



ADMINISTRATIVE MEMORANDUM - #2015-06

TO: Executive Directors of Voluntary Provider Agencies
Executive Directors of Agencies Authorized to Provide Fiscal Intermediary Services
Executive Directors of Agencies Authorized to Provide Support Brokerage Services
Developmental Disabilities Regional Office and State Operations Office Directors
Medicaid Service Coordinators and MSC Supervisors

From: Katherine Marlay, Acting Deputy Commissioner
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DATE: April 13, 2015

SERVICE EFFECTIVE DATE: October 1, 2014

SUBJECT: Service Documentation for Support Brokerage Services

SUGGESTED DISTRIBUTION:

Administrative Staff of Fiscal Intermediary Services Providers
Support Brokers
Quality Improvement Staff
Medicaid Service Coordinators (MSCs) and Supervisors who serve individuals receiving IDGS
Regional Office Front Door Staff

Purpose:

This Administrative Memorandum describes the service, programmatic and payment standards and service documentation requirements to support a provider's claim for reimbursement for Support Brokerage. Support Brokerage services are available for Home and Community Based Services (HCBS) Waiver authorized participants who self-direct their services. Participants self-directing their services receive an individualized budget that they direct pursuant to an approved plan.

New York State regulations require each Medicaid provider to prepare records to demonstrate its right to receive Medicaid payment for a service. These records must be “contemporaneous” and kept for six years from the date the services were provided. 18 NYCRR section 504.3(a).

Support Brokerage:

Support Brokerage is a service available for individuals who self-direct some or all of their services. A Support Broker assists the individual initially with developing a self-directed budget and then with the day-to-day management of self-directed services. A Support Broker provides support and training to individuals and their families regarding the ongoing decisions and tasks associated with self-direction.

The Support Broker provides assistance and practical skills training to the individual in the areas of: understanding and managing the responsibilities involved with self-direction, community inclusion and independent living; developing daily implementation of and managing the self-directed budget; monitoring expenditures; negotiating terms and service arrangements with providers; employer responsibilities such as recruiting, supervising, and training of individual-hired staff; service documentation requirements to ensure agreement with program and Medicaid standards; planning and ensuring safeguards are identified and met.

The extent of the assistance provided is determined by the individual and is specified in a written agreement signed by the individual and Support Broker.

Support Broker Services

Support Brokerage Services must include the following activities:

- Assisting the individual to develop and maintain a planning team/circle of support and assisting in directing planning meetings. This includes assisting the individual in scheduling and facilitating meetings, identifying new members, identifying and assigning roles and tasks for planning team members; assisting with the overall functioning of the planning team; and ensuring members are freely chosen by the individual and the team is operating in the individual’s best interest and within the principles of Self-Determination.
- Ensuring completion of and regular updating of habilitation plans for self-hired Community Habilitation and Supported Employment (SEMP) staff for individuals who have these services.
- Assisting the individual to develop a comprehensive Self-Directed Budget that is consistent with his/her Individualized Service Plan (ISP) and working with the individual and planning team to ensure that all necessary safeguards are included and addressed in the ISP.

The following activities may also be support brokerage services and the level of support for these must be defined in the broker agreement.

- Assisting the individual to develop a comprehensive Person-Centered Plan (i.e. the ISP and related habilitation plans).

- Providing education and training to the individual and his/her planning team in implementing the Self-Directed Budget according to Medicaid and New York State standards.
- Working with the individual, the planning team and the MSC to help identify and develop initial connections in the community as identified in the individual's ISP.
- Monitoring self-direction expenditures to ensure that spending does not exceed the Self-Directed Budget by assisting the individual and the planning team to review the expenditure report provided by the Fiscal Intermediary.
- Working with the individual and planning team to review and update the Self-Direction Budget as needed, so that it meets the needs of the individual and remains current and eligible for Medicaid funding.
- Attending the individual's Individualized Service Plan (ISP) reviews and assisting the individual to review, revisit and update his/her ISP as requested.
- Ensuring that planning meetings occur at least four times per year and are face-to-face.
- Assisting the individual to properly document services according to Medicaid and New York State regulations and policy. This includes assisting the individual to review and submit to the FI employee time sheets, the monthly summary note, mileage and expense reimbursement forms, and all other required documentation.
- Assisting the individual to hire and retain appropriate support staff. This includes assisting the individual in recruiting, interviewing, hiring, scheduling and supervising self-hired staff as well as assisting the individual to identify and retain adequate back-up staffing to ensure availability as needed by the individual.

