

Approaches to Enabling Consumer-Directed Access to Medical Assistance

DRAFT February 29, 2000

Objective: To develop or expand service delivery options which are consistent with the goals and objectives of Minnesota's Self Determination Project and which continue to promote individualized choice and control for Medical Assistance (MA) beneficiaries.

Specific Initiatives:

Personal Care Fiscal Agent Option

- Will be available to MA eligibles receiving personal care services beginning July 1, 2000.
- Provides consumer with increased flexibility and control over hiring and management of PCA services through fiscal agents rather than requiring that a PCA be hired through a personal care provider organization.

Consumer-Directed Community Supports under HCBS 1915(c) Waivers

- Currently available to home and community-based services (HCBS) 1915(c) waiver recipients with mental retardation or related conditions (MR/RC).
- Provides consumer with increased flexibility to access individualized services and autonomy over arranging for and directing supports.
- Federal authority to expand this option to other HCBS 1915(c) waivers will be required.

Consumer-Directed Personal Care Demonstration Project (previously known as the Consumer Support Grant Demonstration Project)

- Will be available to MA eligibles in lieu of receiving personal care and home health aide services under the traditional fee-for-service system.
- Provides consumers individual support budgets with which to arrange for and manage the provision of services and supports (including alternative services) from providers of their choice.
- Federal authority for project implementation will be sought through a §1115 waiver.

Payment of Parents of Minor Children and Spouses for the Provision of Specialized Services

- Will be available to MA recipients receiving specialized services, including skilled nursing services, occupational therapy and physical therapy.
- Additional authority under current state statute and rule will be needed.

Consumer-Directed Personal Care Demonstration Project
§1115 Waiver Proposal

What is the purpose of the project?

To demonstrate and evaluate the outcomes of a service delivery alternative intended to improve access, increase consumer control and accountability over available resources and enable the use of supports that are more individualized and cost effective.

What is consumer-directed personal care?

Under the consumer-directed personal care demonstration project eligible people may choose to receive and manage individual support budgets as an alternative to certain MA home care benefits they receive under the traditional fee for service system.

Who will be eligible for the project?

MA fee-for-services recipients who are at risk of institutionalization and are either able to direct their own care or living with a legally responsible adult who can direct their care. Exceptions can be made in cases where a legally responsible adult is close enough to assure that quality care is provided.

A total of 1,500 people statewide will be eligible for the consumer-directed personal care option.

To prevent a "wood work" effect, the number of new MA recipients will be limited to 25 percent of total project enrollment.

What home care services will be used as the basis for determining individual budgets?

Home health aide and personal care services, and nursing supervision of personal care services as defined and covered under Minnesota's Medicaid State Plan.

How will the amount of each individual's budget be determined?

Individual budgets will be established based on 90 percent of each MA recipient's historical use of personal care and home health aide services. If an individual has not utilized these MA home care services in the past, the budgeted amount will be based on personal care and home health aide service authorization levels for that individual adjusted by the statewide average utilization rate of these MA home care services.

How will individual budgets be managed by the consumer?

Participating consumers will work with their local county social service agency to develop personal support and expenditure plans to determine how the budgeted funds will be used to meet their needs. Participating consumers, or their legal representative, will be responsible to arrange for and direct the provision of needed supports from formal and informal providers of their choice using funds from their individual budgets. Payment to service providers and employee-related responsibilities will be managed by the county agency, or their designee, on behalf of the consumer.

What types of services and supports can be purchased?

Services and items purchased under the consumer-directed personal care option must be directly attributable to the person's functional limitation, must be over and above those typically required by a person of similar age without a functional limitation, must enable the person or the person's family to prevent out of home placement, and must be consistent with the needs identified in the personal support plan. The consumer-directed personal care option will not provide payment to spouses, parents, or legally responsible adults for the provision of supports. Rather, budgeted funds may be used by the primary care giver to purchase the additional supports necessary to enable the primary care giver to care for the MA recipient.

