

Hayes, Charlotte - ASAM

From: Maxwell, Mary Beth - OSEC
Sent: Wednesday, March 05, 2014 11:02 AM
To: Carol Golubock
Cc: McClintock, Laura - OSEC
Subject: Re: Are we on for Friday?

Yes! Laura mc in charge of scheduling!

From: Carol Golubock <carol.golubock@seiu.org>
Sent: Wednesday, March 05, 2014 10:40:25 AM
To: Maxwell, Mary Beth - OSEC
Subject: Are we on for Friday?

To discuss companionship rule?
Thanks.

Sent from my iPhone

Hayes, Charlotte - ASAM

From: Maxwell, Mary Beth - ASP
Sent: Wednesday, July 16, 2014 7:04 PM
To: Colangelo, Matthew - OSEC
Subject: FW: Sun times posted: Taking Care of our Caregivers

fyi

From: Maxwell, Mary Beth - ASP
Sent: Wednesday, July 16, 2014 6:39 PM
To: 'Henry Mary Kay'; judy.scott@seiu.org; Peter Colavito (peter.colavito@seiu.org)
Cc: Block, Sharon I - OSEC; smith.m.patricia@dol.gov
Subject: FW: Sun times posted: Taking Care of our Caregivers

<http://www.suntimes.com/news/otherviews/28697519-452/taking-care-of-our-caretakers.html>

Taking care of our caretakers

By Lisa Madigan and Thomas Perez July 16, 2014 3:42PM

Every day across our nation, approximately two million people, including 73,000 in Illinois, go to work caring for people in their homes. They bathe our parents and grandparents, and administer their medications. They help our children with disabilities get dressed. They brush our sisters' hair, and assist our brothers with shaving. They prepare meals for our elderly neighbors; monitor blood pressure for our aunts and uncles; help our friends with physical therapy exercises.

Their work is demanding. It can be dirty. It can be physically exhausting and emotionally draining. But it can also be enormously satisfying. Most importantly, it allows our loved ones to live in their homes with dignity and independence, rather than in institutions.

And yet, until recently, these home care workers could be paid less than the minimum wage for their work. A decades-old exemption in federal regulations allowed them to be included in the same category as babysitters. The U.S. Department of Labor last year issued new regulations to address that problem, which means home care workers can no longer be paid a sub-minimum wage for the critical, difficult work they do.

Unfortunately, last month the U.S. Supreme Court decision in *Harris v. Quinn* made it harder for home care workers in Illinois to get decent wages and benefits.

Nine out of ten home care workers are women — about half of them are women of color. An estimated 40 percent are on some form of public assistance. They earn about \$20,000 a year, often

working far more than 40 hours per week. One woman told us that she left her job as a home health aide to work at a fast food restaurant because it paid better.

We can't afford to pay so little to workers who are in increasingly high demand. With our largest generation — the baby boomers — hitting retirement age at a moment when American life expectancy is higher than ever, we'll need 50 percent more home care workers by 2022.

Labor unions help ensure that home care workers receive fair wages, workplace protections and benefits, as well as professional development and training. Those provisions have attracted more qualified workers and reduced turnover rates, which has resulted in significant savings for taxpayers. Illinois saves over \$600 million a year in Medicaid costs via the home-care model instead of more costly public institutionalization.

As our population ages and the trend away from institutional care and toward in-home services grows, it's in our collective interest to ensure a sustainable pipeline of skilled workers ready to provide the care so many of us will rely on at some point in our lives. Public sector unions help build that pipeline by guaranteeing decent wages and adequate benefits for a growing workforce.

These workers aren't merely companions. They are professionals, doing heroic, demanding and increasingly skilled work. The services they provide allow us to remain in our homes, in our communities, while still receiving critical care.

So they deserve our respect, our admiration and our gratitude. But more importantly, they deserve to be treated fairly, with all of the rights and protections in the workplace that Americans have come to expect. That includes the right to have a voice in the workplace and the right to bargain collectively.

Lisa Madigan is Illinois Attorney General and Thomas Perez is the U.S. Secretary of Labor.

Hayes, Charlotte - ASAM

From: Carol Golubock <carol.golubock@seiu.org>
Sent: Thursday, January 09, 2014 4:51 PM
To: Carol Golubock; McClintock, Laura - OSEC; Michael Artz; Sally Tyler; Maxwell, Mary Beth - OSEC; Smith, M. Patricia - SOL; Ford, Malvina ; Brand, Jennifer S. - SOL; Ryan E. Griffin; ; Fortman, Laura - WHD; Elizabeth Royal
Subject: Mapping of State Programs
Attachments: FLSA data supplement_122013Final (3).docx; FLSA implementation monitoring data for DOL Jan 2014.pdf

Happy New Year! And I didn't imagine it would take us this long to get you this mapping of large home care programs likely to be impacted by the new companionship rule, but gathering and checking the information took much longer than we had anticipated.

I have attached a summary chart of programs and a longer memo that describes the programs in greater detail and lays out our data sources. This is not a 50 state survey but rather looks only at 15 states where we have had some experience with the programs.

We would be happy to discuss this information with you. We feel that it identifies many large programs where we anticipate implementation of the new rule could require substantial payment of overtime compensation if current practices continue.

Thank you all for your patience and hope this proves to be helpful.

--
Carol Golubock
Director of Policy
Service Employees International Union
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FLSA Implementation and Monitoring Data

HCBS Data Collection in Selected States

January 2014

Service Employees International Union

FLSA Implementation Monitoring Data

Caveats and Sources:

- (1) Unless otherwise noted, all waiver enrollment/utilization figures are state *projections* as opposed to *actual* enrollment/utilization figures, and the current enrollment projections are for CY2013 in Appendix J of the waiver applications. Most waiver applications can be found here: <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/Waivers.html>
- (2) Unless otherwise noted, waiver program information regarding relative providers came from Appendix C-2 and information regarding caps on hours came from Appendices C-3 in the waiver applications.
- (3) Unless otherwise noted, average hours/user data are based on waiver application projections in Appendix J which can sometimes vary greatly from actual utilization figures. However, these projections give us some sense of how generous the benefits are.
- (4) Information about State Plan Amendments can be found here: <http://www.medicaid.gov/State-Resource-Center/Medicaid-State-Plan-Amendments/Medicaid-State-Plan-Amendments.html>
- (5) All State minimum wage and overtime information was taken from NELP, "*Home Care Worker Rights in the State After the Federal Companionship Rules Change -2013.*" September 2013. Available at: <http://phinational.org/policy/take-action/campaign-fair-pay/map-expansion-labor-protections-state>.

Definitions of Employer and Budget Authority:

- Employer Authority. As specified in Appendix E-2, Item a in the waiver application, the participant (or the participant's representative) has decision-making authority over workers who provide waiver services. The Participant may function as the common law employer or the co-employer of workers. Supports and protections are available for participants who exercise this authority.
- Budget Authority. As specified in Appendix E-2, Item b in the waiver application, the Participant (or the participant's representative) has decision-making authority over a budget for waiver services. Supports and protections are available for participants who have authority over a budget.
- Consumer Direction and Employer Authority: In almost all programs that offer only employer authority, participants have little or no authority to determine workers' hourly wages. In contrast, participants in budget authority programs typically negotiate hourly wage rates and additional fringe benefits with their workers. The only requirement is that they abide by applicable federal/state laws regarding minimum wage, overtime pay, workers compensation, disability insurance, and unemployment insurance

Other Definitions

- Fiscal Intermediary/FEA Model. A Fiscal/Employer Agent model characterizes the situation when the recipient is the common law employer of the independent provider. In this model (as in the others) recipients recruit, hire, train, supervise, and fire workers. The Fiscal/Employer Agent handles the employer-related fiscal and administrative tasks, such as Social Security and tax withholding from PAS workers' paychecks, paying and filing employment taxes, and enrolling recipients in workers' compensation insurance. The FMS is considered the agent for fiscal employer tasks.
- Agency with Choice. Under the traditional agency model, the individual retains hiring and firing authority of personal care attendants, with regard to the receipt of services from a specific personal care attendant. In other words, the employment relationship between the personal care

attendant and the agency does not change. The agency with choice model utilizes a co-employment relationship between the individual and an agency.

Acronyms:

- PCA, PCS = Personal Care Services
- TA = Traditional Agency Model
- PCO= Personal care option under a Medicaid state plan
- FA/FI = Fiscal agent or Fiscal Intermediary
- FEA= Fiscal Employer Agent
- CDS= Consumer directed services
- IP/CD = Independent providers under consumer directed options
- AWC = Agency with Choice Model

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California

Chart of Large CDS Programs

Major Program	Est. CDS Consumers and Workers	Est. Agency Consumers	Service Caps / Avg. Utilization	Family Providers	Min Wage and Overtime
IHSS (PCO)	447,752 in 2012 376,000 workers as of 2012 ¹	2,874 in 2012	Capped at 283 hours/month Avg. IP consumer received ~22 hours/week. However, 33 out of 58 counties had severely impaired IP consumers receiving more than 40 hours/week on average.	72% of IHSS recipients have a relative provider	Gaining overtime protection for the first time. CA overtime law providing time-and-a-half the regular rate of pay after 9 hours per day and 45 hours per week except for workers performing services through CA's IHSS program. If workers spend over 20% of work hours on certain housekeeping tasks as described by CA DLSE they are not subject to the CA overtime exemption, however.
HCBS Waiver for Californians with DD	1,040 (or 1,090 by 2015) consumers receive homemaker services either through agencies or individual providers. This service is never consumer-directed, it looks like both provider types are vendors of Regional Centers	16,346 (or 16,674 by 2015) consumers self-direct a mix of transportation, training, respite and skilled nursing services	Average hours per user: 9/week for homemaker and 4/week for in-home respite.	Relative providers are not eligible	

- **IHSS** (2012 data for PCO)
 - Total enrollment was 450,626²
 - TA and CDS

¹ IP estimates can be found here: <http://www.phinational.org/policy/states/california>

² August 2012 IHSS Summary Data available here: <http://www.cdss.ca.gov/agedblinddisabled/PG1282.htm> .

Agency consumers are the sum of contract and homemaker cases.

- 447,752 IP consumers and 2,874 agency consumers
 - 412,055 IP consumers under the Medicaid PCO
 - 35,853 IP consumers under the state/county-funded Residual Program
 - It appears as though 156 IP consumers may be in both programs (possibly Medicaid recipients who get additional hours through the Residual Program?)
 - Some portion of the IHSS program is run through a 1915(j) state plan amendment (i.e. budget authority option)
- 283 hours/month (71 hours/week) cap per consumer³
- Avg. IP consumer received ~22 hours/week⁴
 - Severely impaired IP consumers (i.e. those who require more than 20 hours/week) received ~38 hours/week on average
 - However, 33 out of 58 counties had severely impaired IP consumers receiving more than 40 hours/week on average
- 72% of IHSS recipients have a relative provider (% is probably slightly higher if the denominator is only IP consumers)⁵
- **Multipurpose Senior Services Program (AD waiver)**
 - Chore and personal care
 - Total enrollment is 16,335 (we do not have a projection for 2015)
 - Enrollment capped at 16,335
 - 1,000-2,000 consumers receive supplemental personal care and supplemental chore services **entirely through agencies** (unclear how much duplication of consumers there is across these services)
 - **Supplemental personal care and chore services are provided through this program when the consumer's needs exceed the maximum hours provided under the PCO or when a consumer is left temporarily without a provider**
 - Average hours per user: 13/year for personal care and 40/year for chore (these seem very low, it's possible that the units were entered incorrectly into the waiver application)
 - Some services may be reimbursed on a per diem or per visit basis
 - Waiver app does not specify any cap on hours
 - Relative providers are not allowed
- **HCBS Waiver for Californians with DD**
 - Total enrollment is 105,000 (by the start of 2015 total enrollment is projected to be 110,000)
 - CDS and TA
 - 1,040 (or 1,090 by 2015) consumers receive homemaker services either through agencies or individual providers. This service is never consumer-directed, it looks like both provider types are vendors of Regional Centers.⁶
 - 16,346 (or 16,674 by 2015) consumers self-direct a mix of transportation, training, respite and skilled nursing services.⁷ We do not know how many consumers are specifically receiving ADL/IADL assistance in their homes delivered by IPs (as opposed to facility-based respite, agency-delivered respite, or skilled nursing services).

³ For the Medicaid program, see Cal Wel & Inst Code § 14132.95. For the residual state/county-funded program, see Cal Wel & Inst Code § 12300.

⁴ August 2012 IHSS Summary Data (see average paid hours per case at the end): <http://www.cdss.ca.gov/agedblinddisabled/res/MgmtStats/2012AugMgmtStats.pdf>

⁵ See page 7 of the "In-Home Supportive Services: Background and Policy Considerations of Proposed Integration Into Medi-Cal Managed Care" report from the Legislative Analyst's Office, (March 2012). Available here: http://www.lao.ca.gov/handouts/socservices/2012/IHSS_3_27_12.pdf

⁶ Utilization figure came from Appendix J, WY 2 and the provider details came from Appendix C-3 for Homemaker Services in the waiver application.

⁷ Appendix E-1 (6 of 13), WY 2 in the waiver application.

- Some IP consumers use the FMS Co-Employer model in which the FMS entity is considered the legal employer in collaboration with the consumer/their representative. Other IP consumers use the FMS Fiscal Employer/Agent model in which the FMS entity assists with payroll functions but is not described as being a co-employer with the consumer.⁸
- A voucher payment method is used without allowing the consumer to determine workers' wages.⁹
 - Average hours per user: 9/week for homemaker and 4/week for in-home respite.
 - Waiver app does not specify a cap on hours for homemaker or family support respite. In-home respite is limited to 90 hours/quarter but exceptions can be made on an individual basis.
 - Relatives are allowed to provide any waiver service; however legally responsible individuals (parent of minor child, spouse, or legal guardian) may not provide services.
- **In Home Operations** (medically fragile waiver)
 - Total enrollment is 147 (projected to be 140 in 2014).
 - 54 consumers receive waiver personal care (**which can be on top of personal care through IHSS**). Waiver is entirely consumer-directed, but consumers can choose agencies or IPs without having wage-setting authority
 - Unlicensed IPs are co-employed by the consumer and DSS and they must enroll as IHSS providers¹⁰ (unclear whether these providers are included in the IHSS figures above)
 - Consumers who use IPs must also be enrolled in IHSS, consumers who use agencies to receive waiver personal care are not required to be enrolled in IHSS
 - Average hours per user: **45/week for waiver personal care (which may involve some companionship)**
 - Waiver app only indicates that total direct care services (e.g. PCO, waiver personal care, protective supervision, and private duty nursing) are capped at 24 hours/day
 - Spouses and legally responsible adults (parents, step-parents, foster parents, etc) cannot provide personal care¹¹
- **Nursing Facility/Acute Hospital Waiver** (medically fragile waiver)
 - Total enrollment is 3,276 (projected to be 3,620 by 2015).
 - 2,002 consumers receive personal care (projected to be 2,241 by 2015). Waiver is entirely consumer-directed, but consumers can choose agencies or IPs without having wage-setting authority
 - Unlicensed IPs are co-employed by the consumer and DSS and they must enroll as IHSS providers¹² (unclear whether these providers are included in the IHSS figures above)
 - **Consumers must also be receiving IHSS and have exhausted their IHSS hours before receiving waiver personal care**
 - The Department of Social Services (DSS) acts as the common law employer.
 - Average hours per user: **49/week (which may involve some companionship)**
 - Waiver app only indicates that total direct care services (e.g. PCO, waiver personal care, protective supervision, and private duty nursing) are capped at 24 hours/day
- Waiver personal care services can be provided by an unlicensed adult who is not the spouse, or legally responsible adult, parent, step-parent, or foster parent of a minor **HIV/AIDS Waiver**
 - Total enrollment is 4,410 (projected to be 4,570 by 2015)

⁸ Appendix E-2 (1 of 6) in the waiver application.

⁹ Appendix E-1 (1 of 13) and E-2 (1 of 6) subsection ii in the waiver application.

¹⁰ Appendix E-2 (1 of 6) in the waiver application.

¹¹ Appendix E-1 a.

¹² Appendix E-2 (1 of 6) in the waiver application.

