



VERMONT

AGENCY OF HUMAN SERVICES

DEPARTMENT OF DISABILITIES, AGING AND INDEPENDENT LIVING

DEVELOPMENTAL DISABILITIES SERVICES DIVISION

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MEMO

To: Developmental Disabilities Services Directors

From: Jennifer Garabedian, MSA, Director, Developmental Disabilities Services Division *JLG*

Re: Continuing Conversion of Unused HCBS Funds for FY 2024 for Shared Living Providers and Unpaid Family Caregivers

Date: July 21, 2023

Considering the continuing Federal state of emergency and impact on the Vermont workforce, the Developmental Disabilities Services Division will continue to make the conversion of unused HCBS funds available to shared living providers and unpaid family caregivers for the first quarter of Fiscal Year 2024. Please see below for directions.

I. FINANCIAL SUPPORTS FOR SHARED LIVING PROVIDERS

DDSD will allow agencies to convert unused HCBS funds to increase Difficulty of Care stipends when it is critical to increase financial support of Shared Living Providers.

What criteria should be used to evaluate an increase to the Difficulty of Care stipend?

The agency will assess circumstances on a **case-by-case** basis, depending on the level of need of the individual being supported and increased demand on the SLP due to the **consistent loss** of typically provided hourly or daily services during the Federal state of emergency. It is expected that individuals will participate in services if staff/workers are available and safety precautions are followed. The determination that an increase in the stipend and how much is needed is at the discretion of the agency. Criteria for approval includes the following scenarios:

- Based on review of the CDC guidance regarding individuals at higher risk infection categories, the agency and the SLP agree that it is unsafe for respite providers and/or direct support workers to enter their homes and/or workers are unavailable due to the COVID-19 crisis; and,

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- 7/1/2023-9/30/2023: There are unused funds in the individual's HCBS budget in the following categories: respite, community supports, employment supports, shared living hourly supports. These supports may have been provided by either agency-hired staff or ARIS-paid workers. (Note: when unused funds from ARIS paid services are used, adjustments to the funds authorized to be paid through ARIS must be made accordingly.)
- The SLP is providing additional care to the individual during the Federal state of emergency.

What funds for services may be used?

- 7/1/2023-9/30/2023: Unused funds for the following services may be used- respite, employment, community and/or shared living hourly supports in the individual's HCBS budget that are provided by workers hired by SLPs or by the agency when the following are true:
 - The funds are within individuals' budgets; and,
 - The funds are necessary to preserve shared living placements, and to address individuals' health and safety needs as effectively as possible.

How are these expenditures tracked?

The conversion of funds to increase the Difficulty of Care stipends will be tracked by agencies on their HCBS spreadsheets. Additional columns will be added to the spreadsheet so the amount paid out by service category can be tracked for the first quarter, 7/1/2023-9/30/2023, of Fiscal Year 2024.

How long will this flexibility last?

The agency may move unused HCBS funds into the Difficulty of Care stipend through 9/30/2023. The Division will continue to assess the ongoing need for this flexibility and determine if the ability to provide these stipends continues beyond the first quarter of FY24. **Agencies will be provided notice if this flexibility will be discontinued.**

Is there a limit to the Difficulty of Care payment increase through the conversion of unused HCBS funds?

The maximum allowable increase to Difficulty of Care stipends is **\$1,000** per month through 9/30/2023 through the conversion of unused HCBS funds.

2. EMERGENCY SUPPORTS FOR UNPAID FAMILY CAREGIVERS

DDSD will allow designated agencies, specialized services agencies, and the supportive intermediary service organization (DAs/SSAs/ISO) to convert funds that are managed by the family within the following categories: respite, community supports, employment supports, in-home family supports - into a Difficulty of Care stipend for the period of 7/1/2023-9/30/2023. Family caregivers are eligible to request payments when the following statements are true:

- A minor or adult child/family member has an approved HCBS budget; and
- The budget has portions that are managed by the family; and
- The individual is living in the home of the family caregiver; and
- The family caregiver is providing additional care beyond the amount of natural support they typically provide **because of the consistent loss of typical hourly or daily services**. This is when services are reduced due to the unavailability of workers to provide the service.
- There are unused funds that are managed by the family in their HCBS budget as of 9/30/2023 for the first quarter of the fiscal year.

An unpaid family caregiver may not receive a difficulty of care stipend when services can be delivered safely and workers are available, even if the family has declined these supports.

An unpaid family caregiver may not restrict access to and/or oversight by the agency (DA, SSA, or supportive ISO) to ensure the health and well-being of the individual during the time that typical supports are not available and a stipend is being paid.

How much will they receive?

Family caregivers, in consultation with their agency or Transition II, may have unused HCBS funds managed by the family converted to a non-payroll, invoiced stipend amount up to, but not to exceed, **\$5,000 or one quarter of their annual allocation for family-managed direct services, whichever is less**, per eligible individual for the period of 7/1/2023-9/30/2023. The maximum allowable amount does not constitute a guarantee. Agencies must evaluate the level of typical supports against what is being provided by the unpaid family caregiver to determine the appropriate amount.

The agency or Transition II must confirm with ARIS the amount of unused monies remaining in the person's budget. The agency will speak with the family about current needs and appropriate level of monies to convert, taking into consideration the possible need for funds to be available through 7/1/2023-9/30/2023 if the state of emergency is lifted prior to that time or it is anticipated that workers will be providing services again.

The agency or Transition II authorizes the stipend amount for ARIS to be paid to the family caregiver via a non-payroll invoice. Agencies or Transition II must complete this form and send it to ARIS. The form will be provided to agencies and Transition-II.

These payments are made from the HCBS funds that are authorized by agencies for services that are managed by families and paid through ARIS.

How long will this flexibility last?

The agency may approve these stipends via ARIS through 9/30/2023. The Division will continue to assess the ongoing need for this flexibility and determine if the ability to provide these stipends continues beyond the first quarter of FY24. **Please note, the Federal Public Health Emergency will end on May 11, 2023. The end of this flexibility and these payments has been extended until December 31, 2023.**