What percentage of project expenditures will be used to administer the new option?

Up to ten percent of MA service expenditures under the new option will be used to support project management and oversight, to provide training and technical assistance, and to complete an independent evaluation of the demonstration.

Steps to Implementation

Federal Authority

Revise current draft CSG §1115 waiver to reflect proposed consumer-directed personal care option and submit for federal approval.

Complete 1915(c) HCBS waiver plan amendments, as necessary, to implement consumer-directed community support option under the following 1915(c) waivers: Elderly Waiver (EW), Community Alternatives for Disabled Individuals (CADI), Community Alternative Care (CAC) and Traumatic Brain Injury (TBI).

State Authority

Amend Minnesota Statutes §256.476 to reestablish CSG program as state-funded cash grant option. *(Language enclosed.)*

Amend Minnesota Statutes, §256B.0627 to enable consumer-directed personal care option on a demonstration basis. *(Language enclosed.)*

Amend Minnesota Statutes, §256B.0915 and Minnesota Statutes, §256B.49 as necessary, to add consumer-directed community support option to all 1915(c) waivers. *(Language enclosed.)*

State authority to enable Medicaid payment to parents of minor children and spouses for the provision of specialized services will be reviewed. Enabling legislation, if necessary, will be sought during 2001 session.

Infrastructure

State appropriation may be needed to cover increased MA administrative costs associated with the expansion of Consumer Directed Community Support option to all 1915(c) HCBS waivers and the implementation of the Consumer Directed Personal Care Demonstration Project.

Funding levels are insufficient to cover increased administrative costs associated with program management and monitoring by county agencies:

- Counties will be required to serve clients accessing the consumer directed personal care option who have not historically accessed MA through the local social service system.
- Inconsistent or inadequate service planning and oversight may jeopardize consumer health and safety and compromise program outcomes.
- Funding levels which are not commensurate with increased county responsibilities fuel the "unfunded mandate" argument and place the burden of assuring equal access on the consumer.

Introduction of an independent administrative entity may provide some market driven competition, however, current funding levels make this impracticable.

Amend 256B.0627 Covered Service; Home Care Services as follows:

Subdivision 13. Consumer-Directed Personal Care Demonstration Project. The commissioner of human services shall seek federal waiver authority to demonstrate and evaluate the outcomes of a consumer-directed service delivery alternative intended to improve access, increase consumer control and accountability over available resources and enable the use of supports that are more individualized and cost effective for eligible medical assistance recipients receiving certain medical assistance home care services.

Amend 256.476 Consumer Support Program as follows:

~~Subd. 7. Federal funds. The commissioner and the counties shall maximize the use of federal funds available through grants and federal waivers. If federal funds are made available to the consumer support grant program, the money shall be allocated to the responsible county agency's consumer support grant fund.~~

~~Subd. 8. (7) apply for a federal waiver or take any other action necessary to maximize federal funding for the program by June 1, 1999.~~

Amend 256.0915 Medicaid Waiver for Home and Community-Based Services as follows:

Subdivision 8. The commissioner shall amend the home and community-based waivers to add the service of consumer-directed community supports. The commissioner shall amend the following waivers: Elderly Waiver (EW), Community Alternatives for Disabled Individuals (CADI), Community Alternative Care (CAC) and Traumatic Brain Injury (TBI).

Please consider

→ R.N. & LPN

~~Good~~
~~Statewide~~
~~historical~~ people are not
upto authorization vs. historical
gig.

Has per day
not getting the serv.

Will ^{not} provide
^{Inconsistent}
^{w/}
^{Hardship}
^{Wkmer}
^{proposed}
^{leg}
^{children}
expended
backwards

"give" in last
sentence

Does take away
"cash option"

No directive
to pursue fed.
funds.

Sneaky

Keep - ^{Keep} leg. author
otherwise. They
have turned leg.
mandate + created
a diff program