- 1,687 consumers receive homemaker or attendant care services entirely through agencies (projected to be 1,748 by 2015)
- **Homemaker and attendant care hours provided under this waiver service to supplement IHSS hours when a consumer's needs exceed the hours limit in IHSS. No cap on these waiver service hours was found**
- Average hours per user: 4/week for homemaker and 3/week for attendant care
- Relative providers are not allowed
- **Pediatric Palliative Care Waiver** (medically fragile)
 - Total enrollment is 1,800 (projected to stay the same for 2015)
 - TA and CDS
 - 126 consumers are projected to receive personal care and all consumers are projected to receive some form of respite
 - Services are delivered through agencies except when an individual respite provider is an RN or LVN
 - Average hours per user: 2/week for personal care and 7/week of respite
 - Personal care hours are capped at 6 hours/day and 100 hours/year. Respite is capped at 30 days/year.
 - Relatives are allowed to provide services (i.e. relatives who are RNs or LVNs can provide respite as IPs and agencies are explicitly allowed to hire a CNA, nurse or home health aide for the provision of personal care and/or respite who is the relative of the consumer. However, a participant's legally responsible person is not allowed to be hired by an agency to provide personal care.)
- **Assisted Living Waiver** (AD waiver)
 - Total enrollment is 3,700 (no projection available for 2015)
 - 3,610 consumers reside in Residential Care Facilities for the Elderly (and those facilities provide services) and 90 consumers reside in publicly subsidized housing (and services are provided by home health agencies)
 - Services under each model include homemaker, home health aide and personal care
 - Average units per user: 292 days/year under both models
 - An hours cap was not specified, it looks like care is accessible 24 hours/day under both models
 - Relatives are not allowed to provide services
- **San Francisco Community Living Support Benefit** (AD waiver)
 - Total enrollment is 33 (projected to be 54 by 2015)
 - Nearly all consumers are expected to receive care in licensed residential care facilities (where the facilities are responsible for providing personal care, behavior health and skilled nursing services). A handful of consumer may reside in publicly subsidized housing and have their services delivered through home health agencies.
 - An hours cap was not specified, it looks like care is accessible 24 hours/day under both models
 - Relatives are not allowed to provide services
- No relevant state-funded programs were found

Connecticut

Chart of Large CDS Programs

Major Program(s)	Est. IP/CD Consumers	Est. Agency Consumers	Avg. Utilization Agency hrs/wk	Avg Utilization CD hrs/wk	Family Providers	Min Wage and Overtime
Personal Care Assistant Waiver (A/D Waiver)	962 enrollees (proj. 2015). No breakdown available		average of 38 hours/week (projected 2015)		No spouses, legal guardians or conservators	Pre-existing Coverage. Home care workers covered under federal minimum wage and overtime law, and should be covered under CT minimum wage of \$8.25/hour and by CT overtime law because CT explicitly tracks FLSA.
CT Home Care for Elders (A/D Waiver)	PCA= 961(2015)*	17,202** (2015)	<u>Homemaker:</u> 6.6 <u>PCA:</u> 34.29 <u>PCA : Per Diem:</u> 150 units per diem (24hr); <u>PCA:</u> <u>Overnight:</u> 175 units (12 hour/days); <u>Chore:</u> .8 <u>Companion :</u> 7.8	<u>PCA:</u> 34.29 <u>PCA Per Diem:</u> 175 per diems (24hr); <u>PCA Overnight:</u> avg 150units (12 hour/days); Each individual PCA can be approved to work up to 25.75 hours per week. Where clients obtain and can document current workers compensation coverage, each individual PCA can be approved to work up to 40 hours per week.	Anyone other than the following: spouse; conservator or legal guardian; or the relative of the conservator or legal guardian	

CT Home Care for Elders (State Funded)	5,342 (2012)	Not available		Identical to waiver	
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*May contain duplicate counts. Includes PCA per diem, 24 hour and those who receive services in quarter hour increments.

** May include duplicate counts. Includes companion, homemaker, chore and PCA service consumers under the agency and agency with choice models.

Overview: 1199UHE's 7,000 IP home care members are employed under the Personal Care Assistance Waiver 1915(c), CT Home Care Program for Elders Medicaid Waiver and the state funded option, and the DD and MR waivers. CT was also approved for the BIPP program and for a 2% increase in 12/12.

- **Acquired Brain Injury Waiver**
 - PCA, homemaker, chore services
 - CDS and TA
 - Projections for 2015: 434 enrolled total¹³, 100 self-direct¹⁴
 - 9 users of chore services: average .5 hrs/week;
 - 95 users of Personal Care Services: average 39.6 hrs/week;
 - 48 users of homemaker services: average 4.3 hrs per week¹⁵
 - Budget limits based on historical costs of institutional care at various levels of care
 - PCA service is the only one under the waiver that allows relative caregivers- only those that are not legally liable. Caregiver may not be 1) spouse of client; 2) parent of client (if client is age 21 or younger); 3) the conservator of the' client; or 4) related to a client's conservator. ¹⁶
 - Participant who self-directs is "Employer of Record".¹⁷
- **Personal Care Assistance Waiver 1915(c)**
 - Budget adjustments passed by the Connecticut legislature in 2012 require all individuals 65 and older who are being served under this waiver to transition to the Connecticut Home Care program for Elders (CHePE) Waiver. This is intended to free up slots in the PCA waiver for individuals who are on the waitlist. ¹⁸
 - 748 enrolled 2012, ¹⁹ 962 (proj 2014)
 - 38 hours/week average²⁰

¹³ "Public Initiatives That Help Elders and Individuals With Disabilities Remain at Home." By Kate McEvoy, Esq October 2012. <http://www.sharinglaw.net/elder/McEvoy.pdf>

¹⁴ From ABI Waiver Application. Appendix J: Cost Neutrality Demonstration

¹⁵ From ABI Waiver Application. Appendix J: Cost Neutrality Demonstration.

¹⁶ "Public Initiatives That Help Elders and Individuals With Disabilities Remain at Home." By Kate McEvoy, Esq October 2012. <http://www.sharinglaw.net/elder/McEvoy.pdf>

¹⁷ This responsibility is outlined in the W-988, ABI Waiver Program Rights and Responsibilities Form. From ABI Waiver Application. <http://www.medicaid.gov/Medicaid-CHIP/CD-Program-Information/By-Topics/Waivers/Waivers.html>

¹⁸ "Public Initiatives That Help Elders and Individuals With Disabilities Remain at Home." Pg 42 By Kate McEvoy, Esq October 2012. <http://www.sharinglaw.net/elder/McEvoy.pdf>

¹⁹ "Public Initiatives That Help Elders and Individuals With Disabilities Remain at Home." Pg 42 By Kate McEvoy, Esq October 2012. <http://www.sharinglaw.net/elder/McEvoy.pdf>

²⁰ Personal Assistance Waiver Application. Appendix J: Cost Neutrality Demonstration <http://www.medicaid.gov/Medicaid-CHIP/CD-Program-Information/By-Topics/Waivers/Waivers.html>

- By 2015, projecting 962 enrollees and an average of 38 hours/week of personal care.²¹
 - Self Directed option
 - PCA must be 18 or older, and may not be either 1) the spouse of the client; 2) the conservator of the client; or 3) related to the conservator.
 - Participants are the employer of record for PCAs.
 - Contracted fiduciary agent.²²
- **CT Home Care Program for Elders Medicaid Waiver 1915(c)**
 - Chore, companion, homemaker, PCA
 - Agency, Self-direct and Agency w/choice for PCA only
 - Waiver expires in 2015.
 - 9,386 (2012)²³; 15,965 unduplicated projected for 2014/2015.²⁴
 - All figures for projected for 2014/2015:
 - Homemaker (Agency): 10,080 users, avg 6.6 hrs/week;
 - PCA CD: 451 users, avg 34.29 hrs/week;
 - PCA Per Diem CDs: 305, 175 per diems (24hr);
 - PCA CD Overnight: 205, avg 150units (12 hrs/day);
 - PCA Agency : 539, avg 34.29hrs/week;
 - PCA (Agency) Per Diem:199, 150 units per diem (24hr);
 - PCA (Agency) Overnight: 305, 175 units (12 hour/day);
 - Chore (Agency): 393, .8hrs/wk,
 - Companion (Agency):5686, avg 7.8hrs/wk.
 - Recipients of PCA services are not eligible for homemaker, or companion services.
 - CHCPE participants who receive approval for PCA service may either: "common law employer" option: hire their own PCA(s) and utilize Allied as the fiscal intermediary for employment paperwork and payroll services; this is known as the "co-employer" option or hire their PCA(s) from a pool associated with a home health agency or homemaker/companion agency.
 - Anyone other than the following may be approved as a PCA: spouse; conservator or legal guardian; or the relative of the conservator or legal guardian.
 - Each individual PCA can be approved to work up to 25.75 hours per week. Where clients obtain and can document current workers compensation coverage, each individual PCA can be approved to work up to 40 hours per week.²⁵
- **CT Home Care Program for Elders State-Funded Levels 1 & 2²⁶**

²¹ Personal Assistance Waiver Application. Appendix J: Cost Neutrality Demonstration

<http://www.medicaid.gov/Medicaid-CHIP/CD-Program-Information/By-Topics/Waivers/Waivers.html>

²² Personal Assistance Waiver Application. Appendix E-1. <http://www.medicaid.gov/Medicaid-CHIP/CD-Program-Information/By-Topics/Waivers/Waivers.html>

²³ "Public Initiatives That Help Elders and Individuals With Disabilities Remain at Home." By Kate McEvoy, Esq October 2012. <http://www.sharinglaw.net/elder/McEvoy.pdf>

²⁴ CT Home Care Program for Elders Waiver Application. Appendix J-1 Demonstration of Cost Neutrality. <http://www.medicaid.gov/Medicaid-CHIP/CD-Program-Information/By-Topics/Waivers/Waivers.html>

²⁵ CGS § 17b-342. The cap was created because workers compensation insurance must be purchased when the worker is employed for 26 hrs or more per week. See "Personal Attendant Guidelines"

<http://www.ct.gov/dss/cwp/view.asp?a=2353&q=305170>, <http://www.ct.gov/dss/cwp/view.asp?A=2353&Q=464246>

- Level 1: must be at risk of hospitalization or short-term nursing facility placement, 1 critical need (this is a pilot program with only 50 enrollees as of February 2013²⁷;
- Level 2: must be in need of short or long-term nursing facility care and evidence three or more "critical needs"²⁸
- Cost Caps Level 1 can in 2012 pay no more than \$1,450.00 per month per individual (25% of average monthly Medicaid cost). Level 2 can in 2012 pay no more than \$2,899.00 per month per individual (50% of average). Level three cannot cost more than 100% of the weighted average cost of institutional care.²⁹
- PCA
- Majority agency provided. Option to self-direct PCA³⁰
- 5,342 enrollees 2011;
 - (2011) Enrollees by services 660 chore, 2,599 companion, and 4,321 homemaker³¹
- Consumer is co-employer, FA.³²
- Within an identified range, the client decides what rate to pay his other PCAs, and can either pay the maximum (in 2011, \$13.80 per 11 hour) or pay at a lesser hourly "rate. Note that the rate is a gross wage from which the employer's share of FICA, FUTA and unemployment Comp. must be deducted.³³
- **Connecticut's §1915(i) State Plan Amendment**³⁴ to CMS was submitted in 2011 and the option went effective in 2012. It is one of funding sources for Connecticut Home Care Program.³⁵
 - Homemaker, PCA, chore services, companion,³⁶
 - CD, TA and AWC.
 - PCA services are capped at 14 hours a week and homemaker services are limited to 6 hours per week.³⁷
 - Common law employer with the assistance of a fiscal intermediary or may chose a co-employer option by utilizing agencies under agency with choice.³⁸
 - 300 total enrolled in 2012.³⁹
- **Department of Developmental Services Individual and Family Support Waiver (1915c)**
 - 3,977 enrolled 2012⁴⁰; 4300 (2015)

²⁶ Connecticut Home Care Program Overview. Feb. 2013. <http://www.cga.ct.gov/2013/rpt/2013-R-0141.htm>

²⁷ Connecticut Home Care Program Overview. Feb. 2013. <http://www.cga.ct.gov/2013/rpt/2013-R-0141.htm>

²⁸ Connecticut Home Care Program Overview. Feb. 2013. <http://www.cga.ct.gov/2013/rpt/2013-R-0141.htm>

²⁹ Connecticut Home Care Program Overview. Feb. 2013. <http://www.cga.ct.gov/2013/rpt/2013-R-0141.htm>

³⁰ "Public Initiatives That Help Elders and Individuals With Disabilities Remain at Home." By Kate McEvoy, Esq October 2012. <http://www.sharinglaw.net/elder/McEvoy.pdf>

³¹ DSS annual report 2011. http://www.ct.gov/dss/lib/dss/pdfs/reports/chcpe_2011.pdf

³² Personal Care Attendant Guidelines (2010). <http://www.ct.gov/dss/cwp/view.asp?a=2353&q=305170>

³³ Connecticut Home Care Program Overview. Feb. 2013. <http://www.cga.ct.gov/2013/rpt/2013-R-0141.htm>

³⁴ <http://www.ct.gov/dss/lib/dss/pdfs/SPA12001.pdf>

³⁵ (Source: OLR Research Report: Connecticut Home Care Program, February 2013) <http://www.cga.ct.gov/2013/rpt/2013-R-0141.htm>

³⁶ NAUSAU State Medicaid Integration Tracker Sept 2013. <http://nasuad.org/sites/default/files/September%202013%20Integration%20Tracker.pdf>

³⁷ <http://www.ct.gov/dss/lib/dss/pdfs/SPA12001.pdf>

³⁸ <http://www.ct.gov/dss/lib/dss/pdfs/SPA12001.pdf>

³⁹ Public Initiatives That Help Elders and Individuals With Disabilities Remain at Home." Pg 38. By Kate McEvoy, Esq October 2012. <http://www.sharinglaw.net/elder/McEvoy.pdf>

⁴⁰ Public Initiatives That Help Elders and Individuals With Disabilities Remain at Home." Pg 38. By Kate McEvoy, Esq October 2012. <http://www.sharinglaw.net/elder/McEvoy.pdf>

- TA, CD and AWC
- 600 projected to self-direct across all services in 2015
 - Live-in Companion, 17 CD;
 - Companion Supports: (TA) 55, 7.7hrs/wk, IP, 26, 7.7hr/wk;
 - Personal supports: (TA)725 users and 85(IP), 7.6hrs/wk for both;
 - Senior Supports: (TA) 12; 26hrs/wk,)(IP) 6, 18hrs/wk.
- PCA through state plan
- Agency, agency with choice (agency offers individual a choice of providers), self-direct (Individual hires and directs caregivers)⁴¹
- The Agency with Choice is the employer of record
- Those who self direct must use a Fiscal Intermediary under contract with the state.⁴²
- CD= common law employer with the assistance of a fiscal intermediary.
- Relatives or legal relatives can provide some of these services
- **Comprehensive Supports Waiver**
 - 5,250(2015) total enrollees, 651 CD across all services
 - Services in personal home or group home setting
 - Agency, IP/CD and Agency with choice
 - Eligible CD providers: Live in caregiver (rel or guardian); adult companion (rel, legal guardian), personal supports (rel or legal guardian), senior supports (rel or legal guardian)
 - Live in caregiver: 5 users; Adult Companion: 73 users, avg 19.2hrs/wk; Personal supports: 246 users, avg 23.6hrs/wk; Senior supports: TA 164, avg 26hrs/wk; CD 11, avg26hrs/wk
 - Budget and/or employer authority
 - Cost cap up to 150% of institutional average cost.
 - Use FI
- **CT Home Care Program for Disabled Adults**
 - chore, companion, home health aide, homemaker
 - State-funded pilot
 - Majority agency-provided services
 - 50 enrolled maximum⁴³

⁴¹ Public Initiatives That Help Elders and Individuals With Disabilities Remain at Home.” Pg 38. By Kate McEvoy, Esq October 2012. <http://www.sharinglaw.net/elder/McEvoy.pdf>

⁴² CT Individual and Family Supports Waiver Application. Appendix E: ParticIP/CDant Direction of Services. <http://www.medicaid.gov/Medicaid-CHIP/CD-Program-Information/By-Topics/Waivers/Waivers.html>

⁴³ <http://www.ct.gov/dss/cwp/view.asp?A=2353&Q=390304>

Florida

Chart of large HCBS Programs

Major Program(s)	Est. IP/CD Consumers*	Est. Agency Consumers*	Avg. Utilization hrs/wk	Family Providers	Min Wage and Overtime
Elder and Disabled Waivers		19,058 (2013) Contains duplicates across services in next column.	<u>Homemaker:</u> 2.3 <u>Personal care:</u> 34.3 <u>Adult Companion:</u> 3.7 Chore: 1.1 <u>Chore-Enhanced:</u> 1.1 <u>Attendant Care:</u> 39	No family providers	Gain Minimum Wage and Overtime Protection for the First Time. Home care workers covered by federal minimum wage and overtime law. Home care workers should be covered by Florida minimum wage law providing \$7.79/hour, because the state law incorporates the FLSA definitions.
Long Term Managed Care	3,415 (est for 2015 based on 10% take up rate)	30,741	<u>Homemaker:</u> 2.54 <u>Attendant Care:</u> 44.8 <u>PCA:-</u> 4.3hrs/wk <u>Adult Companion</u> 3.2	Relative or legal guardian	
Nursing Home Diversion Waiver	n/a	13,069(2015)	<u>Homemaker:</u> 2.43 <u>PCA:</u> 4.6 <u>Chore:</u> 3		

*Estimates may contain duplicates across program services. Estimates are of consumers utilizing services noted in 4th column "Avg Utilization."

