



NYS Office for People With Developmental Disabilities

# Transformation

## *Agenda*



Self-Direction

Employment

Housing and Supports

Money Follows the Person

Front Door





# Understanding Self-Direction of Community Habilitation Services

Statewide Video Conference  
September 30, 2013



# SELF-DIRECTION of CH Services

At the end of today's discussion you will understand:

- ✓ What self-direction is.
- ✓ What self-direction of community habilitation (CH) services involves.
- ✓ What your responsibilities are if your agency choose to offer self-direct your CH services.
- ✓ How your agency can get started.
- ✓ What assistance is available to help your agency offer self-direction of CH services.
- ✓ Who you can contact if you are interested in self -directing your CH services.



**First things first:**

***“What are self-direction and self-determination?”***



## What is Self-Determination?

- The belief that all individuals have the right to direct their own lives.
- A philosophy that is based on:
  - Freedom - to develop a personal life plan.
  - Authority - to control a targeted amount of resources.
  - Support – receiving the support needed to attain personal goals.
  - Responsibility - for contributing to one's community and using public dollars wisely.
  - Self-Advocacy - people with developmental disabilities speak or act on behalf of themselves or of issues that affect people with developmental disabilities.



## WHAT IS SELF DIRECTION?

Self-direction provides individuals the opportunity to make decisions about what supports and services they need to help them:

- ✓ **Enjoy meaningful relationships with friends, family and others in their lives,**
- ✓ **Experience personal health and growth,**
- ✓ **Live in the home and community they choose, and**
- ✓ **Work, volunteer, or do recreational activities they enjoy with others in their neighborhood.**

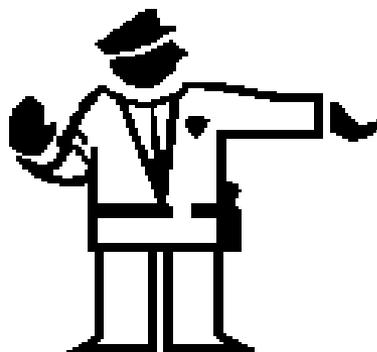


# WHAT DOES SELF-DIRECTION MEAN FOR AN INDIVIDUAL?

- He/she may choose to self-direct some or all of his/her supports and services.
- He/she accepts responsibility for helping to manage (co-manage) supports and services.
- OPWDD's self-directed options give him/her **employer authority** and/or **budget authority**.



# WHO CAN SELF-DIRECT??





# Who Can Self-Direct?

## *An adult who:*

- Is capable of making informed choices and is willing to manage his/her self-directed service or who has selected a family member or other identified adult representative willing to assist in making choices and co-manage supports and services.
- May not be capable of making informed choices but has a representative who is available and willing to make informed choices and co-manage services on his/her behalf.

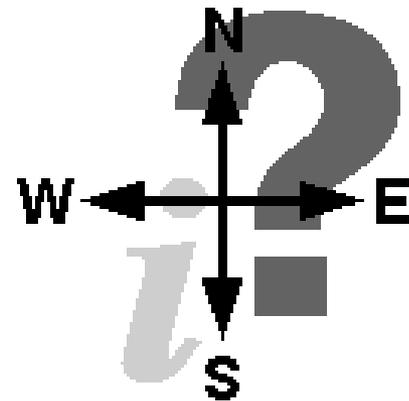
## *A child/young adult with an identified adult representative who is:*

- A parent, a legal guardian, family member or other identified adult available and willing to make choices on behalf of the individual and co-manage the individual's supports and services.



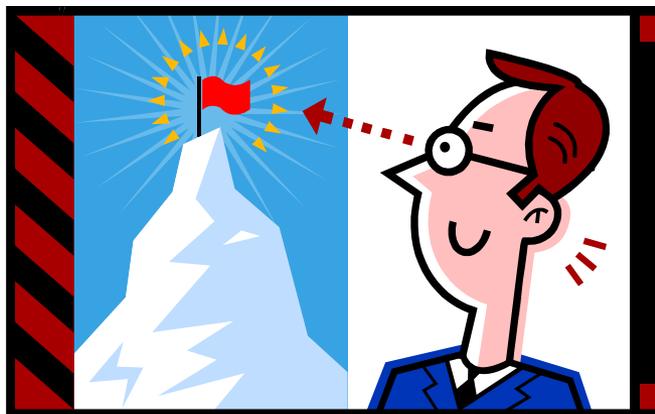
# ARE THERE ANY RESTRICTIONS ON WHO CAN SELF-DIRECT?

