and receive approval prior to implementing virtual supports outside of the current Appendix K authority
- DDA Providers shall update their Program Service Plan for the applicable services they propose to include a virtual support service delivery model option:
 - As part of their annual re-licensure/re-certification application; and
 - Prior to the end of the Appendix K authority

Virtual Supports - Requirements

Provider Program Service Plan:

- The DDA Waiver programs will not fund any costs associated with the DDA Provider obtaining, installing, implementing, or using virtual supports. These costs, in the delivery of new business models, are part of the DDA Provider's operating cost such as:
 - Equipment;
 - Internet;
 - Software applications; and
 - Other related expenses such as additional staff and training
- Participants with an assessed need for assistive technology can be requested within their PCP

Virtual Supports

Quality Assurance:

- Participants and their teams shall assess the quality and effectiveness of virtual supports to meet the participant’s assessed needs and preferences in accordance with requirements in the guidance
- The CCS shall assess and document the quality and effectiveness of virtual supports during the quarterly monitoring review and more frequently as noted in the PCP
- If there is a desire by the participant to change the way services are delivered, a revised PCP and Provider Implementation Plan will be required
- Health and safety concerns shall be reported to the DDA Regional Office Quality Enhancement Staff

Virtual Supports

Service Limitation, Utilization, and Audit:

- The combination of virtual supports and direct supports for a given DDA Waiver program service cannot exceed services authorized by the DDA within the PCP
- Virtual supports cannot be provided for two services at the same time (e.g., Personal Supports and Day Habilitation)
- The State has mechanisms in place to prevent duplicate billing home and community-based services including:
 - Service utilization reviews; and
 - Audits

Questions