- Florida's Medicaid waivers are currently being rolled into the state's Medicaid Managed Long Term Services and Supports Program.
- No CDS IP estimates are available for the state.
- **Florida's Elder and Disabled Medicaid HCBS Waivers**

- This includes Florida's Aged and Disabled Adult Waiver and its Aging Out Program for youth who are aging out of the foster care system.⁴⁴
- Attendant care, chore, homemaker, PCA⁴⁵
- TA
- No relatives may be hired
- 10,560 enrolled 2012⁴⁶ - 8,912 seniors, 1,602 adults who have physical disabilities, 46 in the Aging Out Program.⁴⁷
- Average 40 hours per month of services in 2011⁴⁸
 - 2013 enrollment and average hours projections from Medicaid Waiver Application
 - Homemaker: 8687, 2.3hrs/wk
 - Personal care: 7128, 34.3hrs/wk
 - Adult Companion: 1879, 3.7 hrs/wk
 - Chore: 1072, 1.1hrs/wk
 - Chore-Enhanced: 165, 1.1hrs/wk
 - Attendant Care: 127, 39hrs/wk
- **Long Term Care Managed Care**
 - Combines Aged and Disabled, Assisted Living, Nursing Home Diversion and Channeling the Frail Elderly waivers.
 - CD, TA
 - 36,795 unduplicated consumers by 2015
 - CDS offered in homemaker, attendant care, PCA and Adult Companion Services. Relatives or legal guardians may provide these services
 - Anticipate 10% of enrollees will take up CDS by 2016⁴⁹
 - 2015 projections of averages by participants by service:⁵⁰
 - Homemaker 13,529, avg 2.54 hrs/wk
 - Attendant Care 106, avg 44.8hrs/wk
 - PCA- 17,192, avg 4.3hrs/wk
 - Adult Companion 3330, avg 3.2hrs/wk
- **The State of Florida Consumer-Directed Care Plus (CDC+) program** (1915(j) State Plan Amendment). It is a self-directed option for seniors participating in the Aged and Disabled Adult Waiver and the spinal cord injury waiver.
 - Cash and counseling.
 - 254 aged 60+⁵¹ (2010) average 92 hours/month of services.⁵²

⁴⁴ <http://www.myflfamilies.com/service-programs/independent-living>

⁴⁵ <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1307rpt.pdf>. March 2013

⁴⁶ <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1307rpt.pdf>. March 2013

⁴⁷ <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1307rpt.pdf>. March 2013

⁴⁸ CDC Plus Program Evaluation Pg 9.

http://elderaffairs.state.fl.us/doea/Evaluation/CDC_Plus_Program_Evaluation_2011.pdf

⁴⁹ Managed Care Waiver Application Appendix E: Participant Direction of Services

⁵⁰ Managed Care Waiver Application. Appendix J Cost Neutrality Demonstration

⁵¹ CDC Plus Program Evaluation

http://elderaffairs.state.fl.us/doea/Evaluation/CDC_Plus_Program_Evaluation_2011.pdf

⁵² CDC Plus Program Evaluation 2011. Pg 9

http://elderaffairs.state.fl.us/doea/Evaluation/CDC_Plus_Program_Evaluation_2011.pdf

- Friends, neighbors, family members including the adult children and spouses can be hired as care providers.⁵³
- Fiscal employer agent
- Consumer is employer of record.⁵⁴
- **Channeling for the Frail Elderly Waiver 1915(c)**
 - Companion, Chore, PCA
 - Agency only
 - No relatives may be hired
 - For Broward and Miami Dade Counties only.
 - Enrollment: 1,243 (2012),⁵⁵ 1,575 (2014)⁵⁶
 - 1,247 received PCA - average 5.8hrs/week (2014)
 - 33 received an average of 1 hr/week of chore services(2014)
- **Nursing Home Diversion Waiver 1915(c)**
 - Managed Care in 66 counties⁵⁷
 - Adult companion, chore, homemaker, and PCA.
 - Agency Provided services
 - 21,381 enrolled (10/2012),⁵⁸ 25,900 (2015)⁵⁹
 - Estimates for 2015⁶⁰
 - 4,473 estimated to receive homemaker services – 2.43hrs/week average
 - 8,170 to receive personal care – 4.6hrs/week average
 - 426 to receive chore services, .3hrs/week average.

Illinois

Major HCBS Programs

Major Programs	Est. IP Consumers and IP Workers	Est. Agency Consumers	Service Caps / Avg. Utilization	Family Providers	Min Wage and Overtime
Home Services Program (waiver and state-funded only program for the physically	~30,000 2013 ~26,000 workers in 2013 ⁶¹	~4,000 2013	IPs cannot provide more than 16 hours of care in a 24-hour period to one or more consumers. Total waiver cost caps apply depending on a	~50% of IPs are relative providers	Pre-existing Coverage under State minimum wage and overtime laws. Home care workers are covered by

⁵³ <http://www.payingforseniorcare.com/medicaid-waivers/fl-consumer-directed-care-waiver.html>

⁵⁴ <http://www.flsenate.gov/laws/statutes/2011/409.221>

⁵⁵ <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1307rpt.pdf>. March 2013

⁵⁶ Channeling the Elderly Waiver Application Appendix J

⁵⁷ http://ahca.myflorida.com/Executive/Communications/Press_Releases/archive/docs/2012/NHwaiverFINAL.pdf

⁵⁸ <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1307rpt.pdf>. March 2013

⁵⁹ Nursing Home Diversion Waiver Application Appendix J

⁶⁰ Nursing Home Diversion Waiver Appendix J

⁶¹ Estimate from SEIU Healthcare Illinois and Indiana.

disabled)			consumer's "determination of need" score. Average hours per user: 24/week for IP personal care and 12/week for agency homemaker		federal minimum wage and overtime law, and by IL minimum wage of \$8.25 and IL overtime law.
Community Care Program (waiver and state-funded only program for the elderly)	None	65,727 active consumers as of 9/1/13 96,100 projected total users for FY 2014	Hours are capped at 100 hours/month	Allowed, but may not be the consumer's spouse or legally responsible individual	

- State does not have a PCO
- Will receive BIP funds at 2% increase. The project period is July 1, 2013 through September 30, 2015. Will receive \$90.3 million.⁶²
- **Home Services Program** (Includes Physically Disabled Waiver and state-funded program)⁶³
 - Total enrollment is 37,728 (we do not have a 2015 projection)
 - Consumers under CD have co-employer status⁶⁴
 - ~30,000 consumers receive personal care from IPs without having budget authority (85%)⁶⁵
 - ~4,000 consumers receive homemaker services through agencies (15%)⁶⁶
 - However, HCII estimates that currently ~30,000 consumers utilize IPs and ~4,000 utilize agency-employed providers.⁶⁷ And these enrollment figures from the local reflect the entire program, both the Medicaid and the state-funded only portions)
 - Average hours per user: 24/week for IP personal care and 12/week for agency homemaker
 - IPs providing personal care cannot provide more than 16 hours of care in a 24-hour period to one or more consumers.⁶⁸
 - Total waiver cost caps apply depending on a consumer's "determination of need" score.⁶⁹
 - IPs are allowed to be non-legally responsible relatives and agency providers are not allowed to be relatives.⁷⁰
 - HCII estimates that ~50% of IPs are relative providers.⁷¹

⁶² Dept of Aging August 2013 report to legislature.

http://www.state.il.us/aging/Iathome/HB2275_CCP_Report_GA082913.pdf

⁶³ The waiver app on the CMS website is not the most recent, see

<http://www2.illinois.gov/hfs/MedicalPrograms/HCBS/Documents/waiver0142.pdf> for the latest amendment to the application.

⁶⁴ Appendix E-2

⁶⁵ Estimate from SEIU Healthcare Illinois and Indiana. The waiver application projects that 30,917 consumers receive personal care from IPs.

⁶⁶ Estimate from SEIU Healthcare Illinois and Indiana. The waiver application projects that 5,501 consumers receive personal care from agencies.

⁶⁷ Email exchange between Vanessa Wells and Dave Lowitzki on 11/24/13, on file with Vanessa Wells.

⁶⁸ 89 Ill. Adm. Code 686.40

⁶⁹ 89 Ill. Adm. Code 679.10

⁷⁰ 89 Ill Admin Code 676.30

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- **Community Care Program** (Includes Elderly Waiver and state-funded program)⁷²
 - As of 9/1/13, there were 65,727 active Medicaid and non-Medicaid consumers⁷³
 - The State projects that over the course of FY2014, 96,100 Medicaid and non-Medicaid consumers will be served through CCP⁷⁴
 - Total enrollment in the waiver portion of the program is 52,237 for 2013 (we do not have a 2015 projection)⁷⁵
 - It looks like most consumers receive in-home (homemaker) services through agencies, but some consumers might only receive adult day services outside of their home (the waiver application projects that all Medicaid consumers will receive in-home services and then some consumers will additionally receive adult day services)
 - Average hours per user: 9/week for homemaker
 - Hours are capped at 100 hours/month (25 hours/week)
 - Relatives are allowed to provide services (i.e. agencies can hire family members), however these family caregivers cannot be the spouse of, or otherwise legally responsible for, the consumer⁷⁶
- **Adults with Developmental Disabilities (DD waiver)**
 - Total enrollment is 19,000 (projected to stay the same for 2015)
 - 4,000 receive personal support (teaching and personal care) through agencies or IPs
 - Consumers who select IPs have budget authority, including wage-setting authority and employer authority
 - The majority of consumers are expected to use IPs⁷⁷
 - Average hours per user: 17/week for personal support
 - No hours cap specified in the waiver application
 - Relatives (including parents, other relatives, and legal guardians) are allowed to provide personal support; legally responsible relatives (i.e. spouses) are not allowed to provide services⁷⁸
 - Consumer is common law employer with FI⁷⁹
- **Children and Young Adults with Developmental Disabilities Support-Waiver**
 - Total enrollment is 1,400 (projected to stay the same for 2015)
 - 1,350 receive personal support (teaching and personal care) through agencies or IPs
 - Consumers who select IPs have budget authority, including wage-setting authority and employer authority
 - The majority of consumers are expected to use IPs⁸⁰
 - Average hours per user: 15/week
 - There is no cap on service hours
 - Consumer or Consumer Representative is common law employer with FI⁸¹

⁷¹ Email exchange between Vanessa Wells and Dave Lowitzki on 11/24/13, on file with Vanessa Wells.

⁷² The waiver app on the CMS website is not the most recent, see

<http://www2.illinois.gov/hfs/MedicalPrograms/HCBS/Documents/waiver0143.pdf> for the latest amendment to the application.

⁷³ Email exchange between Vanessa Wells and Dave Lowitzki on 11/24/13, on file with Vanessa Wells.

⁷⁴ See slide 15 here: http://www.state.il.us/aging/aboutidoa/Budget_fy14introduced.pdf

⁷⁵ Appendix J, WY 5 in the waiver application amendment linked above.

⁷⁶ 89 Ill. Adm. Code 240.1530

⁷⁷ Appendix E-1 (13 of 13) in the waiver application lists 4300 consumers as the goal for CD .

⁷⁸ Appendix C-2d

⁷⁹ Appendix E-2.

⁸⁰ Appendix E-1 (13 of 13) in the waiver application.

⁸¹ Appendix E-2.

- Relatives are allowed to provide services
 - Parents, other relatives, and legal guardians may provide personal support; however, legally responsible relatives such as spouses are not allowed to provide services.⁸²
- **HIV/AIDS Waiver**
 - Total enrollment is 1,542 (2015 projection not available)
 - 205 consumers receive homemaker services through agencies
 - 1,498 consumers receive personal assistance through IPs without having budget authority
 - Average hours per user: 11/week for homemaker and 22/week for personal assistance
 - No caps on hours were specified
 - IPs are allowed to be relatives and agency providers are not allowed to be relatives.
 - Relatives with the exception of parents or step-parents of minor children, spouses of customers, and minor children of a parent may provide any waiver service.
- **Persons with Brain Injury Waiver (TBI)**
 - Total enrollment is 4,623 (projected to stay the same for 2015)
 - 668 consumers receive homemaker services through agencies
 - 4,529 consumers receive personal assistance through IPs without having budget authority
 - Average hours per user: 13/week for homemaker and 17/week for personal assistance
 - No caps on hours were specified
 - IPs are allowed to be relatives and agency providers are not allowed to be relatives.
 - Personal assistance providers may be members of the individual's family (excluding parents or step-parents of minor children, spouses of customers, and minor children of a parent) when no other appropriate service provider can be located.
- **Children that are Medically Fragile or Technologically Dependent Waiver**
 - Total enrollment was 700 in 2011 (2015 projection not available)
 - 600 consumers receive respite through facilities or nursing agencies
 - Average hours per user: 155/year
 - Cap of 336 hours of respite per year
 - Relatives are not allowed to provide services
- **Children and Young Adults with Developmental Disabilities Residential-Waiver**
 - Total enrollment is 280 (projected to stay the same for 2015)
 - All consumers receive habilitation services in group homes
 - Average units per user: 300 days/year
 - No cap is specified in the waiver application
 - Relatives are not allowed to be providers
- **Supportive Living Program (AD waiver)**
 - Provides assisted living facility services to 12,600 consumers (projected to be 13,000 by 2015)
 - Average units per user: 235 days/year
 - There is no cap on hours
 - Relatives are not allowed to provide services
- **My Choices** (cash and counseling demonstration for the elderly)
 - In 2008, total enrollment was 200.⁸³ The demonstration appears to still be in operation in thirteen counties and the city of Peoria.⁸⁴ There was a proposal to expand the number of enrollees in this demonstration but we do not have current enrollment figures.
 - During the demonstration pilot, virtually all consumers used the bulk of their budgets to purchase personal care.⁸⁵ Unclear whether consumers can use their budget to pay for agency services.

⁸² Appendix E-2.

⁸³ http://nasuad.org/sites/nasuad/files/hcbs/files/153/7631/C&C_evaluation_Illinois.pdf

⁸⁴ <http://mychoicesillinois.com/>

- o Relatives are allowed to provide services
 - In 2008, 51.4% of IP consumers hired relatives⁸⁶

Massachusetts

Major HCBS Programs

Major Program(s)	Est. IP/CD Consumers	Est. Agency Consumers	Avg. hrs/wk	Family Providers	Min. Wage and Overtime
PCO State Plan	~32,000 IPS/CDS Home Care Workers 23,000 total consumers		<i>Most PCAs cared for consumers on a part-time basis, with 16% working less than 10 hours per week, 33% working between 10 and 20 hours, 18% working between 21 and 30 hours, 16% working between 31-40 hours, and only 15% working more than 40 hours per week</i>	Cannot be a spouse, a legally responsible relative, or a surrogate. Family members now comprise a large percentage of the PCA workforce. Of those related to consumers, 25% were adult children, 19% siblings, 15% parents, and 8% grandchildren.	Pre-existing coverage under state minimum wage and overtime. Home care workers covered by federal minimum wage and overtime protections, and by MA minimum wage rate of \$8.00/hour and by MA overtime law.
State Funded Mass Home Care Program	CD is a very small part of the program. 47,452 total enrolled (2011)		N/a	N/a	
Enhanced Community Options	8,279 (2011). No breakdown by service available.		N/a	N/a	
Frail Elderly Program	n/a	20,039 (2013)	<u>Chore</u> :.5 <u>Homemaker</u> : 3 <u>Personal Care</u> : 4.8 <u>Supportive Home Care Aide</u> : 2.8	Relatives, not legal guardians.	

** Consumer estimates may contain duplicates.

Overview: 1199UHE's 33,413 members mostly work directly in the MassHealth Basic Home Care program (Medicaid State Plan program). About three thousand of those 33,413 work for dually-eligible seniors who are enrollees in the state's Senior Care Options program (an 1115 waiver program). 1199 also represent PCAs employed by enrollees in the new One Care dual-eligible program for disabled adults (ages 25-65). That program won't be operational until January 2014.

