

Memorandum of Understanding for the Provision of: Fiscal Intermediary Services

This memorandum of understanding (MOU) is an agreement between _____, [Self-Direction (SD) Participant/Designee] and _____ [Fiscal Intermediary (FI) agency].

It is understood that the SD Participant/Designee chooses this agency to provide services required of an FI as described in the attached Administrative Memorandum #2019-07 and this agreement is based on an approved Self-Direction Budget.

The responsibilities of the SD Participant/Designee and the Fiscal Intermediary are defined in the attached SD Participant Checklist (attachment #1) and the FI Checklist (attachment #2) which are included as part of this agreement.

For self-hired and agency-supported staff, it is understood and agreed the FI is the employer of record, and the SD Participant/Designee is the supervising and managing employer. A copy of the agency's Employee Handbook will be provided to the Participant/Designee at the time this agreement is signed.

The FI will provide the SD Participant/Designee with a contact and telephone number that the SD Participant/Designee may call at any time with questions about the services the FI will be providing to the SD Participant. Messages left on the answering machine will be returned within 24 hours.

By signing this MOU both the SD Participant/Designee and the FI acknowledge that they understand that **submitting false information and billing Medicaid for a service that was not provided may be considered Medicaid fraud.**

FI Contact Name	Function	Email	Phone

The FI and SD Participant/Designee have read and agree to the responsibilities outlined in this MOU. In addition, the FI and SD Participant/Designee agree to meet with the Circle of Support to resolve any issues that may arise. Failure to comply with these responsibilities may result in termination of this agreement and all SD supports and services.

Signed:

_____ Dated: _____
Fiscal Intermediary Services agency

_____ Dated: _____
Self Direction Participant/Designee

Self-Direction Participant Designee Signature Page

Participant's Designees:

Name

Signature

Role

RESPONSIBILITIES OF THE SELF DIRECTION (SD) PARTICIPANT AND/OR DESIGNEE

- Understand and participate in the development of your Life Plan and your SD services. You, with your designee will review the SD Budget and related service plans, minimally twice a year in accordance with the Life Plan reviews.
- Ensure that all appropriate parties are invited to your Life Plan review, including the FI, your Support Broker and members of your Circle of Support (COS).
- Meet with your COS, including in-person with your Support Broker, at least 2 times a year to review your SD Budget and obtain additional, supports and services, if necessary. These meetings can overlap with the Life Plan reviews, but you can and should meet as often as needed.
- Ensure that your Support Broker Agreement is complete, up-to-date and sent to the Developmental Disabilities Regional Office (DDRO) SD Liaison.
- Responsibly implement and manage your approved SD Budget. This includes contacting your COS, Care Manager, FI and DDRO SD Liaison for assistance.
- Review the Monthly Expenditure Report provided by your FI and work with your Circle of Support and Support Broker to use these reports to maintain spending within your budget.
- Ensure that all required service documentation (including, but not limited to, staff time sheets, monthly summary notes, invoices, travel logs and any other documentation required by SD Services) is completed by you or your designee, and by staff as needed, signed and dated by you or your designee as necessary, and transmitted to the FI as agreed upon in the Memorandum of Understanding within 30 days following the service month. Timeliness is necessary for reimbursement and to ensure Medicaid compliance.
- Comply with the FI's hiring practices, including required criminal background checks. The FI can assist you with advertising, interviewing and hiring of potential staff.
- Ensure self-hired staff receive special trainings on your specific needs as needed. The Fiscal Intermediary is responsible to provide the staff with agency mandatory trainings, including Incident Reporting. The FI and DDRO may be sources for additional staff trainings.
- If you want to make changes to your SD services, notify your Broker, COS, and Fiscal Intermediary to discuss why you want to make the change and initiate/assist in completing the appropriate form(s) required to make the change. You should retain copies of the completed forms.
- Keep your Care Manager regularly informed regarding your satisfaction with Self-Direction services and notify your Care Manager and the FI agency immediately if you experience any "reportable incidents," such as abuse, neglect, or injury.
- Notify your Broker, Fiscal Intermediary (FI) and assigned DDRO Liaison if you have a change in Care Managers.
- Communicate to the FI who your designee is, if necessary. Also ensure your FI is aware of any changes to your designee.

FISCAL INTERMEDIARY AGENCY (FI) RESPONSIBILITIES

- Understand and comply with Administrative Memorandum 2019-07 (https://opwdd.ny.gov/opwdd_regulations_guidance/adm_memoranda/ADM-2019-07) and with all other applicable State and Federal requirements. This includes, but is not limited to, ADMs for Supported Employment (SEMP), Community Habilitation, Support Brokerage, Community Transition Services and Moving Assistance, Individual Directed Goods and Services, and Respite when the Fiscal Intermediary is the provider that is billing for such services.
- Set up financial accounting for each participant based on the approved SD Budget and service plans.
- Explain all fiscal procedures and required waiver documentation to the participant such as the hiring and training of staff. Provide the SD participant with copies of all written policies and procedures.
- Maintain documents for each SD participant including, but not limited to, a current signed Life Plan identifying the FI as the provider of service, current signed Staff Action Plans, service documentation, invoices, and time sheets. Medicaid documentation must be kept for a period of six years.
- Ensure staff time sheets and invoices have been approved and signed by the participant or designee, as necessary, and that requested payments are consistent with the participant's approved SD Budget and Staff Action Plans.
- Prior to billing the appropriate government entity (eMedNY or OPWDD), review service documentation to ensure that requirements for billing have been achieved.
- If the FI suspects that documents have been falsified, staff should follow the FI agency's false claims reporting procedures. Technical assistance is available from OPWDD's website, https://opwdd.ny.gov/opwdd_regulations_guidance/corporate_compliance_and_medicaid_information
- Send a Monthly Expenditure Report to the participant or his/her designee of record, the support broker and any other party designated by the participant or OPWDD.
- Work with the SD participant to ensure that any advertisements for self-hired staff comply with equal opportunity employment standards.
- Ensure that all self-hires and contracted staff, when required by OPWDD regulations, are fingerprinted and receive a criminal background check prior to being hired. The results of the criminal background check must be maintained on file with the FI.
- Ensure that appropriate incident management procedures are followed. See The Part 624 Handbook and Part 624 Handbook FAQs, page 10, at http://www.opwdd.ny.gov/opwdd_resources/incident_management/documents/maual_part624_handbookFAQs
- Ensure that all staff have received all OPWDD-approved basic agency mandatory training, including incident reporting, and assist with arranging or providing other staff training as agreed upon with the participant. Training may be offered through the FI or any other approved source.
- Ensure that paychecks to employees and reimbursements to the participant or vendors are provided in a timely manner and, when applicable, ensure that fringe benefits are provided to self-hired staff.
- Ensure that all staff paid through the FI receives appropriate wage and tax statements.