Habilitation Plans

The Broker is responsible for completing and updating habilitation plans for self-hired Community Habilitation staff and self-hired Supported Employment staff when the individual has chosen that option in his or her self-direction budget. The habilitation plans are written based on the individual's and his/her planning team's input.

Habilitation plans and habilitation plan reviews must meet the requirements as described in Administrative Memorandum #2012-01. These plans must be provided to the Fiscal Intermediary when developed and updated.

Initial and Start-Up Brokerage

A Start-up Broker assists the individual to develop a complete and approvable self-direction budget within the individual's Personal Resource Account (PRA) amount. This assistance may also include helping the individual to develop a planning team. Additional activities such as hiring staff, assisting with service documentation, and other tasks are allowed and need to be outlined in the support brokerage agreement.

Start-Up Brokerage services are considered brokerage services and must follow the same requirements as Brokerage Services. However, start-up brokerage services do not count

against the individual's Personal Resource Account (PRA). Rather, they are capped at a specific amount that is listed separately on the self-direction budget.

Planning Team/Circle of Support Meetings

Planning team meetings, also known as Circle of Support meetings, need to occur 4 times per year (every 3 months is recommended) and must be face-to-face with the individual. These planning team meetings (also known as circle of support meetings) can occur concurrently with the ISP review meetings.

The purpose of a planning team is to help the individual to reach his or her goals. Planning team members must be freely chosen by the individual to help him or her achieve his or her valued outcomes. The team assists the individual to make personal choices and take charge of his or her life.

To that end, the purpose of the planning team meetings is to ensure the principles of self-determination are followed; recognize the person's capacities and support his or her full use of these talents/gifts to achieve his or her valued outcomes; assist the individual to identify his/her valued outcomes and seek out supports needed to accomplish them; assist the person to make informed choices in planning, managing and budgeting; and identify and communicate issues to all concerned parties.

Support Broker Qualifications and Training:

Prior to delivering brokerage services, each Support Broker must complete Broker Training that is conducted using an OPWDD approved curriculum delivered by trainers approved by OPWDD. If the training has a test or evaluation component, the broker must pass the test for it to count as training. These trainings are Broker Training Institute, Person Centered Planning (Introduction to Person Centered Planning and Advanced Person Centered Planning), Developing a Self-Directed Budget, and Self-Advocacy/Self-Determination.

In addition to the training described above, Support Brokers must attend professional development training annually. The minimum number of training hours required is 12 hours annually. Attendance at Broker Training cannot be counted towards the required annual professional development training hours.

This professional development may include lectures, workshops, and other training sessions conducted by OPWDD, a Support Brokerage Learning Network, other agencies, or educational institutions. This may include online courses, webcasts or other electronic communication media, offered by OPWDD or other entities. The subject of the training must enhance the Support Broker's ability to serve individuals with developmental disabilities. The Support Broker is responsible for ensuring that the subject matter of all training applied to the 12 hour annual training requirement is appropriate.

The twelve-month period in which the Support Broker must participate in the required 12 hours of annual training is called the “training year.” For brokers who were providing brokerage services prior to October 1, 2014, the training year remains the same. For brokers who began providing brokerage services on or after October 1, 2014, the training year is the twelve-month period following the month the Support Broker first began providing Support Brokerage services.

The Support Broker is responsible for maintaining his/her training records that verify attendance. Proof of completion of Broker Training must be maintained indefinitely. All other training records must be kept for at least 6 years.

Attendance at training cannot be billed as Support Brokerage services.

All brokers should remain actively involved with a local Support Brokerage Learning Network, if available.