⁸⁵ See page 8 here: http://nasuad.org/sites/nasuad/files/hcbs/files/153/7631/C&C_evaluation_Illinois.pdf

⁸⁶ *Ibid*

- **MassHealth State Plan Personal Care Attendant program/MassHealth Basic**⁸⁷
 - 23,000 enrolled (2012)⁸⁸
 - 32,000 IP/CDS Workers 2012⁸⁹
 - Agency or IP/CD
 - Under IP/CD model: cannot be a spouse, a legally responsible relative, or a surrogate (or parent/foster parent if the MassHealth member is a minor).⁹⁰
 - Uses Fiscal Intermediary.⁹¹
 - Two types of consumer directed options: (a) the consumer-delegated option, for members who choose to delegate responsibility for the employer-obligations portion of the employer-required tasks to the fiscal intermediary; or (b) the consumer-directed option, for members who choose to retain responsibility for performing the employer-obligations portion of the employer-required tasks.⁹²
 - *According to a 2009 survey of PCAs in MA, the vast majority of PCA workers that participated in this survey cared for a single consumer (81%), 14% for two consumers, and only a small minority cared for three or more consumers (5%). Most PCAs cared for consumers on a part-time basis, with 16% working less than 10 hours per week, 33% working between 10 and 20 hours, 18% working between 21 and 30 hours, 16% working between 31-40 hours, and only 15% working more than 40 hours per week.*⁹³
 - Family members now comprise a large percentage of the PCA workforce. Of those related to consumers, 25% were adult children, 19% siblings, 15% parents, and 8% grandchildren.⁹⁴
- **Massachusetts Home Care**
 - State funded program. Depending on income, there may be a monthly co-payment for services.⁹⁵
 - PCA, homemaker services, companion services.⁹⁶
 - 47,452 consumers enrolled (2011)⁹⁷
 - **Consumer Directed Care is an option in the Home Care Program** - very small and workers are not organized.⁹⁸
- **Enhanced Community Options Program (ECOP)**
 - The Enhanced Community Options Program (ECOP) is a program of home care for frail seniors who are not on MassHealth. ECOP provides a higher level of service than

⁸⁷ SPA Documents 2013. PCA Services <http://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/MA/MA-11-011-Att.pdf>

⁸⁸ PCA Council 2012 Performance Review Report. <http://www.mass.gov/pca/docs/council-performance-review-report-2012.pdf>

⁸⁹ "2012 Performance Review Report to the Governor and the General Court" by The Personal Care Attendant Quality Home Care Workforce Council, available here: <http://www.mass.gov/pca/docs/council-performance-review-report-2012.pdf>

⁹⁰ <http://www.massresources.org/masshealth-pca.html>

⁹¹ <http://www.massresources.org/masshealth-pca.html>

⁹² <http://www.mass.gov/eohhs/docs/masshealth/regs-provider/regs-personalcare.pdf>, 130 CMR 422.402

⁹³ PCA Worker Survey March 2010. <http://www.mass.gov/pca/reports/pca-worker-survey.html>

⁹⁴ PCA Worker Survey March 2010. <http://www.mass.gov/pca/reports/pca-worker-survey.html>

⁹⁵ <http://www.massresources.org/home-care-program.html>

⁹⁶ <http://www.massresources.org/home-care-program.html>

⁹⁷ "End the Homecare Waiting List" <http://www.mcoaonline.com/content/pdf/FY11-MassHomeCareBudgetRequest20100205.pdf>

⁹⁸ Source: 1199UHE in MA.

standard Home Care. ECOP members get two to three times the services of standard Home Care

- CD or Agency Directed.
- 8,279 (2011)⁹⁹
- **Frail Elder waiver 1915(c)**
 - PCA, housekeeping, chore services, home care aide
 - TA
 - 15,536 total enrollees (2013)¹⁰⁰
 - Number of participants and average hours by service type
 - Chore: 895, .5hrs/wk
 - Homemaker: 8779, 3hrs/wk
 - Personal Care: 8957, 4.8hrs/wk
 - Supportive Home Care Aide: 1408, 2.8hrs/wk
 - Relatives, not legal guardians, are permitted to provide waiver services. A relative may not be a family member (defined as a spouse or any legally responsible relative), must be employed by the provider agency, and must meet all qualifications. Under these circumstances, relatives may provide any of the services included in this waiver without limit.
- **Community Choices (State Funded)**
 - The Community Choices Program is a special program for frail elders who are at risk of entering a nursing facility very soon unless they get extra help at home.¹⁰¹
 - 7,888 (2011)¹⁰²
- **Massachusetts Senior Care Options (Medicaid §1915(a) and §1915(c) authorities)**
 - Provides eligible adults of age 65 and older primary, acute, behavioral, prescription drugs, and LTSS under capitated rate.
 - TA and CDS
 - LTSS include nursing facility, adult foster care, group adult foster care, adult day health, and other community-based LTSS.
 - Relatives, not legal guardians, are permitted to provide waiver services.
 - Enrollment is voluntary, and the program covers most part of the state.¹⁰³
 - 15,555 total enrollment
 - 3,000 IP/CDs, 4719 SCO enrollees utilizing CDS¹⁰⁴
- **Monday Follows the Person 1915(c)**
 - Homemaker, personal care, chore, supportive home care aide
 - Agency and CD
 - 240 (2015)¹⁰⁵, goal for 24 users of CDS (2015)
 - Estimated users and hours of service by service category(2015)¹⁰⁶

⁹⁹ <http://www.mcoonline.com/content/pdf/FY11-MassHomeCareBudgetRequest20100205.pdf>,
<http://www.highlandvalley.org/Strategic%20Partnership/CD%20for%20Successful%20Delivery.pdf>

¹⁰⁰ Waiver Application. Expires 12/31/13. No new application on file.

¹⁰¹ To qualify for Community Choices, you must be enrolled in (or eligible for) the Frail Elder HCBS Waiver program.

¹⁰² <http://www.highlandvalley.org/Strategic%20Partnership/CD%20for%20Successful%20Delivery.pdf>

¹⁰³ <http://nasuad.org/initiatives/tracking-state-activity/state-medicare-integration-tracker/massachusetts#sthash.k67B9X5z.dpuf>

¹⁰⁴ Source: 1199 UHE Jamie Wilmoth, Rebecca Gutman. Correspondence Thursday, December 12, 2013

¹⁰⁵ Source Appendixes E and J, 1915(c) Waiver Application Approved beginning 4/2013.

- 101 users of Homemaker, 1.8hrs/wk avg
- 86 users of PCA, 3hrs/wk avg
- 36 users of Chore, .3hrs/wk avg
- 2 users of Supportive Home care Aide, 3hrs/wk
- Relatives, but not spouses or parents can be IP
- Under CD, consumer is common law or co-employer
- Massachusetts imposes a 12-hour per day limit on the following set of waiver services, separately, or in combination: Homemaker, Home Health Aide, Personal Care, Adult Companion, Individual Support and Community Habilitation, and Supportive Home Care Aide.¹⁰⁷
- **ID Waivers**¹⁰⁸

Overview

- All three ID/DD Waivers allow TA, CDS and AWC options
- Under these three waivers, the live-in caregiver may provide up to 40 hours per week of direct service including self-directed adult companion, self-directed individualized home support self-directed individual supported employment or individualized day support.¹⁰⁹
- The live-in caregiver service must be self-directed, paid through the Fiscal Intermediary.
- The live-in caregiver may not be related by blood or marriage to any degree. The live-in caregiver cannot be employed by a provider of waiver services.
- A. **Community Living Waiver**
 - (2,197 enrolled, projected 2015)¹¹⁰; the goal for Participant direction is 450 for Individual Home Supports, live-in caregiver, Companion and Chore Services¹¹¹.
 - Projected participants and hours (2015)¹¹²
 - i. Live-in Caregiver: 110
 - ii. Adult Companion: 220, avg 4.6hrs/wk
 - iii. Chore: 22, avg .75hrs/wk
 - iv. Individual Home Supports: 1428, avg 20.8hrs/wk
 - Live-in caregiver may not be a relative. Other services allow relatives but not legally responsible ones
 - Both budget and employer authorities are available: IP/CD or Agency with Choice.

¹⁰⁶ Appendix J Demonstration of Cost Neutrality

¹⁰⁷ Waiver Application Part C Additional Limits on the Amount of Waiver Services

¹⁰⁸ <http://www.massresources.org/masshealth-waiver.html>

¹⁰⁹ Appendix C, Participant Services C-1/C-3: Provider Specifications for Service, Live-in Caregiver

¹¹⁰ Waiver Approval Letter. Estimated Enrollment by Year.

¹¹¹ Services needed to maintain the home in a clean, sanitary, and safe environment. These services are only provided when neither the participant nor anyone else in the household is capable of performing or financially providing for them and where no other relative, caregiver, landlord, community/volunteer agency, or third party payer is responsible for their provision. Chore service must be paid through a self-directed budget through the Fiscal Intermediary.

¹¹² Appendix J. Demonstration of Budget Neutrality for 2015

- Under AWC, consumer is co-employer. Common law employer authority under CDS
- B. Adult Supports Waiver**
 - TA, CDS, AWC
 - 2893 total enrolled, CD= 50 (2015)¹¹³
 - Participant direction covers adult companion and chore services
 - Adult Companion: 289, 4.6hrs/wk
 - Chore: 29, .75hrs/wk.
 - Budget and Employer authority are available.
 - Co-employer under agency with choice, common law employer under CDS
 - If the Agency with Choice model is chosen, the Agency will be handling payroll and taxes etc.
 - Relatives, excepting legal guardians or legally responsible ones, may provide services
- C. Intensive Supports Waiver**
 - TA, CDC, AWC
 - 9,118 total enrolled, CD=100 (2015)¹¹⁴
 - Participant direction covers, live-in caregiver, adult companion and chore services (2015 projections below)
 - Live-in Caregiver: 269, 352 (avg per diem)
 - Adult Companion: 179, avg 4.6hrs/wk
 - Chore: 90, avg .8hrs/wk
 - Co-employer under agency with choice, common law employer under CDS
 - If the Agency with Choice model is chosen, the Agency will be handling payroll and taxes etc.
 - Live-in caregiver may not be a relative. Other services allow relatives but not legally responsible ones
- **TBI Waiver¹¹⁵**
 - homemaker, chore, and adult companion services, PCA
 - 100 enrollees (capped per the waiver).¹¹⁶
 - Agency only
 - Users and average hours per week: ¹¹⁷
 - 7 homemaker users: 2.46hrs/week;
 - 5 users of PCA: 4.98hrs/week;
 - 2 users for chore: .4hrs/week
- **ABI Waiver¹¹⁸**
 - Services: There are two types of Acquired Brain Injury Waivers: the ABI Waiver with Residential Habilitation (ABI-RH) for people who need to be placed in a residence that

¹¹³ Appendix J. Demonstration of Budget Neutrality for 2015

¹¹⁴ Appendix J. Cost Neutrality Demonstration for 2015

¹¹⁵ <http://www.massresources.org/masshealth-waiver.html>, Appendix J Cost Neutrality Demonstration.

¹¹⁶ Appendix B: Participant Access and Eligibility B-3: Number of Individuals Served (1 of 4)

¹¹⁷ Appendix J Cost Neutrality Demonstration.

¹¹⁸ <http://www.massresources.org/masshealth-waiver.html>

has 24-hour support and staffing ; the ABI Waiver with Non-Residential Habilitation (ABI-N) for people who do not need 24-hour support and supervision

- o PCA, homemaker services, companion services.
- o Will serve 300 people in total over a period of three years.¹¹⁹

- **Home Care Assistance Program (State Funded)**

- o CD Option
- o Hours of service are limited: maximum of 12 hours per week of homemaker assistance. Most people receive 3 to 4 hours of services per week.¹²⁰

Michigan

Chart of Major IP HCBS Programs

Major Programs	Est. IP Consumers	Est. Agency Consumers	Service Caps / Avg. Utilization	Family Providers	Min Wage and Overtime
Home Help (PCO)	57,454 in FY 2012 ~61,000 workers in 2012 ¹²¹	10,139 in FY 2012	A 2012 survey found that 55% of surveyed agency providers worked less than 36 hours/week A 2005 survey found that 60% of surveyed IPs did not provide more than 40 hours/week of care	At least 50%, if not more, are family providers	Pre-existing coverage under state overtime and minimum wage protections. Home Care workers will be covered by a state minimum wage rate higher than the federal minimum wage. Most workers also covered by MI state minimum wage of \$7.40/hour and by MI overtime law, except for: (1) live-in workers and (2) workers who are the only.
MI Choice (AD waiver)	14,481 users by 2015, most are using agencies 2,168 projected to use a budget authority model (which includes wage-setting authority) to hire IPs or agencies		A 2012 survey found that 69% of surveyed agency providers worked less than 36	A 2010 survey found that 49% of surveyed IPs were family providers	

¹¹⁹ <http://www.mass.gov/eohhs/consumer/insurance/more-programs/acquired-brain-injury-waivers.html>

¹²⁰ <http://www.massresources.org/home-care-assistance-program.html>

¹²¹ <http://phinational.org/policy/states/michigan/>. Another report states that there were 70,000 Home Help IPs in 2011, see footnote #3 in this report: <http://phinational.org/sites/phinational.org/files/surveys-focus-groups/home-help-provider-survey.pdf>

		hours/week		
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- **Home Help (PCO)**
 - 67,593 consumers were served in FY 2012 (average monthly caseload was 56,411)¹²²
 - ~85% of consumers use IPs (without budget authority) and the rest use agencies.¹²³
 - In 2011, there were ~70,000 IPs employed by Home Help consumers¹²⁴, PHI estimates ~61,000 workers in 2012¹²⁵
 - A 2012 survey of Home Help provider agencies found that 55% of surveyed agency-employed providers were working less than 36 hours/week.¹²⁶
 - In 2005, 60% of Home Help IPs surveyed said they provided between 1 and 40 hours of care per week¹²⁷
 - Relatives can provide IP services. Excluded Providers include spouses or a parent caring for an unmarried child under 18 (responsible relative).¹²⁸
 - In 1998 it was estimated that 50% of IPs were relatives.¹²⁹ A report from 2009 merely stated that “care providers are often related to the beneficiary.”¹³⁰
- **MI Choice (AD waiver)**¹³¹
 - Total enrollment is 13,700 (projected to be 14,481 by 2015)¹³²
 - All consumers are expected to receive chore, community living supports (which involves ADL and IADL assistance) and/or respite through either IPs or agencies
 - 2,125 consumers are projected to use a budget authority IP model for their services, which includes wage setting authority (2,168 by 2015)
 - Consumers may elect to use their budget to buy services through agencies (i.e. the Agency with Choice model). The waiver application describes the consumer as the managing employer and the agency as the common law employer under this model.
 - Even if we assume that all consumers electing the budget authority model are employing IPs, it still remains that the majority of consumers are receiving services through agencies.

¹²² See page 38 here: http://www.michigan.gov/documents/dhs/Information_Packet_-_DHS_Pub-790_June_2013_423386_7.pdf

¹²³ Email from Freddy Polanco of SEIU Healthcare Michigan to Vanessa Wells on September 12, 2011. 85% of the Home Help workforce is IPs and the remaining 15% are agency workers.

¹²⁴ See footnote 3 in this report: <http://phinational.org/sites/phinational.org/files/surveys-focus-groups/home-help-provider-survey.pdf>

¹²⁵ <http://phinational.org/policy/states/michigan/>. Another report states that there were 70,000 Home Help IPs in 2011, see footnote #3 in this report: <http://phinational.org/sites/phinational.org/files/surveys-focus-groups/home-help-provider-survey.pdf>

¹²⁶ See page 4 of this report: <http://phinational.org/sites/phinational.org/files/surveys-focus-groups/home-help-provider-survey.pdf>

¹²⁷ “Cost and Benefits of a Wage Increase for Home Help Workers”, Anderson Economic Group (June 2006), see page 12, available here: <http://www.andersoneconomicgroup.com/Portals/0/upload/Doc1943.pdf>

¹²⁸ Adult Services Manual 135, “Selection of Providers.” <http://www.mfia.state.mi.us/olmweb/ex/AS/Public/ASM/135.pdf>

¹²⁹ http://deepblue.lib.umich.edu/bitstream/handle/2027.42/66882/10.1177_073346488800700403.pdf?sequence=2 see page 462.

¹³⁰ “Cost and Benefits of a Wage Increase for Home Help Workers”, Anderson Economic Group (August 2009), see page 5, available here: http://www.andersoneconomicgroup.com/Portals/0/upload/MQHCC_Update2009_PUBLIC.pdf

¹³¹ Most recently waiver application available here: http://www.michigan.gov/documents/mdch/1915-c_HCBS_Waiver-6-2007_205659_7.pdf

¹³² Appendix J, WY 1 in the waiver application.

