



Department of Disabilities, Aging & Independent Living (DAIL) COVID-19 Flexibilities

DAIL Advisory Board

May 11, 2023

What are COVID-19 Flexibilities?

1. During the COVID-19 pandemic, DAIL was able to quickly modify or suspend Home and Community-Based Services (HCBS) program policies, rules and processes to help stabilize services to Vermonters.
2. AHS Departments worked with DVHA Medicaid Policy team to be sure HCBS program flexibilities aligned with federal and state rules.
3. As the Public Health Emergency ends May 11, 2023, states must evaluate HCBS program flexibilities to determine which will continue and which will end.
4. HCBS flexibilities that will end must be phased down within 6-months of the end of the Public Health Emergency, or November 11, 2023.

How do we decide?

In deciding which COVID-19 flexibilities can and should continue, we considered:

1. Is there a state or federal regulation that would require the flexibility to either continue or end?
2. For flexibilities that are not required to end:
 - ▶ Is the flexibility a policy or process that has proven to be good for consumers?

AND

- ▶ Can the State incorporate the policy or process as a permanent modification to the program?



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Adult Services Division Flexibilities

Temporary Measure	Start Date	End Date	Comments
Granted a temporary <u>blanket</u> variance to allow consumers or their surrogates to hire workers who would not be typically allowed as paid workers without a variance from DAIL. This includes legal guardians and 16–17-year-old workers.	3/13/20	11/11/23	The <u>blanket</u> variance will end and revert to the previous case-by-case individual variance process to assure adequate oversight. The GC Waiver renewal application includes a request to pay legally responsible parties using an identified process.
Expanded the allowable CFC personal care categories in which spouses can be paid for Instrumental Activities of Daily Living (IADL) such as housekeeping and shopping. ASD also temporarily allowed surrogate employers to be paid caregivers in emergency situations.	3/13/20	11/11/23	This was an emergency need only and does not support long-term due to inherent conflicts that could affect quality of care and program integrity. Spouses continue to be paid to provide Activities of Daily Living (ADL) such as dressing, bathing, transferring).

Adult Services Division Flexibilities

Temporary Measure	Start Date	End Date	Comments
Increased the CFC funding cap and increased flexibility for the use of Assistive Device/Home Modification/Assistive Technology funds.	3/13/20	Continue	DAIL maintained the higher cap in CY22 with CFC Reinvestment funds. Higher cap will continue in CY23 with Enhanced FMAP funds.
Granted Adult Day Centers (ADC) the ability to bill for companionship and respite services via home visit or telephonic/telehealth.	4/28/20	Continue	This is a valuable tool for supporting consumers who are unable to attend the center in person. Plan to build into permanent ADC standards as allowable.
Created the option for Adult Day Centers (ADC) to bill for group telehealth activities.	2/12/21	Continue	This is a valuable tool for supporting consumers who are unable to attend the center in person. Plan to build into permanent ADC standards as allowable.



Adult Services Division Flexibilities

Temporary Measure	Start Date	End Date	Comments
Expanded type and volume of CFC HCBS respite services and allowed higher use of respite above caps due to Adult Day closures. This is technically allowable under current program rules and standards.	3/13/20	Continue	These are being reviewed on an individual basis for the time being.
The State Unit on Aging (SUA) expanded eligibility for home delivered meals. This is not a Medicaid HCBS flexibility.	3/31/20	4/1/23	With all senior centers and meal sites now operational, the SUA returned to pre-COVID eligibility for home delivered meals.
Allowed local nutrition service providers the option to provide to-go/takeout meals. This is not a Medicaid HCBS flexibility.	3/31/20	Continue	SUA will continue this flexibility as allowed by ACL.

Division of Developmental Disabilities Services Flexibilities

Temporary Measure	Start Date	End Date	Comments
Allowed electronic/remote methods of service delivery.	3/13/20	Continue within specific AHS-issued guidelines	Department of Vermont Health Access (DVHA) and Department of Disabilities, Aging and Independent Living (DAIL) issuing guidance related to ongoing use of telehealth for HCBS supports.
Allowed substitutions, reduction and/or temporary suspension of “non-essential” services.	3/13/20	11/11/23	As COVID-related staffing emergencies start to resolve, providers are able to staff non-essential services as workforce availability allows.



Division of Developmental Disabilities Services Flexibilities

Temporary Measure	Start Date	End Date	Comments
Allowed a family member to be paid to render services to an individual (parent/primary caregiver stipend)	3/13/20	12/31/23 (aligned with end of quarter)	Parent/primary caregiver stipend is one of areas of requested consideration for State System of Care Plan for Developmental Disabilities 2022-2025. The GC Waiver renewal application now includes the ability to pay legally responsible parties using an identified process. Once a protocol is developed and approved by CMS along with required regulatory revisions, this will likely become a permanent option with parameters.

Division of Developmental Disabilities Services Flexibilities

Temporary Measure	Start Date	End Date	Comments
Allowed the option to conduct evaluations, assessments, and person-centered service planning meetings virtually/ remotely in lieu of face-to-face meetings.	3/13/20	Continue within AHS-issued telehealth guidelines.	Remote, virtual, or hybrid evaluations/assessment and person-centered planning meetings will continue to be allowable. This flexibility is not expected to end early.
Allowed extensions for reassessments and reevaluations for up to one year past the due date.	3/13/20	11/11/23	CMS does not allow this flexibility outside of a public-health emergency.
Allowed an electronic method of signing off on required documents such as the person-centered service plan.	3/13/20	11/11/23	DAIL may consider identifying a process for electronic signatures for required documents and seek approval through CMS to make this a permanent option.



Division of Developmental Disabilities Services Flexibilities

Temporary Measure	Start Date	End Date	Comments
Suspended State System of Care requirement related to gaps in service provision (in excess of 14 days)	3/13/20	11/11/23	DAIL and DDS staff are exploring the efficacy of this model and financial support that this has provided the DA/SSA network. Currently, this flexibility is expected to end on 11/11/23.
Allowed a payment model based on monthly billing period and minimum threshold of 6 units of service delivered.	11/1/20	11/11/23	DAIL and DDS staff are exploring the efficacy of this model. Currently, the monthly payment method is expected to continue, and the 6-units flexibility is expected to end on 11/11/2023.