Support Broker Billing Standard:

The unit of service for Support Brokerage is an hour. Services are billed in 15-minute increments, with a full 15 minutes of service required to bill a single increment (i.e., there is no “rounding up”). Only time spent doing required or allowable activities can be billed.

For each continuous period of service delivery (or “session”), the support broker must document the services and supports provided by the support broker that are drawn from the agreement between the individual and the support broker.

The provider must also document the service start time and service stop time for each “session.” The billable service time for Support Brokerage is the time when the support broker is providing services to or on behalf of an individual and these services are drawn from the agreement.

An individual may receive Support Brokerage and service coordination at the same time as long as those services do not duplicate each other.

An agency providing Support Brokerage may provide other services; however, the Support Broker is not permitted to provide service coordination or HCBS waiver services to an individual he or she serves.

Support Broker Service Documentation:

Medicaid rules require that service documentation be contemporaneous with the service provision. For the service documentation, the following elements are required:

1. Individual’s name and Medicaid number (CIN).
2. Name of the Support Broker providing Brokerage Services.
3. Identification of the category of waiver service provided. e.g., Support Broker or Support Brokerage.

4. A description of Support Brokerage Services provided during each "session" (or continuous period of Support Brokerage service provision) that are drawn from the support brokerage agreement.
5. Documentation of start and stop times. The Support Broker must document the service start time and service stop time for each continuous period of service provision or "session."
6. The date the service was provided.
7. The signature of the Support Broker delivering and documenting the service.
8. The date the service was documented and signed by the Support Broker.

For the team planning meetings, the support broker must have evidence showing that these meetings occurred. Evidence may include, but is not limited to the service documentation described above or meeting minutes. The following elements however are required:

1. Individual's name.
2. Name of the Support Broker providing Brokerage Services.
3. Identification of the category of waiver service provided. e.g., Support Broker or Support Brokerage.
4. Identification of attendees
5. Description of the discussion and results of meeting (e.g. topics discussed, and changes that need to occur to the individual's plan and budget).
6. The date the meeting took place.
7. The signature of the Support Broker.
8. The date the documentation was signed by the Support Broker.

The support brokerage agreement is a description of the broker's responsibilities and is a separate written document. The following elements are required:

1. Individual's name.
2. Name of the Support Broker providing Brokerage Services.
3. Name of the agency for which the Support Broker works, if there is one, otherwise state that the broker is independent.
4. A description of the responsibilities that the Support Broker is expected to perform.
5. The signature of the Support Broker
6. The date that the Support Broker signed.
7. The signature of the Individual (this may be a designee or guardian).
8. The date that the Individual (or designee or guardian) signed.

The agreement should be reviewed regularly and updated as needed. It is expected that the responsibilities when brokerage services are initially delivered (i.e. Start-Up Brokerage) and the ongoing brokerage services will be different and therefore, the agreement will be updated to reflect new tasks. A copy of the agreement must be provided to the Fiscal Intermediary and OPWDD's Developmental Disabilities Regional Office in which the individual lives.

ISP Documentation Requirements

In addition to the documentation described above for Support Brokerage, the agency providing these services must maintain a copy of the individual's Individualized Service Plan (ISP), developed by the individual's Medicaid Service Coordinator (MSC) or Plan of Care Support Services (PCSS) Service Coordinator.

For Support Brokerage, the following elements must be included in the ISP:

- Identification of the Support Brokerage category of waiver service (i.e., Support Brokerage; Support Broker).
- Identification of the Fiscal Intermediary agency that is billing Support Brokerage Services.
- Identification of the Brokerage agency or broker (if different from the Fiscal Intermediary agency)
- Specification of an effective date for Support Brokerage that is on or before the date of service for which the agency bills Support Brokerage for the individual.
- Specification of the frequency for Support Brokerage is "Hourly."
- Specification of the duration for Support Brokerage is "ongoing."

Documentation Retention

All documentation specified above, including the ISP and service documentation, must be retained for a period of at least six years from the date the service was delivered or when the service was billed, whichever is later.

For additional information on the documentation requirements contact the OPWDD Director of Waiver Management at (518) 474-5647.

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