- Average hours per user: 18/week for community living supports, 370/year (7/week) for respite, and 9 hours/year for chore
 - Some community living supports and respite services appear to be paid on a per diem basis
- A 2012 survey of MI Choice provider agencies found that 69% of surveyed agency-employed direct-care providers (i.e. providers who are not nurses) were working less than 36 hours/week.¹³³
- No cap on hours specified
- Relatives are allowed to provide respite, chore and community living support services; however, legally responsible individuals may not be paid to provide services
 - A 2010 survey of MI Choice budget authority IPs found that 49% of survey respondents were family members of the consumer¹³⁴
- **Habilitation Supports (DD waiver)**
 - Total enrollment is 8,268 (projected to stay the same for 2015)¹³⁵
 - This projection seems reasonable because actual enrollment was 7,814 at the end of 2009¹³⁶
 - All consumers are expected to receive community living supports (which involves ADL and IADL assistance) and/or respite through either IPs or agencies
 - 785 consumers are projected to use a budget authority model for their services, which includes wage setting authority (827 by 2015)
 - Consumers may elect to use their budget to buy services through agencies (i.e. the Agency with Choice model). The waiver application describes the consumer as the managing employer and the agency as the common law employer under this model.
 - Even if we assume that all consumers electing the budget authority model are employing IPs, it still remains that the majority of consumers are receiving services through agencies.
 - Average hours per user: 27/week for community living supports and 312/year for respite
 - Some community living supports and respite services appear to be paid on a per diem basis
 - A 2012 survey of Habilitation Supports provider agencies found that 56% of surveyed agency-employed providers were working less than 36 hours/week (however, in addition to in-home providers, survey included residential and day program providers who do not provide care in a consumer's home)¹³⁷
 - No cap on hours specified
 - If a relative who is not the legally responsible individual, i.e., parent of minor child, spouse, or legal guardian, meets the provider qualifications, he or she may be paid for provision of that service.
 - A 2012 survey of Habilitation Supports budget authority IPs found that 27% of respondents were family members of the consumer¹³⁸
- **DD Children's Waiver Program**

¹³³ See page 4 of this report: <http://phinational.org/sites/phinational.org/files/surveys-focus-groups/mi-choice-provider-survey.pdf>

¹³⁴ See page 8 of this report: <http://phinational.org/sites/phinational.org/files/surveys-focus-groups/phimich-sdworkerssurvey-oct2011.pdf>

¹³⁵ Appendix J, WY 4 in the waiver application available here: http://www.michigan.gov/documents/mdch/2010_HSW_Final_Renewal_Application-10-1-2010_333844_7.pdf

¹³⁶ http://www.michigan.gov/documents/mdch/Table_G_4_12_10_317639_7.htm

¹³⁷ See page 4 of this report: <http://phinational.org/sites/phinational.org/files/surveys-focus-groups/cmh-provider-survey.pdf>

¹³⁸ See page 5 of this report: <http://phinational.org/sites/phinational.org/files/surveys-focus-groups/cmh-sd-workers-survey.pdf>

- Total enrollment is 464 (projected to stay the same for 2015)¹³⁹
- All consumers are expected to receive community living supports (which involves ADL and IADL assistance) and/or respite through either IPs or agencies
- 135 consumers are projected to self-direct their services
 - The waiver application indicates that consumers have wage setting authority but describes consumers as only having employer authority for community living supports and respite services (i.e. it does not describe the consumer as also having budget authority)
- Average hours per user: 26/week for community living supports and 548/year for respite
- Respite hours are capped at 96/month (24/week) and community living supports are capped based on need from 2 to 16 hours per day (therefore consumers who are severely disabled may be receiving 112 hours/week, but we do not know how that gets split among providers)¹⁴⁰
- Relatives are allowed to provide services so long as they are not legal guardians or legally responsible for the consumer
- **Waiver for Children w/Serious Emotional Disturbance**¹⁴¹
 - Total enrollment is 369 (projected to be 374 by 2015)
 - 129 (or 131 by 2015) consumers are projected to receive community living supports entirely through agencies
 - Average hours per user: 198/year for community living supports
 - There is a cap of 186 hours/month (46.5 hours/week)
 - Legal guardians or legally responsible persons are not allowed to be providers.
- **Non-Medicaid In-Home Services** (state-funded and OAA-funded program for 60+ population)¹⁴²
 - In FY 2012, the state provided in-home services to 19,311 non-Medicaid participants
 - 4,105 consumers received personal care
 - Avg. hours per user: 58/year
 - 6,689 consumers received homemaker services
 - Avg. hours per user: 47/year
 - 3,026 consumers received chore services
 - Avg. hours per user: 12/year
 - 198 consumers received personal care or home health respite
 - Avg. hours per user: 70/year
 - 144 consumers received homemaker or chore respite
 - Avg. hours per user: 46/year
 - Area Agencies on Aging administer these services and likely contract with agencies to provide much of these services (I did not find any evidence that consumers can self-direct these services)

¹³⁹ Appendix J, WY 4 in the waiver application available here:

http://www.michigan.gov/documents/mdch/Childrens_Waiver_Program-1915c_Approved_350646_7.pdf

¹⁴⁰ For community living supports hours caps for the DD Children's Waiver Program see page A6 here:

http://www.co.muskegon.mi.us/cmh/providermanual/New_08/4_legal_resources/mental_health_substance_abuse.pdf

¹⁴¹ Waiver application is not available on the CMS website, but a copy is on file with Vanessa Wells.

¹⁴² Data came from the "2012 Michigan Aging Information System NAPIS Participant and Service Report" from the Michigan Office of Services to the Aging (June 2013), available here:

http://www.michigan.gov/documents/osa/FY_2012_NAPIS_Report_CSA_Version_426373_7.pdf

Minnesota

The State is in the process of redesigning its LTC system. The current PCO program (which offers an agency and an agency-with-choice model) and the state-funded Consumer Support Grant program (which offers a cash allowance that consumers can use to purchase goods and services, such as personal care) will be replaced with a program called Community First Services and Supports (CFSS) (which will be a joint 1915(i) and 1915(k) program housed within an 1115 demonstration called Reform 2020). CFSS will offer the traditional agency model and a “budget option”; the latter of which will include a new IP option without wage-setting authority which will constitute our bargaining unit (the exact details of the service models have not been determined yet). Additionally, five 1915(c) waivers will continue to offer agency-delivered home care and a budget authority IP option (providers under the budget authority model, CDCS, will presumably be in our bargaining unit). We do not have a clear picture of what the enrollment will be in each of the new service delivery models under CFSS. Nor do we know the service limitations (i.e. hours caps) or restrictions on family providers that will eventually be in place. The CFSS implementation date is still up in the air, the local estimates July 2014 as a potential start date.

Major Programs	Est. IP Consumers	Est. Agency Consumers	Service Caps / Avg. Utilization	Family Providers	Min Wage and Overtime
CFSS - joint 1915(i) and 1915(k) program	28,661 consumers by SFY 2015 We do not know how many consumers will chose an agency model, a budget authority IP model, or an employer authority IP model. Under the current PCO program, all consumers are served through an agency (including AWC where the agency is the employer)		A similar or identical cap under the current PCO program which states that a worker cannot be paid for more than 275 hours of care per month, regardless of how many consumers they serve	There is a debate about whether spouses and parents of minors can be providers (possibly with a 40 hours/week cap); however, other relatives may be providers	Pre-existing coverage. Home care workers covered by federal and MN minimum wage and overtime laws.
1915(c) waivers	3,389 used a budget authority model (including wage-setting authority) in 2012 called CDCS	~37,000 in 2012	We do not have a sense of the service maximums; however, some waiver consumers will receive extended CFSS hours through their waiver on top of regular CFSS hours	Relatives, including spouses and parents of a minor, are allowed to provide CDCS IP services. See the debate above regarding extended CFSS waiver providers being relatives	

- Personal Care Assistance (PCO) and Consumer Support Grant (CSG) will eventually be transitioned into Community First Services and Supports (CFSS) 1915(i) and 1915(k)

- The State projects that 28,661 consumers will be CFSS recipients in SFY 2015 (we can assume that nearly all will receive personal care services)¹⁴³
 - 16,114 FFS recipients will only receive CFSS services
 - 4,840 FFS recipients will receive CFSS and Extended CFSS hours through a waiver
 - 2,440 managed care recipients will only receive CFSS services
 - 3,816 managed care recipients will receive CFSS and Extended CFSS hours through a waiver
 - 1,452 recipients who previously did not receive PCO services will newly receive 1915(k) services under the expanded eligibility rules for CFSS
- As stated above, we do not know how many consumers will elect the different service models under CFSS (though we do know that the current form of consumer direction, the agency-with-choice model, will be formally discontinued under CFSS - though informal consumer-direction will still take place under the agency model so that the state can still receive the 6% match under CFCO - and replaced with a “budget option” which will include an employer authority IP option and presumably a full budget authority option)
 - ~36% of current PCO consumers elect the PCA Choice option (agency-with-choice option)¹⁴⁴
 - Note that a goal of CFSS is to expand consumer direction
- An SEIU analysis of 2009 FFS PCA data found that the average PCA consumer received 1,666 hours of care per year (32 hours/week).¹⁴⁵ We do not know how authorized service hours may change under CFSS.
- Under the current PCO program, a worker cannot be paid for more than 275 hours of care per month (69 hours/week), regardless of how many consumers they serve.¹⁴⁶ If a consumer requires more than 275 hours of care per month, they must use multiple providers.
 - The local believes a similar, or identical, limitation will be carried over into CFSS¹⁴⁷
- Under the current PCO program, relatives are allowed to provide services but they cannot be the recipient’s spouse, parent of a recipient under the age of 18, or legal guardian.¹⁴⁸
 - There is currently a debate about whether spouses and parents of minors will be allowed to provide CFSS services. There is a push to allow spouses and parents to be providers while restricting the hours that they can be paid to 40/week. It appears that other relatives will be allowed to provide services without any restrictions.¹⁴⁹
 - Under the current PCO program, ~37% of PCA Choice (agency-with-choice) providers are family members of the consumer.¹⁵⁰
- **Elderly Waiver (EW), Community Alternative Care Waiver (CAC), Community Alternatives for Disabled Individuals Waiver (CADI), Developmental Disabilities Waiver (DD), and Traumatic Brain Injury Waiver (TBI)**¹⁵¹

¹⁴³ “Reform 2020: Pathways to Independence Section 1115 Waiver Proposal” (resubmitted to CMS on November 21, 2012). Fiscal analysis can be found on page 614 here: <http://www.medicare.gov/Medicare-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/mn/mn-reform-2020-ar.pdf>

¹⁴⁴ DHS Fiscal Analysis of PCA Choice Reform Proposal from Bob Meyer, on file with Vanessa Wells (file name “Bob Meyer PCA Reform Fiscal Analysis”).

¹⁴⁵ SEIU analysis of state-provided 2009 FFS PCA data, on file with Vanessa Wells (file name “Calculations accompanying FINAL MN MEMO”).

¹⁴⁶ Minn. Stat. §256B.0659, subd. 11 (10)

¹⁴⁷ Email between Vanessa Wells and Dave Zaffrann of HCMN, sent on 11/22/13, on file with Vanessa Wells.

¹⁴⁸ Minn. Stat. §256B.0659, subd. 3

¹⁴⁹ Email between Vanessa Wells and Dave Zaffrann of HCMN, sent on 11/22/13, on file with Vanessa Wells.

¹⁵⁰ DHS Fiscal Analysis of PCA Choice Reform Proposal from Bob Meyer, on file with Vanessa Wells (file name “Bob Meyer PCA Reform Fiscal Analysis”).

¹⁵¹ We do not have all of the most recent waiver applications. Unless otherwise noted, information was obtained from the most recently available expired waiver application, on file with Vanessa Wells.

- Total enrollment in all five waivers was 65,362 as of 6/30/2012¹⁵²
 - 28,241 in EW (elderly at risk of nursing facility placement)
 - 90% of EW consumers are served through managed care health plans¹⁵³
 - 419 in CAC (elderly at risk of hospitalization)
 - 19,220 in CADI (physically disabled)
 - 16,006 in DD (developmentally disabled)
 - 1,476 in TBI (traumatic brain injury)
- We estimate that roughly 37,000 consumers received personal care, homemaker, companion (which can include non-medical care and some IADL assistance) and/or chore services through agencies or non-consumer-directed independent contractors across all the waivers in 2012¹⁵⁴
- As of 2012, 3,389 consumers (this is an actual figure, not an estimate) received Consumer Directed Community Supports (CDCS) budget authority (including wage-setting) IP services, which includes personal assistance among other services, across all the waivers¹⁵⁵
 - 112 in EW
 - 153 in CAC
 - 1,287 in CADI
 - 1,781 in DD
 - 56 in TBI
- We do not have a good sense of how many hours the average worker is providing to a traditional or a CDCS consumer in a week.
- Relatives, including spouses and parents of a minor, are allowed to provide CDCS personal assistance.¹⁵⁶ Legal guardians and relatives are also allowed to provide extended personal care through the waiver so long as the relative is not a spouse.¹⁵⁷
- **Alternative Care** (previously a state-funded only program that recently received FFP approval)
 - Total enrollment is projected to be 4,242 in 2015 (with an average monthly caseload of 2,720 in 2015)¹⁵⁸
 - 4,296 consumers accessed services in FY 2012¹⁵⁹
 - Recipients can access personal care, chore, and homemaker services through agencies or CDCS (budget authority and wage-setting authority) personal assistance through either IPs or agencies (among other services such as adult day, companion, and skilled nursing).

¹⁵² See page 52 of the “Biennial Report on Long-Term Services and Supports for People with Disabilities” by the Minnesota Department of Human Services Disability Services Division (January 2013), available here: <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6656-ENG>

¹⁵³ See page 119 of the “Biennial Report on Long-Term Services and Supports for People with Disabilities” by the Minnesota Department of Human Services Disability Services Division (January 2013), available here: <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6656-ENG>

¹⁵⁴ This is a very rough estimate that was calculated using the 2012 actual total enrollment data and the projected % of consumers accessing the services of interest in the expired waiver applications. For the Elderly Waiver, I simply assumed 100% of consumers are accessing at least one of the services of interest (the majority of EW consumers are in managed care, the waiver application merely lists their managed care premium in Appendix J without projecting which services managed care enrollees will use).

¹⁵⁵ Data from MN Department of Human Services, obtained 11/8/12, on file with Vanessa Wells of SEIU.

¹⁵⁶ See Section 13.1 in the CDCS Lead Agency Operations Manual here:

<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-4270-ENG>

¹⁵⁷ Appendix C-2 in the waiver application.

¹⁵⁸ See the “Background Data Tables for February 2013 Forecast” Excel file here:

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_016358#

¹⁵⁹ See page 8 here: <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6675-ENG>

- 139 consumers in 2012 utilized the CDCS budget authority model that is identical to the model under the waivers¹⁶⁰

Missouri

Note: Waiver enrollees can receive both PCO services and personal care services through their waiver program. Therefore it is possible that they could be receiving hours through two programs and potentially using the same worker to provide all the service hours. However, we do not know how many consumers may be using the same worker to provide services across programs or how many cumulative service hours the average consumer receives.

Major Programs	Est. IP Consumers	Est. Agency Consumers	Service Caps / Avg. Utilization	Family Providers	Min Wage and Overtime
Consumer-Directed Services (PCO)	25,169 in 2013 ~13,000 workers in 2013 ¹⁶¹	None	SEIU estimates that the current cap on hours is about 70/week The cap is based on the annual cost for nursing home care, see details below.	Relatives, other than spouses, may provide services	Min wage and overtime protection for the first time. Home Care workers will be covered by a state minimum wage rate higher than the federal minimum wage. (\$7.35/hour and MO overtime). Limited exemption from MO minimum wage law for workers employed on a casual basis for 6 hours or less per visit.
In-Home Services (PCO)	None	41,241 (2013)	SEIU estimates that the current cap on basic personal care hours is about 36/week and the cap on advanced personal care hours is about 49/week. The cap is based on the annual cost for nursing home care, see details below.	Providers are not allowed to be a parent; sibling; child by blood, adoption, or marriage; spouse; grandparent or grandchild	
Aged and Disabled		23,413 projected for	Average hours per user according to	Relatives are not allowed to be	

¹⁶⁰ State-provided data from 10/14/12, on file with Vanessa Wells (file name "MN PCA Data 11_8_12").

¹⁶¹ Missouri Home Care Union Estimates

Waiver		2013	waiver app: 4/week for homemaker and 10/year for chore (may be on top of PCO hours)	providers	
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- **Consumer-Directed Services (PCO)**

- Total enrollment was 25,169 in FY2013¹⁶²,
- ~13,000 IP workers 2013¹⁶³
- Services are entirely delivered through IPs without the consumer having budget authority
- Service hours are capped based on the cost of providing CDS. The total monthly payment for CDS may not exceed 100% of the average statewide monthly cost for nursing facility care¹⁶⁴
 - Therefore the service cap changes annually based on PCO and NF reimbursement rates. Using the current CDS reimbursement rate and the current nursing home per patient day rate, **we estimate that the current cap on CDS hours is about 70/week.**¹⁶⁵
 - In 2009, the top user of PCO services received 110 hours/week of care (PCO reimbursement rates were lower at that point)¹⁶⁶
- Relatives are allowed to provide services so long as they are not the consumer's spouse.¹⁶⁷

- **In-Home Services (PCO)**

- Total enrollment was 41,241 in FY2013¹⁶⁸
- Services are entirely delivered through agencies
- There are two levels of care, with different service limits
 - Basic personal care: cannot exceed 60% of the average statewide monthly cost for nursing facility care¹⁶⁹
 - Therefore the service cap changes annually based on basic personal care and NF reimbursement rates. Using the current basic personal care reimbursement rate and the current nursing home per patient day rate, **we estimate that the current cap on basic personal care hours is about 36/week.**¹⁷⁰
 - Advanced personal care (when assistance with ADLs requires devices and procedures related to altered body functions): cannot exceed 100% of the average statewide monthly cost for nursing facility care¹⁷¹

¹⁶² MO Dept of Health response to FOIA Request, obtained 12/11/13 on file with Vanessa Wells.

