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LYNN T. BESHEAR  
COMMISSIONER

**To: Support Coordination Agencies, Self-Directed Liaisons**  
**From: Division of Developmental Disabilities**  
**Date: April 6, 2020 (rel 9) AMMENDED**  
**RE: Changes to Self-Directed Services**

**COVID-19 Guidance for Alabama Support Coordination Agencies  
Division of Developmental Disabilities Services**

There are several temporary changes during the COVID-19 pandemic that will assist families who use self-directed services or choose self-directed services during this time period. This communication will outline those changes. In addition, an Amended Employer of Record (EOR) Agreement is attached. This amended EOR agreement should be sent to every EOR within self-directed services. The agreement must be signed by the EOR and sent back to support coordinator. The support coordinator is to send a copy of the signed EOR to Allied Group, the fiscal management services agency (FMSA).

Enrolling in Self-Directed Services

During this pandemic, some families who receive traditional services have indicated a desire to take their family member (waiver recipient) home and provide care to reduce exposure to COVID-19. We encourage the family member to communicate with the provider and discuss their intentions as well as find out what the providers limitations maybe in returning the waiver recipient to the residential setting. IF the family members decide to take the waiver recipient home, they can switch from traditional services to self-directed services. If you have family interested in self-directed services, they need to be referred to the self-directed liaison to receive the packet of information for enrollment. It is important to note that a waiver recipient cannot receive traditional and self-directed services at the same time for the same services. For example, if the person receives personal care through a provider, then the person cannot receive personal care through self-directed services. As indicated in the employer of record amended agreement, the person will have a choice to continue with Self-directed services or move back to traditional services after the end of the COVID-19 pandemic.

In addition, new waiver recipients should be informed on self-directed services as an option as they enroll in waiver services. IF the person/family member indicates an interest in self-directed services, then he/she should be referred to the self-directed liaison.

Temporary Increase in Waiver Service Cap

With documentation of substantiated need, DDD will permit temporary increases, beyond the currently defined waiver service caps and limitations (**including Personal Care overtime when authorized**) to allow the needed amount, duration or change in scope within the Waiver to effectively address emergent health, safety and welfare-related needs of participants during the COVID-19 pandemic. This change applies to the following services: Personal Care, Adult Companion, and Respite.

The Support Coordinator and the service provider/self-directed Employer of Record (EOR) will be responsible to review and substantiate a need and capacity to increase services to effectively address emergent health, safety and welfare-related needs of program participants during the COVID-19 pandemic. DDD does expect emergency modifications to a participant’s person-centered plan to be both reasonable and necessary and will perform

retrospective reviews to assure that fraud, waste and program abuse do not occur as a result of this emergency response measure.

#### Self-Directed Services Rendered by Family Members

Personal Care and Adult Companion services may be provided by a natural caregiver(s) or relative(s) living in the same residence with the person if:

- The natural caregiver or relative being paid to provide this service is not also the legal guardian (or Medicaid representative/EOR for self-directed services) for the participant
- The natural caregiver is otherwise qualified and capable of providing the care and assistance needed
- A paid provider (either agency or other self-direction worker), who would normally provide the service, is unable to do so at any point during the period for which this Transition Plan is effective.

If the above requirements are met, this service shall not supplant natural supports provided by the natural caregiver(s) or relative(s) living in the same residence with the person. Please refer to the amended EOR agreement for the parameters governing this service change.

In cases of natural caregiver(s)/relative(s) living in the same home as the participant temporarily authorized to render Waiver services via self-direction, DDD will suspend routine employee screening (e.g., TB, background checks, drug screens) of immediate family members, if the services authorized in this regard are required to cover gaps in care resulting from issues related to the COVID-19 pandemic.

#### Preapproved Overtime for Personal Care and Companion Care

Regardless of relationship, a particular self-directed employee cannot work more than 16 hours per day, and the sum total of their hours worked in a given week cannot exceed 40. If an exception is required due to issues related to the COVID-19 pandemic, a specific request must be made via Support Coordination through the established request process.

In the event an exception is made to allow overtime, DDD will permit, with documentation of substantiated need, overtime work to allow the needed amount, duration or change in scope within the Waiver to effectively address emergent health, safety and welfare-related needs of participants during the COVID-19 pandemic. This change applies to the Personal Care and Adult Companion. In cases of natural caregiver(s)/relative(s) living in the same home as the participant temporarily authorized to render Waiver services via self-direction, overtime will not be approved (please refer to agreement).

As an alternative, if the only available natural caregiver(s)/relative(s) are also the legal guardian(s) or Medicaid representative(s) for self-directed services, they may be hired by a certified provider agency to provide Residential Habilitation services and may be paid by that provider upon mutual agreement and completion of all standard training, including training on the participant's PCP. In this circumstance, the provider of Residential Habilitation is responsible for ensuring the service is provided as authorized in the PCP and that billing occurs in accordance with DDD requirements.

#### EOR restricts workers access to the home during the COVID-Pandemic

In order to provide the best protections for their family member, some EORs are deciding not to allow personal care and companion care workers into their home. The EOR has every right to make this decision. If the EOR decides to restrict access, then the EOR must contact his/her support coordinator to inform them of the restriction and name of their employees. The support coordinator is to inform Allied via email of the restriction and provide the EOR information and employee information to Allied. The support coordinator requests the paperwork the EOR needed for the unemployment office. The support coordinator sends the EOR the paperwork and assists with completing if necessary. The Support coordinator sends completed paperwork back to Allied. The EOR needs to inform the workers that they are restricted from entering the home and should contact Allied and unemployment.

If you identify other concerns or issues, please share those via email at [Francilla.allen@mh.alabama.gov](mailto:Francilla.allen@mh.alabama.gov).