

APPENDIX I: Background Information on MA Waivers and EE

Criterion 6 requires verification that individuals reported to the EE program and on a Medical Assistance (MA) waiver, are receiving separate and necessary services, and no duplicate funding is received by the provider. This appendix is intended to provide a brief background on MA waivers and EE.

Medical Assistance (MA) is Minnesota's Medicaid program. Medicaid Home and Community-Based waivers, which are granted by the federal Centers for Medicare & Medicaid Services, allow the state to use Medicaid money to fund services in alternative settings for Medicaid-eligible individuals who would otherwise receive care in hospitals, nursing facilities, or intermediate care facilities. Minnesota's Department of Human Services (DHS) oversees the waivers, and county/lead agencies maintain local authority for enrollment decisions.

Minnesota has the following six waivers targeted to separate populations. The DD waiver accounts for the majority of Minnesota's spending on waiver services. (Adult Rehabilitative Mental Health Services is not a waiver type; technically it is a MA Rehab Option.)

- Developmental Disabilities (DD) waiver
- Community Alternative Care waiver
- Community Alternatives for Disabled Individuals (CADI) waiver
- Brain Injury (BI) waiver
- Elderly waiver
- Alternative Care

Waivers allow recipients to receive medical and non-medical services beyond those covered by traditional Medicaid (MA in Minnesota). The Social Security Act specifies the services that the waiver services can cover. In Minnesota, some services are extensions of traditional Medicaid services while others are unique to the waiver services.

Six services are part of all waivers available in Minnesota:

- Residential
- "Case management" means locating, coordinating, and monitoring social and daily living activities, medical services, and other services needed by a person and his or her family
- "Homemaker services" means providing general household activities by a trained homemaker when the usual homemaker is unable
- Equipment, home, or vehicle modifications
- "Extended personal care assistant services" means assisting with eating, bathing, dressing, personal hygiene, and other activities of daily living

- “Respite care” means providing short-term care in the home or out of it, when the usual caregiver is unavailable or needs a rest
- Transportation

Employment-related services are available only for certain waiver services:

- “Supported Employment Services” are limited to CADI, DD, and BI waivers
- “Day Training and Habilitation” is only in the DD waiver

Until December 31, 2013 county/lead agency agencies established contracts for waiver services with providers. Effective January 1, 2014, DHS contracts directly with enrolled service providers meeting specific standards in order to bill DHS and receive payment for services provided to waiver recipients. EE compliance auditors should review the service agreements/contracts for waiver services between the provider and county/lead agency, and between the provider and the DHS that were in force during the EE compliance audit period: July 1, 2019 to June 30, 2020.

EE funds are not intended to pay for participants in other employment-related programs funded through state, federal, or other sources. The EE funding rule excludes participation when (a) a funding source is obligated to pay for total program costs, or (b) the funding source prohibits concurrent funding of program participants receiving EE program services. This exclusion generally applies to MA waiver services as MA is obligated to pay for all of a recipient’s necessary services to maintain a place to live, basic life functioning, mental health, employment, etc. There is the possibility of exceptions when individual on a MA waiver require ongoing employment support services that are not available through their waiver. In those cases, the county/lead agency (county case manager, etc.) must be included in the decision-making process of when a waiver recipient is considered for EE enrollment and provide the necessary documentation required.

In subsequent years, the Compliance Audit will require the provider to retain documentation to support that an individual reported to the EE program and on a MA waiver is receiving separate and necessary services, that the provider is receiving no duplicate funding, and why the MA waiver is unable to pay for ongoing employment support services. The documentation required will include Appendix K, the “*EE and MA Waiver Disclosure Form*.” The form requires the signature, and thus the consent, of the county/lead agency supervisor or director. In subsequent years, if Appendix K, the “*EE and MA Waiver Disclosure Form*” is not obtained and retained in the case file, hours reported to EE for that individual will be disallowed.