¹⁶³ Missouri Home Care Union

¹⁶⁴ 19 CSR 15-8.400 (7) (D)

¹⁶⁵ The average monthly cost for nursing home care was assumed to be \$4,410 (assuming a \$147/patient day NF rate (see <http://www.dss.mo.gov/mhd/providers/pages/nfrates.htm>) and 30 days in a month). The rate for 15 minutes of CDS is \$3.95, or \$15.80/hour (see http://dss.mo.gov/mhd/providers/pdf/bulletin36-09_2013oct01.pdf). \$4,410 divided by \$15.80 divided by 4 (weeks per year), means the CDS hours maximum is roughly 70/week.

¹⁶⁶ See slide 14 here: <http://dss.mo.gov/mhd/oversight/pdf/longterm-care2010jan07.pdf>

¹⁶⁷ 19 CSR 15-8.400 (4) (A) 3.

¹⁶⁸ MO Dept of Health response to FOIA Request, obtained 12/11/13 on file with Vanessa Wells.

¹⁶⁹ 13 CSR 70-91.010 (4) (B) 2.

¹⁷⁰ The average monthly cost for nursing home care was assumed to be \$4,410 (assuming a \$147/patient day NF rate (see <http://www.dss.mo.gov/mhd/providers/pages/nfrates.htm>) and 30 days in a month). The rate for 15 minutes of basic personal care is \$4.54, or \$18.16/hour (see http://dss.mo.gov/mhd/providers/pdf/bulletin36-09_2013oct01.pdf). \$2,646 (60% of \$4,410) divided by \$18.16 divided by 4 (weeks per year), means the basic personal care hours maximum is roughly 36/week.

¹⁷¹ 13 CSR 70-91.010 (5) (F) 2. B.

- Therefore the service cap changes annually based on advanced personal care and NF reimbursement rates. Using the current advanced personal care reimbursement rate and the current nursing home per patient day rate, **we estimate that the current cap on advanced personal care hours is about 49/week.**¹⁷²
 - Providers are not allowed to be immediate family (an immediate family member is defined as a parent; sibling; child by blood, adoption, or marriage; spouse; grandparent or grandchild)¹⁷³
- **Aged and Disabled Waiver**
 - Total enrollment is 26,301 (we do not have a projection for 2015)¹⁷⁴
 - In FY2010 actual enrollment was only 18,503 so the waiver application projection may be an overestimate¹⁷⁵
 - 23,408 receive homemaker services and 5 receive chore services, both services are entirely agency-delivered
 - Average hours per user: 4/week for homemaker and 10/year for chore
 - **These hours may be in addition to PCO hours, but this has yet to be confirmed**
 - No hours caps specified
 - Relatives are not allowed to be providers
- **Independently Living (PD waiver)**
 - Total enrollment is 600 (we do not have a projection for 2015)¹⁷⁶
 - In FY2010 actual enrollment was only 299 so the waiver application projection may be an overestimate¹⁷⁷
 - 200 are expected to receive personal care entirely through IPs without having budget authority
 - Average hours per user: 22/week of personal care
 - There is no limit to how many hours of personal care someone can be authorized for. This service does not differ from PCO services; **it just provides additional hours once a consumer has exhausted their PCO hours.**
 - Relatives, except for spouses or children under the age of 18, may be paid for providing waiver personal care services. Legal guardians may not provide services.
- **AIDS Waiver**
 - Total enrollment is 120 (projected to stay the same for 2015)¹⁷⁸
 - In FY2010 actual enrollment was 122 so the waiver application projection seems reasonable¹⁷⁹
 - 100 receive personal care through agencies
 - 50 receive attendant care through agencies, but the providers are nurses
 - Average units per user: 12 hours/week for personal care and attendant care is paid on a per diem basis (240 days/year on average)

¹⁷² The average monthly cost for nursing home care was assumed to be \$4,410 (assuming a \$147/patient day NF rate (see <http://www.dss.mo.gov/mhd/providers/pages/nfrates.htm>) and 30 days in a month). The rate for 15 minutes of advanced personal care is \$5.62, or \$22.48/hour (see http://dss.mo.gov/mhd/providers/pdf/bulletin36-09_2013oct01.pdf). \$4,410 divided by \$22.48 divided by 4 (weeks per year), means the basic personal care hours maximum is roughly 49/week.

¹⁷³ 19 CSR 15-7.021 (18) (H)

¹⁷⁴ Appendix J, WY 5 in the waiver application. The most recently available application we found online has expired.

¹⁷⁵ State response to FOIA request, received by Justin Foley, on file with Vanessa Wells.

¹⁷⁶ Appendix J, WY 5 in the waiver application. The most recently available application we found online has expired.

¹⁷⁷ State response to FOIA request, received by Justin Foley, on file with Vanessa Wells.

¹⁷⁸ Appendix J, WY 2 in the waiver application.

¹⁷⁹ State response to FOIA request, received by Justin Foley, on file with Vanessa Wells.

- Personal care through the waiver is only authorized after a consumer has exhausted their service hours under the PCO program
 - No hours cap specified
 - Relatives are not allowed to provide personal care or attendant care.
- **Medically Fragile Adult Waiver**
 - Total enrollment is 215 (projected to be 245 by 2015)¹⁸⁰
 - 51 (or 58 by 2015) receive attendant care (same scope and nature of PCO services, this is not skilled care) through agencies
 - Average hours per user: 35/week
 - **Waiver attendant care is provided once PCO hours have been exhausted**
 - No cap on hours specified
 - Relatives are not allowed to provide services
- **DD Comprehensive Waiver**
 - Total enrollment is 8,500 (projected to be 8,610 by 2015)¹⁸¹
 - In FY2010 actual enrollment was 7,629 so the waiver application projection seems reasonable¹⁸²
 - 1,270 receive personal assistance (projected to be 1,288 by 2015) through one of the following models
 - 287 (or 291 by 2015) receive agency group personal care for an average of 14 hours/week
 - 100 (or 101 by 2015) receive IP personal care for an average of 23 hours/week
 - 487 (or 495 by 2015) receive agency personal care for an average of 11 hours/week
 - 396 (or 401 by 2015) receive agency medical/behavioral (certified day habilitation) personal care for an average of 18 hours/week
 - IP services are provided through a budget authority model where the consumer has wage-setting authority
 - **A consumer may receive PCO hours on top of personal care hours delivered through this waiver program**¹⁸³
 - There is no limit on how many hours someone can be authorized for¹⁸⁴
 - A relative may provide personal care so long as they are not the recipient's spouse, parent of a recipient under the age of 18, or the recipient's legal guardian. Legally responsible persons may not provide services.
 - Relative may not be paid for more than 40 hours of care per week¹⁸⁵
 - Relatives may be employed by an agency or they may be an IP¹⁸⁶
- **Autism Waiver**
 - Total enrollment is 175 (projected to stay the same for 2015)¹⁸⁷
 - In FY2010 actual enrollment was 129 so the waiver application projection seems reasonable¹⁸⁸
 - 175 consumers receive personal care through one of the following models (there is duplication)
 - 3 receive agency group personal care for an average of 4 hours/week

¹⁸⁰ Appendix J, WY 3 in the waiver application.

¹⁸¹ Appendix J, WY 3 in the waiver application.

¹⁸² State response to FOIA request, received by Justin Foley, on file with Vanessa Wells.

¹⁸³ In the "purpose" section at the beginning of the waiver application.

¹⁸⁴ Appendix C-3, personal care service specification in the waiver application.

¹⁸⁵ Appendix C-2 in the waiver application.

¹⁸⁶ Appendix C-3, personal care service specification in the waiver application.

¹⁸⁷ Appendix J, WY 2 in the waiver application.

¹⁸⁸ State response to FOIA request, received by Justin Foley, on file with Vanessa Wells.

- 30 receive IP personal care for an average of 13 hours/week
 - 52 receive agency personal care for an average of 4 hours/week
 - 22 receive IP medical/behavioral (licensed RN or LPN, looks like these are independent contractors of the state¹⁸⁹) personal care for an average of 13 hours/week
 - 98 receive agency medical/behavioral (certified day habilitation) personal care for an average of 13 hours/week
 - IP services are provided through a budget authority model where the consumer has wage-setting authority
 - **A consumer may receive PCO hours on top of personal care hours delivered through this waiver program¹⁹⁰**
 - There is no limit on how many hours someone can be authorized for¹⁹¹
 - A relative may provide personal care so long as they are not the recipient's spouse, parent of a recipient under the age of 18, or the recipient's legal guardian.
 - Relative may not be paid for more than 40 hours of care per week¹⁹²
 - Relatives may be employed by an agency or they may be an IP¹⁹³
- **Division of DD Community Support Waiver**
 - Total enrollment is 1,575 (projected to be 1,667 by 2015)¹⁹⁴
 - In FY2010 actual enrollment was 1,166 so the waiver application projection seems reasonable¹⁹⁵
 - 702 receive personal assistance (projected to be 743 by 2015) through one of the following models
 - 87 (or 91 by 2015) receive agency group personal care for an average of 6 hours/week
 - 93 (or 100 by 2015) receive IP personal care for an average of 15 hours/week
 - 342 (or 361 by 2015) receive agency personal care for an average of 11 hours/week
 - 180 (or 191 by 2015) receive agency medical/behavioral (certified day habilitation) personal care for an average of 8 hours/week
 - IP services are provided through a budget authority model where the consumer has wage-setting authority
 - **A consumer may receive PCO hours on top of personal care hours delivered through this waiver program¹⁹⁶**
 - There is no limit on how many hours someone can be authorized for¹⁹⁷
 - A relative may provide personal care so long as they are not the recipient's spouse, parent of a recipient under the age of 18, or the recipient's legal guardian. Legally responsible persons may not provide services.
 - Relative may not be paid for more than 40 hours of care per week¹⁹⁸
 - Relatives may be employed by an agency or they may be an IP¹⁹⁹
- **Partnership for Hope (DD waiver)**
 - Total enrollment is 3,125 (projected to be the same for 2015)²⁰⁰

¹⁸⁹ Provider specifications in Appendix C-3 for personal care.

¹⁹⁰ Appendix C-3, personal care service specification in the waiver application.

¹⁹¹ Appendix C-3, personal care service specification in the waiver application.

¹⁹² Appendix C-3 in the waiver application.

¹⁹³ Appendix C-3, personal care service specification in the waiver application.

¹⁹⁴ Appendix J, WY 2 in the waiver application.

¹⁹⁵ State response to FOIA request, received by Justin Foley, on file with Vanessa Wells.

¹⁹⁶ Appendix C-3, personal care service specification in the waiver application.

¹⁹⁷ Appendix C-3, personal care service specification in the waiver application.

¹⁹⁸ Appendix C-3, personal care service specification in the waiver application.

¹⁹⁹ *Ibid*

²⁰⁰ Appendix J, WY 1 in the waiver application.

- 1,453 consumers receive personal assistance through one of the following models
 - 45 receive agency group personal care²⁰¹ for an average of 4 hours/week
 - 281 receive IP personal care for an average of 10 hours/week
 - 651 receive agency personal care for an average of 6 hours/week
 - 163 receive IP medical/behavioral (licensed RN or LPN, looks like these are independent contractors of the state²⁰²) personal care for an average of 10 hours/week
 - 313 receive agency medical/behavioral (certified day habilitation) personal care for an average of 6 hours/week
- IP services are provided through a budget authority model where the consumer has wage-setting authority
- **A consumer may receive PCO hours on top of personal care hours delivered through this waiver program**²⁰³
- There is no limit on how many hours someone can be authorized for²⁰⁴
- A relative may provide personal care so long as they are not the recipient's spouse, parent of a recipient under the age of 18, or the recipient's legal guardian. Legally responsible persons may not provide services.
 - Relative may not be paid for more than 40 hours of care per week²⁰⁵
 - Relatives may be employed by an agency or they may be an IP²⁰⁶
- **Missouri Children with Developmental Disabilities Waiver**²⁰⁷
 - Total enrollment is 366 (projected to stay the same for 2015)²⁰⁸
 - In FY2010 actual enrollment was 206 so the waiver application projection seems reasonable²⁰⁹
 - 313 consumers receive personal assistance through one of the following models
 - 2 receive agency group personal care for an average of 8 hours/year (this seems very low, there may be typo in the waiver application)
 - 48 receive IP personal care for an average of 9 hours/week
 - 70 receive agency personal care for an average of 7 hours/week
 - 31 receive IP medical/behavioral (licensed RN or LPN, looks like these are independent contractors of the state²¹⁰) personal care for an average of 9 hours/week
 - 162 receive agency medical/behavioral (certified day habilitation) personal care for an average of 4 hours/week
 - IP services are provided through a budget authority model where the consumer has wage-setting authority
 - **A consumer may receive PCO hours on top of personal care hours delivered through this waiver program**²¹¹
 - There is no limit on how many hours someone can be authorized for²¹²

²⁰¹ We know that group services are delivered through agencies and not IPs given the description in Appendix J for this service.

²⁰² Provider specifications in Appendix C-3 for personal care.

²⁰³ Appendix C-3, personal care service specification in the waiver application.

²⁰⁴ Appendix C-3, personal care service specification in the waiver application.

²⁰⁵ Appendix C-3, personal care service specification in the waiver application.

²⁰⁶ *Ibid*

²⁰⁷ The most recent waiver application can be found here:

<http://dmh.mo.gov/docs/dd/CMSApprovedMOCCDDWaiverApp.pdf>

²⁰⁸ Appendix J, WY 1 in the waiver application.

²⁰⁹ State response to FOIA request, received by Justin Foley, on file with Vanessa Wells. This waiver is also referred to as the Lopez Waiver, <http://dmh.mo.gov/dd/progs/waiver/sjlmw.htm>

²¹⁰ Provider specifications in Appendix C-3 for personal care.

²¹¹ Appendix C-3, personal care service specification in the waiver application.

²¹² Appendix C-3, personal care service specification in the waiver application.

- A relative may provide personal care so long as they are not the recipient's spouse, parent of a recipient under the age of 18, or the recipient's legal guardian.
 - Relative may not be paid for more than 40 hours of care per week²¹³
 - Relatives may be employed by an agency or they may be an IP²¹⁴
- There is also an Assisted Living Waiver; however services under that waiver do not occur in the consumer's home.
- No relevant state-funded programs²¹⁵

New York State

Major HCBS Programs

Major Program(s)	Est. IP/CD Consumers	Est. Agency Consumers	Service Caps / Avg. Utilization	Family Providers	Min Wage and Overtime
Lombardi Transitioning into managed care.	n/a	23,711	Personal care is limited to 35 to 42 hours per week maximum because of budget neutrality	n/a	Pre-existing coverage under state overtime and minimum wage protections. Home care workers covered by federal minimum wage and overtime, by NY minimum wage, and by NY overtime law except that live-in workers receive overtime after 44 hours/week
State Plan/ CDPAP PCO ²¹⁶	10,285 (2010)	75,158 (2009)	See table below for 2007 service use under agency directed model 60% receive 36 or more hrs a week.	Most family members may serve as PCA, except for legal guardians or spouses. ²¹⁷	
TBI Waiver	n/a	2839	39.1hrs/wk average of home and community based supports	n/a	

²¹³ Appendix C-2 in the waiver application.

²¹⁴ Appendix C-3, personal care service specification in the waiver application.

²¹⁵ See "State-funded Categories of Assistance" here: <http://dss.mo.gov/mhd/general/pages/about.htm>

²¹⁶ Kaiser Commission for the Uninsured, "Medicaid Home and Community-Based Service Programs: 2009Data Update" (December 2012). Underlying data available at

<http://kaiserfamilyfoundation.files.wordpress.com/2013/01/7720-06.pdf>, see Table 1C.

²¹⁷ 18 NYCRR § 505.28 (b) (3)

					(rather than 40 hours) under NY law.
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Overview:

- Medicaid agency w/choice CDPAP (16,000, 200 Organized, none under contract.)
- Medicaid Agency NYC - 75% organized w/ contract = 40K. Long Island and Westchester - ~40% organized w/o contract = 30k.
- In process developing CFCO application
- Approved for BIPP at 2%

In 2006, CMS approved a new five-year 1115 demonstration entitled, Federal-State Health Reform Partnership (F-SHRP). The waiver was effective October 1, 2006 through September 30, 2011. On March 31, 2011, CMS approved a three year extension of the F-SHRP Demonstration (Medicaid Managed Care) for the period April 1, 2011 through March 31, 2014. Enrollment in MLTSS began in New York City in September 2012 for personal care recipients, and soon after will expand to other eligible beneficiaries in New York City and, during 2013 and 2014, to other beneficiaries statewide.²¹⁸

- **Long-Term Home Health Care Program (LTHHC or Lombardi) 1915c**

- Is being phased out over a 5 year period ending in 2018 in which enrollees will transfer to managed care plans or other 1915(c) waiver programs.²¹⁹
- 23,711 projected 2015.²²⁰
- Agency Only
- Provides home and community-based support services²²¹, housekeeping and homemaker services, among others.
- Social Services Law §367-c, authorizes waiver services to be provided when the total monthly MA expenditures for health and medical services for an individual do not exceed seventy-five percent (75%) of the cost of care in either a skilled nursing facility (SNF) or a health-related facility (HRF) located within the local district.²²²
 - One source, using nursing home expenditure data, estimates that for most of the state, limited to 35 to 42 hours per week maximum because of budget neutrality.²²³

²¹⁸ http://www.health.ny.gov/health_care/managed_care/appextension/docs/f-shrp_annual_report_oct_sept_2012.pdf

²¹⁹ <http://www.nslc.org/wp-content/uploads/2013/03/MLTSS-NY-NJ-Final-030113.pdf>

²²⁰ Lombardi Waiver Program Approved Waiver Application.