- Self-direction includes a planning process that ensures needed safeguards are considered and developed prior to plan approval.





# Self-direction of Community Habilitation (CH) Services





# WHAT DOES SELF-DIRECTION OF CH SERVICES MEAN?

- When an individual self-directs his/her community habilitation (CH) services, it means that the individual is choosing to exercise employer authority;
- The individual and people he/she knows and trust can decide what he/she needs staff to do to help him/her, and what hours the help is needed;
- Based on the interests and needs of the person a habilitative plan is developed to identify the supports that will be provided;
- Individual determines what supports and activities happen when; and
- The individual supervises his/her staff, and if staff do not do a good job, the individual can change staff.



# WHAT ARE THE ROLES OF THE AGENCY and the INDIVIDUAL?

*When an INDIVIDUAL self-directs his/her community habilitation services, he/she has employer authority, which means:*

- The individual makes decisions about who works for him/her;
- He/She can recruit people to work for him/her;
- The individual and people he/she knows and trust can decide what he/she needs staff to do to help him/her, and what hours the help is needed;
- A habilitative plan is developed based on the interests and needs identified by the individual receiving services and/or the people who help him/her; and
- The individual supervises the staff, and if they don't do a good job, the individual can change staff.



# WHAT ARE THE ROLES OF THE AGENCY and the INDIVIDUAL?

*The AGENCY remains the employer of record, meaning that:*

- The agency retains the final decision on hiring and firing a staff person (remember: the individual can remove a staff person from their services);
- The agency ensures training that is required by regulations is completed by staff;
- The agency implements practices that are consistent with pertinent labor laws;
- The agency is responsible for maintaining payroll and personnel activities; and
- The agency reviews service documentation and submits claims for payment based on the documentation.
- Once both agree on how the agency will assist the individual, an agreement is put in place so that both are clear on each of their responsibilities.



**Once all agree on how the Agency will assist the Individual, an agreement is put in place called a Memorandum of Understanding (MOU) so that all are clear on each of their responsibilities.**





## WHY IS A MOU NECESSARY?

- The purpose of the Memorandum of Understanding (MOU) is to ensure that the agency and the individual have had a discussion about their responsibilities and that each party understands them. The MOU creates a record of the discussion and the agreement and creates accountability regarding the expectations agreed to by both parties.
- OPWDD has drafted a standard MOU for use by individuals and agencies. The MOU can be revised to reflect the specific agreement between the parties if there is a need for a more unique arrangement.



## What About Health and Safety?

- An agency's responsibility for health and safety oversight of an individual who is self-directing does not change.
- Agencies maintain the final decision in hiring and firing staff.
- If there is a need for clinical input or ongoing monitoring of the person's support plan to ensure safety or effectiveness, then the agency works with the individual and/or those who help him/her to develop and monitor the habilitative plan of support.



# HOW DOES MY AGENCY GET STARTED?

- Reach out to parents and individuals who are already managing their services and see if they are interested in taking the responsibility formally with an MOU.
- Reach out to individuals and family and see if they want to take on more responsibility.
- Tell your regional office that your agency offers self-direction of CH so they know which agencies to refer families and individuals who express an interest in self-direction of CH services.



# WHERE CAN I GET MORE INFORMATION?

- Community Habilitation (CH) ADM: These requirements apply to services that are managed exclusively by a provider agency and for Community Habilitation services that are self or family directed. Please refer to **ADMINISTRATIVE MEMORANDUM - #2010-05** or found at <http://www.opwdd.ny.gov/node/874>
- MOU template (template found here: <http://www.opwdd.ny.gov/node/879>)
- Your service coordinator.
- Each OPWDD Regional Office also has at least one staff person whose main job is to help people who want to self-direct their services.
- Also, information can also be found on OPWDD's website: <http://www.opwdd.ny.gov>



**THANK YOU!**

*Do you have any questions?*