²²¹ Appendix C-1. Home and Community Support Services (HCSS) are the combination of personal care services (ADLs) and (IADLs) with oversight/supervision services or oversight/supervision as a discrete service. HCSS differ from the personal care services provided under the Medicaid State Plan in that oversight/supervision is not a discrete task for which personal care services are authorized.

²²² Pg 1-3, Rev 5/18/12. LTHHCP Manual.

http://www.health.ny.gov/health_care/medicaid/reference/lthhpc/lthhpcmanual.pdf

²²³ According to the Self Help Overview, and as noted above, the service plan cost must fall within the budget cap for the level of care for which the individual is approved. With certain exceptions, total Medicaid expenditures for the individual's health and medical services cannot exceed (on an annual basis) 75% of the cost of care in either a Skilled Nursing Facility or a Health Related Facility. The costs of services for an individual can be averaged over 12 months to ensure that the annual cost of care remains under the 75% cap. The monthly budget cap is computed by the NYS DOH. In New York City and most parts of the state, the effect of the budget cap is to limit services to no more than 35 to 42 hours of personal care per week Self Help Community Services Overview of HCBS in the state.

- Estimates 308 home and community support services users (2015), 13.5hrs/week average (new service in 2012)²²⁴
- **Traumatic Brain Injury (TBI) (under age 65) 1915c**
 - PCA through state plan program.
 - No consumer direction.
 - 3,939 total enrollment (2013- year program expires- no newer application on file)
 - Home and community based supports (includes personal care)
 - 2,839, avg 39.1 hrs/wk (2013)
- **State Plan PCO "New York Medicaid Choice"**^{225, 226}
 - Traditional Agency Directed Services: 75,158 (2009).²²⁷ Provided through managed care organizations.²²⁸
 - Housekeeping services are limited to 12 hours per week.²²⁹
- 2007 Data from UHF Report: Agency Provided Personal Care Beneficiaries in NYC, by service hours per week²³⁰

	0-19 hrs	20-48 hrs	49-83 hrs	84 hrs	168hrs
# of consumers	4,200	16,700	11,700	9,000	1,200
% of total beneficiaries	10%	39%	27%	21%	3%

- **Consumer Directed Personal Assistance Program (CDPAP) PCO**
 - 10,285 (2010)²³¹; 29% of CD in NYC – 71% in rest of state.²³²
 - Managed Care as of Nov 2012
 - Caps on hours: When the consumer requires assistance with nutritional and environmental support functions only, the hours of assistance cannot exceed eight hours a week.²³³
 - 3-5% of personal care recipients in program use CD²³⁴

See link for document: <http://www.wnyc.com/health/afile/129/171/>, AND Chpt 4. Long Term Home Health Care Program pg 9 of An overview of Medicaid LTC in NY <http://www.uhfny.org/publications/880507>

²²⁴ Lombardi Waiver Program Approved Waiver Application.

²²⁵ Still rolling managed Medicaid LTC out in some counties.

²²⁶ An overview of Medicaid LTC in NY <http://www.uhfny.org/publications/880507>

²²⁷ <http://kff.org/medicaid/state-indicator/personal-care-participants>

²²⁸ <http://kff.org/medicaid/state-indicator/personal-care-services/>

²²⁹ Chpt 4. Long Term Home Health Care Program pg 9 of An overview of Medicaid LTC in NY

<http://www.uhfny.org/publications/880507>

²³⁰ Chp 3 Overview of Medicaid LTC Programs in NY pg 9 Copy of table.

<http://www.uhfny.org/publications/880507>

²³¹ Feb 25, 2012. Presentation by Center for Disability Rights. "Consumer Directed Personal Assistance Program training".

Consumer Directed Personal Assistance Association of New York State, New York Association on Independent Living. Slide 4. www.ilny.org/events/training-events

²³² Chp 3 Overview of Medicaid LTC Programs in NY. <http://www.uhfny.org/publications/880507>

²³³ http://www.health.ny.gov/health_care/medicaid/publications/adm/11adm6.htm

- Most family members may serve as PCA, except for legal guardians or spouses.²³⁵
- Participant Employer Authority. The Participant (or the participant's representative) must have decision-making authority over workers who provide personal care services.²³⁶
- Agency-with-Choice model where the agency operates solely as a fiscal intermediary
- **Expanded In-home Services for the Elderly (EISEP)²³⁷**
 - Housekeeping, PCA
 - Clients are required to share the cost of services, based on income.
 - For those not eligible for Medicaid.
 - No Participant data available

Ohio

Chart of Major HCBS Programs

Major Program(s)	Est. IP/CD Consumers (2015)	Est. Agency Consumers (2015)	Avg hrs/wk	Family Providers	Min Wage and Overtime
Ohio Home Care	~6,000 use some sort of CD service		PCA: 27.3 Attendant Care: 2.9	non-legally responsible family members	Gain overtime protection for the first time. Home care workers covered under federal and OH minimum wage and overtime laws, though continued exemption from OH overtime law for live-in workers.
Transitions Waiver	2,528 (PCA)		PCA: 32	non-legally responsible family members	

²³⁴ Chp 3 Overview of Medicaid LTC Programs in NY. <http://www.uhfnyc.org/publications/880507>

²³⁵ 18 NYCRR § 505.28 (b) (3). http://onlineresources.wnyc.net/pb/docs/06_omm_lcm-2.pdf;
<http://w3.health.state.ny.us/dbspace/NYCRR18.nsf/56cf2e25d626f9f785256538006c3ed7/f55b46ce1e1d8f5c852578760066bc39?OpenDocument&Highlight=0,505.28>

²³⁶ Regulations governing program:

<http://w3.health.state.ny.us/dbspace/NYCRR18.nsf/0/f55b46ce1e1d8f5c852578760066bc39?OpenDocument&Highlight=0,505.28>

²³⁷ http://www.health.ny.gov/health_care/medicaid/program/longterm/expand.htm

Ohio has received approval for the Balancing Incentives Payment Program at a 2 % increase.²³⁸

- **Ohio Home Care (1915c)**
 - PCA, home care attendant,²³⁹
 - Total Enrollment projected 12,160 (2015)
 - TA and CDS
 - PCA users (2015): 10,861, Attendant users (2015): 70.
 - In 2006, approx 6,000 provider agreements with home care aides, RNs and LPNs (IPS)²⁴⁰
 - PCA = 27.3 hrs/week (projected 2015); attendant care= 2.9 hrs/week (projected 2015)
 - Relatives can be PCAs, but cannot be a legally responsible relative.²⁴¹
 - Consumers are assigned a monthly cost limit by the CMA based on their service needs as identified in the planning process. The cost limit, or cap, is based on the monthly cost of services as identified in the All Services Plan.
- **Transitions Waiver (1915c)²⁴²**
 - PCA
 - 3,200 (2015)²⁴³
 - 2,528 receiving PCA, 32hrs/average personal care per week.²⁴⁴
 - TA, CDS
 - IPs can be non-legally responsible family members
- **Transitions II Carve Out Waiver (1915 c)²⁴⁵**
 - PCA and home care attendant services
 - 2,114 enrolled (Jan 2013)²⁴⁶
 - Data for 2015 was not available
 - Agency and IP
 - IPs can be non-legally responsible family members
 - Other data not available
- **Passport Waiver (1915c)²⁴⁷**
 - Homemaker, PCA, chore

²³⁸ OH BIP Application. <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Support/Balancing/Downloads/OHIO-BIP.pdf>

²³⁹ For individuals w/physical disabilities ages 0-59.

²⁴⁰ OH MFP application. Pg 11.

http://medicaid.ohio.gov/Portals/0/Resources/Workgroups%20and%20Committees/Money%20Follows%20the%20Person/Ohio%20MFP%20Proposal_Narrative_Documents.pdf

²⁴¹ 5101:3-46-04 Ohio home care waiver: definitions of the covered services and provider requirements and specifications.

²⁴² For individuals that transition out of OHC because they need an ICF-MR level of care.

<http://www.healthtransformation.ohio.gov/LinkClick.aspx?fileticket=4tMQIFzWt8k%3d&tabid=125>

²⁴³ <http://www.medicaid.gov/Medicaid-CHIP/CD-Program-Information/By-Topics/Long-Term-Services-and-Support/Balancing/Downloads/OHIO-BIP/CD.pdf>

²⁴⁴ CMS Waiver application

²⁴⁵ OH Admin Code. Chapter 5101:3-50 Transitions carve-out waiver for individuals w/autism, IID, DD ages 60+. For individuals that transition out of OHC because they need an ICF-MR level of care and are aged 60+.

<http://codes.ohio.gov/oac/5101%3A3-50>

²⁴⁶ <http://www.healthtransformation.ohio.gov/LinkClick.aspx?fileticket=4tMQIFzWt8k%3d&tabid=125> ,

<http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Support/Balancing/Downloads/OHIO-BIP.pdf>

²⁴⁷ CMS OH Waiver application. Eligible individuals ages 65 yrs - no max age and physically disabled ages 60-64.

- Agency only
- Total Passport Enrollment: 24,441 (2015)²⁴⁸
- Enrollees by service (2015): Homemaker: 2,469, Personal Care: 21,386, Chore: 807
- PCA avg = 10.5hrs/week, Homemaker avg= 2hrs/wk²⁴⁹, chore avg=3 “jobs” per year
- 86% of Passport \$ is directed to personal care and meals²⁵⁰
- **Choices (1915c)**
 - Consumer directed services began in 2013.²⁵¹
 - Home Care Attendant(HCA)
 - Enrollment 556 (2012)²⁵², waiver estimate 1,319 by 2015.
 - CDS primarily, but waiver app says consumers can use their budgets to procure agency services
 - HCA avg 23hrs/wk²⁵³(2015)
 - Consumer has budget authority (including wage setting)
 - Relatives can be providers except for spouses, parents, step-parents,& legal guardians
 - Consumer is employer of record
- **Individual Options Waiver (1915c)**
 - Homemaker, PCA, respite,
 - 17,041 enrolled (Jan 2013)²⁵⁴
 - Agency and IP
 - An individual who receives supports under the individual options waiver that meet the definition of adult family living is not eligible to receive homemaker/personal care. An independent provider of adult family living must reside in the home where the services are delivered and that home is the provider's primary, legal residence.²⁵⁵
 - Caregivers cannot be related to the consumer by blood, marriage, or adoption.²⁵⁶
- **Ohio Self (1915c)**
 - 500 (SFY 2013)²⁵⁷, 2,000 (2015)
 - Includes Community Inclusion (personal assistance) and Habilitation/Adult Day services.
 - CDS and TA – no CD estimates available
 - 1700 receive Personal Care/Community Inclusion Services (2015) – 32.6hrs/wk
 - 760 receive Day Habilitation (2015) 2.01 hrs/wk

²⁴⁸ CMS.gov OH State Waiver application. [Appendix J](#)

²⁴⁹ Passport Waiver Approved Application Appendix J

²⁵⁰ “Coming of Age: Tracking the Progress and Challenges of Delivering Long-Term Services and Supports in Ohio.” June 2011. <http://scrip/cdps.muohio.edu/content/coming-age-tracking-progress-and-challenges-delivering-long-term-services-and-supports-ohio>

²⁵¹ <http://aging.ohio.gov/resources/publications/173-42-06-2013-01-01.pdf>

²⁵² PASSPORT Enrollment Levels Stall in FY 2012 as State Prepares for New Medicaid Dual Eligible Project http://www.communitysolutions.com/assets/docs/State_Budgeting_Matters/sbm4n4passporthoneck081712.pdf

²⁵³ CMS.gov OH State Waiver application. [Appendix J](#),

²⁵⁴ <http://www.medicare.gov/Medicare-CHIP/CD-Program-Information/By-Topics/Long-Term-Services-and-Support/Balancing/Downloads/OHIO-BIP/CD.pdf>; <http://aging.ohio.gov/resources/publications/173-42-06-2013-01-01.pdf>

²⁵⁵ <http://codes.ohio.gov/oac/5123:2-9>

²⁵⁶ <http://codes.ohio.gov/oac/5123:2-9>

²⁵⁷ Waiver Data Table/

<http://www.healthtransformation.ohio.gov/LinkClick.aspx?fileticket=4tMQIFzWt8k%3D&tabid=125>, 2015 number from Appendix J of Waiver Application

- The overall cost limitations for this waiver are \$25,000/year for children (defined as under age 22) and \$40,000/year for adults.
- Under Community Inclusion services which include assistance with personal care, independent providers can be a relative but not parents, spouses or legally responsible relatives. Habilitation/Adult Day Support may also include personal care and must be agency-provided though agencies are defined as county DD boards and private agencies. Relatives and legal guardians may be employed by these agencies.
- **Ohio Level One Waiver (1915c)²⁵⁸**
 - Homemaker, PCA
 - 11,141 total (SFY 15)²⁵⁹, 8656 PCA users (2015), avg 3hrs/wk
 - CDS estimates unavailable
 - CDS and TA
 - Annual limit of \$1,000 for PCA but with prior authorization, the limits of coverage may be exceeded up to a combined benefit of \$5,000 in each year.²⁶⁰
 - Legally responsible individuals are not permitted to furnish waiver services to the individuals for whom they are responsible. Spouses are not permitted to furnish waiver services to their spouses. Parents are not permitted to furnish waiver services to their biological children, adoptive children, or stepchildren who are under the age of eighteen. Guardians who are unrelated to their dependents are not permitted to furnish waiver services to their dependents. Relatives/family members may not furnish adult foster care to their relatives/family members.

Oregon

Oregon is in the process of removing its Medicaid ADL/IADL assistance services from its AD and DD 1915(c) waivers to instead deliver these services through a 1915(k) program. There is still much confusion about what will change after the 1915(k) plan is implemented. It has yet to be confirmed; however, it appears that the state may retain its traditional PCO program (which currently has a service cap of 20 hours/month) in addition to having the new 1915(k) program.²⁶¹

Major Programs	Est. IP Consumers	Est. Agency Consumers	Service Caps / Avg. Utilization	Family Providers	Min. Wage and Overtime
Medicaid Services for the Aging and People with	13,394 consumers forecasted for 2013-2015 (see details below for IP and agency breakdown)		145 hours of ADL assistance/month; 76 hours of IADL assistance/month;	Relatives are allowed to provide care, but they may	Min wage and overtime protection for the first time.

²⁵⁸ Level One Waiver Application Amendment

<http://dodd.ohio.gov/medicaid/Documents/Level%20One%20Amendment%202013.pdf>

²⁵⁹ Waiver Data Table.

<http://www.healthtransformation.ohio.gov/LinkClick.aspx?fileticket=4tMQIFzWt8k%3D&tabid=125>, Ohio Code 5101:3-42-01.

²⁶⁰ Level One Waiver Handbook. <https://doddportal.dodd.ohio.gov/Documents/handbook-level1waiver.pdf>

²⁶¹ <http://www.oregon.gov/dhs/news/2013news/2013-06-14-K%20Plan%20Public%20Notice.pdf> indicates that services will be provided "under the K Plan or State Plan Personal Care".

Physical Disabilities (switching to a 1915(k) program and potentially keeping a traditional PCO)	~13,000 IP/CDS workers (2013) ²⁶²	159 hours of 24-hour availability/month (live-in provider who assists with ADLs/IADLs) Consumers can receive hours that are summed across all three of these categories	not be the consumer's legal representative (i.e. a spouse, legal guardian, or parent of a minor)	Home care workers are covered by federal minimum wage and overtime law. Workers may gain coverage under OR minimum wage and overtime laws if
Medicaid Services for the Developmentally Disabled (switching to a 1915(k) program and potentially keeping a traditional PCO)	443 consumers forecasted for 2013-2015 using a budget authority model employing IPs or agencies	Unclear	Primary caregivers, parents, spouses, and legal guardians are not allowed to provide services; however, it appears that other relatives may provide services	OR interprets the companionship exemption consistent with federal law.

- Medicaid Services for the Aging and People with Physical Disabilities
 - 13,394 in-home consumers (Fall 2013 forecast for 2013-2015)²⁶³
 - 8,463 will receive IP personal care services²⁶⁴ formerly through a waiver but now through a 1915(k) amendment (a small % may continue to also receive some IP PCO hours²⁶⁵. We do not yet know whether consumers will be allowed to access PCO hours on top of 1915(k) hours)
 - 1,021 will receive IP PCO services only (capped at 20 hours/month)
 - 1,211 will receive live-in IP services
 - 94 will receive spousal IP services (Since spouses are expected to provide some level of help to one another, the service hours for self-management tasks and 24-hour availability are reduced by one-half of the hours.²⁶⁶)
 - 1,212 will receive agency personal care services formerly through a waiver but now through a 1915(k) amendment (a small % may continue to also receive some agency PCO hours²⁶⁷)

²⁶² SEIU Local 503

²⁶³ Fall 2013 Department of Human Services forecast of consumers of in-home long-term care services for the aging and people with disabilities, see overview table here:

<http://www.oregon.gov/dhs/ofra/ofradocuments/Fall%202013%20-%20Overview%20Tables.pdf>.

²⁶⁴ Hourly and live-in IP personal care in the PCO, the waivers and the state-funded Oregon Project Independence program is also referred to collectively as the Consumer-Employed Provider Program. See OAR 411-031-0020 (18).

²⁶⁵ <http://www.oregon.gov/dhs/ofra/ofradocuments/Fall%202013%20Caseload%20Forecast.pdf>

²⁶⁶ <https://apps.state.or.us/Forms/Served/se9046a.pdf>

²⁶⁷ <http://www.oregon.gov/dhs/ofra/ofradocuments/Fall%202013%20Caseload%20Forecast.pdf>

- 255 will receive agency PCO services only (capped at 20 hours/month)
 - 285 will receive cash and counseling services through either IPs (without wage-setting authority) or agencies in the Independent Choices Program
 - Local 503 believes that the current in-home services caps under the 1915(c) waivers will remain the same under the 1915(k) program because the assessment tool is remaining the same²⁶⁸
 - 145 hours of ADL assistance/month
 - 76 hours of IADL assistance/month
 - 159 hours of 24-hour availability/month (live-in provider who assists with ADLs/IADLs)
 - Consumers can receive hours that are summed across all three of these categories
 - We have reason to believe that 1915(k) enrollees will also be able to access traditional PCO services, but this has yet to be firmly established.²⁶⁹
 - Traditional PCO hours are capped at 20/month for most consumers. However, additional hours may be approved if a consumer's needs warrant it.²⁷⁰
 - Relatives are allowed to provide care, but they may not be the consumer's legal representative (i.e. a spouse, legal guardian, or parent of a minor)²⁷¹
- Medicaid Services for the Developmentally Disabled
 - 443 consumers will receive comprehensive in-home support services (Fall 2013 forecast for 2013-2015), 990 forecast for 2015-2017²⁷²
 - Consumers use a budget authority model to hire IPs and agencies (unclear whether the consumer will have wage-setting authority under 1915(k)). "In-home supports" covers many services, we do not know how many consumers are specifically receiving ADL/IADL assistance.²⁷³
 - These consumers will access care through the 1915(k) program (and potentially the PCO program if the state does not discontinue it).
 - More research is needed to determine service maximums
 - Relatives, with the exception of a consumer's spouse, may provide services²⁷⁴
 - 404 children are projected to receive intensive in-home support services (Fall 2013 forecast for 2013-2015), 417 forecast for 2015-2017²⁷⁵
 - Consumers use a budget authority model to hire IPs or agencies (unclear whether the consumer will have wage-setting authority under 1915(k)). We do not know how many consumers are specifically accessing in-home ADL/IADL assistance among the other available services.²⁷⁶
 - These consumers will access care through the 1915(k) program (and potentially the PCO program if the state does not discontinue it).
 - More research is needed to determine service maximums

²⁶⁸ Email exchange between Vanessa Wells and Meghan Moyer on 11/21/13, on file with Vanessa Wells. Current in-home service caps under the 1915(c) waivers can be found here OAR 411-030-0070.

²⁶⁹ <http://www.oregon.gov/dhs/news/2013news/2013-06-14-K-%20Plan%20Public%20Notice.pdf> indicates that services will be provided "under the K Plan or State Plan Personal Care".

²⁷⁰ OAR 411-034-0020 (1) (c) and (d)

²⁷¹ OAR 411-034-0050 (1) (c) and for the Independent Choices Program, see OAR 411-030-0100 (6) (e) and the definition of a relative can be found in OAR 411-030-0020 (43)

²⁷² <http://www.oregon.gov/dhs/ofra/ofradocuments/Fall%202013%20Forecast.pdf> see page 25

²⁷³ See OAR 411-330 for a description of comprehensive in-home supports.

²⁷⁴ OAR 411-330-0070 (1) (e)

²⁷⁵ <http://www.oregon.gov/dhs/ofra/ofradocuments/Fall%202013%20Caseload%20Forecast.pdf> see page 26

²⁷⁶ See OAR 411-300 for a description of children's intensive in-home supports.

- Primary caregivers, parents, spouses, and legal guardians are not allowed to provide services; however, it appears that other relatives may provide services.²⁷⁷
- Oregon Project Independence (state-funded program operated through AAAs for consumers who are 60+)
 - Provides personal care through IPs (without budget or wage-setting authority²⁷⁸) and agencies
 - Our estimate in 2010 was that there were ~2,000 consumers in this program²⁷⁹
 - In 2008, 3,600 consumers were served through this program²⁸⁰
 - In-home personal care is capped at 20 hours per month²⁸¹

Pennsylvania

Chart of Major HCBS Programs

Programs	Est FY 2015 CDS PAS Consumers	Est 2015 PAS Users TA or AWC	Est avg CDS Hrs/Wk 2015 ²⁸²	Est. avg AD Hrs/Wk 2015	Family Providers under CDS	Min Wage and Overtime
Aging Waiver	9,834	14,070	19.7	13.4	No spouses or legal guardians	Pre-existing coverage under state wage and hour law. Third party-employed workers covered by PA minimum wage and overtime law but workers employed solely by private household exempt from PA law.
Attendant Care Waiver	7,529	2,766	24.2	16.1	No spouses or legal guardians	
Independence Plus	5,000	4,901	42	37	No parents of minor children, spouses or legal guardians	

Overview

There are 8 programs with consumer data that are Medicaid waivers in PA and that allow consumer-directed services: Aging, Attendant Care, OBRA, COMMCARE, Independence (PD) Waiver, the Consolidated Waiver and Person/Family Directed Supports Waiver. Of these programs:

²⁷⁷ OAR 411-300-0155 (1) (a) (G)

²⁷⁸ OAR 411-032-0044 (2)

²⁷⁹ Data from Megan Brown of 775.

²⁸⁰ http://www.oregonlive.com/politics/index.ssf/2009/06/oregon_seniors_independence_pr.html

²⁸¹ <http://www.cat-team.org/pdf/Oregon%20Project%20Independence%20Program%20Information.pdf> and

http://www.oregonlive.com/politics/index.ssf/2009/06/oregon_seniors_independence_pr.html

²⁸² Estimates are for personal assistance services unless otherwise noted.

- ~15,000 consumers in 2013 use IPs.²⁸³ Small % uses budget authority.²⁸⁴
- ~19,000 IP workers statewide in 2013²⁸⁵
- ~26,000 consumers using agency services in 2015 across all waivers with CD programs²⁸⁶

- **PA HCBW for Individuals 60 and older/Aging Waiver (1915 (c))²⁸⁷**
 - Personal assistance
 - IP/CD and Agency
 - 28,000 Participants (capped) 2015
 - PAS (agency) 14,070 enrolled, Agency- 13.4 hrs/wk²⁸⁸
 - PAS (CD/IP) – 9,834; 19.7 hrs/wk²⁸⁹
 - 75 users between this waiver and Attendant Care Waiver that are in enrolled in Services My Way and use budget authority –which includes wage setting.
 - Employer Authority and/or Budget Authority (for Services My Way).
 - The Participant(or the participant’s representative) is the common law employer of record
 - No spouses or legal guardians under CD

Services My Way is the consumer directed pilot for budget authority under the program

- 75 enrollees (Dec 2012)²⁹⁰ across the Attendant Care and Aging Waivers.
- Personal assistance can be provided by a relative, but not a spouse or legal guardian.²⁹¹
- Participant is the common law employer of the individual worker(s) providing services;
- Individual Service Plans for individuals who receive more than 40 hours per week of services from one individual (family member or non-family member) have to be reviewed and approved by OLTL(state).²⁹²

- **Attendant Care Waiver 1915(c)**
 - Program, grown out of ACT 150 (state-funded).²⁹³
 - PAS
 - Capped at 10,000
 - PAS use:
 - 7,529 in CD, 24.2 hrs/wk²⁹⁴
 - 2,766 agency²⁹⁵, 16.1 hrs/wk

²⁸³Public Partnerships LLC https://www.publicpartnerships.com/news/PA_Update_111513.html

²⁸⁴Public Partnerships LLC https://www.publicpartnerships.com/news/PA_Update_111513.html

²⁸⁵Public Partnerships LLC https://www.publicpartnerships.com/news/PA_Update_111513.html

²⁸⁶Rough estimate based on summing the projected agency consumers listed in Appendix J of the Waiver Applications.

²⁸⁷For aged individuals ages 65 - no max age and individuals w/PD ages 60-64.Aging Waiver Application

²⁸⁸CMS.gov PA State Waiver application. [Appendix J](#).

²⁸⁹CMS.gov PA State Waiver application. [Appendix J](#).

²⁹⁰http://www.rwjf.org/content/dam/farm/reports/program_results_reports/2013/rwjf406478

²⁹¹Aging Waiver Application.

²⁹²http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/waiver/d_006875.pdf

²⁹³Application for 1915(c) HCBS Waiver: PA.0277.R04.00 - Jul 01, 2013,

http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/waiver/d_006876.pdf

²⁹⁴Appendix J Cost Neutrality Demonstrations J-2: Derivation of Estimates Attendant Care Waiver Application. http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/waiver/d_006876.pdf

- Participant is the common law employer. Budget Authority is available under the Services My Way Program.²⁹⁶
- Relatives may provide services except spouses or legal guardians
- **Physically Disabled (Independence) Waiver (1915(c))**
 - PAS.²⁹⁷
 - Total enrollment capped at 8,600
 - TA and CDS
 - PAS (2015)
 - 4,901:TA, avg 37hrs/wk²⁹⁸
 - 5,000-IP/CD²⁹⁹, avg 42hrs/wk
 - The consumer is common law employer.³⁰⁰
 - CDS provider can be a relative but not a parent of a minor child or a spouse or a legal guardian³⁰¹
 - Personal Assistance may be provided to escort participants to community activities or access other services in the community and be billed as personal assistance. Costs incurred by the personal assistance workers are not reimbursable under the waiver as Personal Assistance Services.
- **PA Consolidated Waiver for Individuals with Developmental Disabilities (1915c)**
 - Homemaker/chore, Companion
 - 17,867 (2015);
 - 57 est. enrollees using homemaker/chore services avg 3hrs/wk; Homemaker/Chore services capped at 40 hrs/year³⁰²
 - 719 estimated enrollees using companion services, avg 17.4 hrs/week.³⁰³
 - Relatives may be allowed to provide services in some circumstances
 - Agency with choice, agency and consumer-directed
 - Budget and employer authority
 - Consumer is common law employer under CD and managing employer under AWC.
 - Cost limits on services: Average statewide cost cannot exceed the cost of serving a similar person in an ICF-MR.
- **OBRA Waiver(1915c)³⁰⁴**
 - PAS

²⁹⁵ Appendix J Cost Neutrality Demonstrations J-2: Derivation of Estimates Attendant Care Waiver Application. http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/waiver/d_006876.pdf

²⁹⁶ Appendix E: Participant Direction of Services, as specified in Appendix E-2, Items a and b, Attendant Care Waiver Application. http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/waiver/d_006876.pdf

²⁹⁷ State Independence Waiver Overview, State of PA Website.

<http://www.portal.state.pa.us/portal/server.pt?open=512&objID=4984&&PageID=481703&level=2&css=L2&mode=2>

²⁹⁸ CMS.gov State Waiver application. [Appendix J](#).

²⁹⁹ Appendix J Cost Neutrality Demonstrations J-2: Derivation of Estimates of PD Waiver Application

³⁰⁰ Appendix E of 1915(c)PD waiver application.

³⁰¹ Appendix C-2 "General Service Specification.

³⁰² [Appendix J](#) Cost Neutrality Demonstration

³⁰³ OBRA Waiver Application. Appendix J Cost Neutrality Demonstrations J-2: Derivation of Estimates.

http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/waiver/d_006879.pdf

³⁰⁴ OBRA Waiver Application.

- Agency, IP/CD or Agency with Choice
- Consumer directed and agency w/choice Services can be provided in personal care homes.³⁰⁵
- Agency 719 enrolled, 30.8 average hours per week (2015)³⁰⁶
- IP/CD 1,014 enrolled, 37.3 average hours per week (2015)³⁰⁷
- Enrollment capped at 1,694
- Participant is the common law employer.³⁰⁸
- Payment to a legally responsible relative may be paid for waiver services under extraordinary circumstances that include the inability of the legally responsible individual to find other qualified, suitable caregivers when the legally responsible individual would otherwise be absent from the home and, thus, must stay at home to ensure the participant's health and safety. Absent these extraordinary circumstances, only relatives who are not spouses or legal guardians may provide CDS. For relatives that do provide services and who reside in the home of the consumer, PAS and similar services may not be provided for more than forty (40) hours of services in a seven (7)-day period. For parents, 40 hours is the total amount regardless of the number of children who receive services under the waiver.³⁰⁹
- **COMMCARE Waiver (1915c)**
 - PAS, respite can be consumer-directed
 - CD and Agency-provided
 - Total enrollment 786 (2015)
 - 330 receive CD PAS; avg 29.6 hrs/wk
 - 283 receive agency PAS; avg 25.4 hrs/wk
 - 112 receive CD respite; avg 11.3 hrs/wk
 - 80 receive agency respite; avg 7.5 hrs/wk
 - Relatives but no legal guardians or legally responsible persons (including spouses) may provide CD services
 - Individual is common law employer under CD
- **Person/Family Directed Supports (DD Waiver-1915c)**
 - Companion, homemaker and chore services
 - 788 total receive companion and chore services
 - 64 receive chore; avg .42hrs/wk
 - 724 receive companion services; avg 5.9 hrs/wk
 - Chore/homemaker is limited to 40 hrs/year
 - CD, AWC and traditional agency models
 - Budget and employer authority
 - Services limited to \$24,000 per person/year
 - Consumer common law employer under CD and managing employer under AWC
 - No parents/stepparents, spouses or legal guardians may provide services
- **ACT 150 (State Funded)**

³⁰⁵ OBRA Waiver Application Section C.

³⁰⁶ OBRA Waiver Application. Appendix J Cost Neutrality Demonstrations J-2: Derivation of Estimates.

³⁰⁷ OBRA Waiver Application. Appendix J Cost Neutrality Demonstrations J-2: Derivation of Estimates.

³⁰⁸ OBRA Waiver Application. Appendix E: Participant Direction of Services.

³⁰⁹ OBRA Waiver Application. Appendix C d. d. Provision of Personal Care or Similar Services by Legally Responsible Individuals

- State-funded part of the PA's Attendant Care Program.
- Some cost-sharing responsibilities on the participants.³¹⁰
- ACT 150 Age Out is for individuals enrolled in the ACT 150 program prior to turning 60.³¹¹
- ACT Program – 2000 enrolled in 2009³¹²
- Act 150 Age Out - 642 enrolled in 2007³¹³
- **Options (State Funded)**
 - PCA³¹⁴
 - Consumer directed option is available
 - Fiscal employer agency for personal care and home support services.
 - The program provides services under Aging Services Block Grant Funds,³¹⁵ 60+ Aging Waiver funds, and the Family Caregiver Support Program.³¹⁶
 - Total Program Enrollment ~35,000 in 2010³¹⁷

³¹⁰ Administrative Authority and Program Overview Retrieved from www.portal.state.pa.us.

³¹¹ Aging Strategic Alignment Project State Profile for Pennsylvania. Table 5. Pg 49. <http://www.benrose.org/kpi/ASAP%20Report/PA-111609.pdf>

³¹² PA Home Care. Bringing LTC Home Report, 2011.

http://www.pahomecare.org/_files/live/Bringing_LTC_Home_Report.pdf

³¹³ AARP State Funded Home and Community Based Services Report. 2009, Table 5, Pg 49.

http://assets.aarp.org/rgcenter/il/2009_06_hcbs.pdf

³¹⁴ Aging Strategic Alignment Project State Profile for Pennsylvania.

<http://www.benrose.org/kpi/ASAP%20Report/PA-111609.pdf>

³¹⁵ Testimony before the PA House Aging and Older Adult Committee, 2013.

http://www.repquinn.net/Display/SiteFiles/78/OtherDocuments/Aging%20Meeting%20-%201-22-13_%20addition001.pdf

³¹⁶ Dept of Aging Options Program Overview.

<http://www.portal.state.pa.us/portal/server.pt?open=514&objID=616683&mode=2>

³¹⁷ AARP State Funded Home and Community Based Services Report. 2009.

http://assets.aarp.org/rgcenter/il/2009_06_hcbs.pdf,

www.pahomecare.org/_files/live/Bringing_LTC_Home_Report.pdf

Texas

Major HCBS Programs

Programs	FY 2012 CDS Consumers ³¹⁸	Est. 2012 TA Consumers ³¹⁹	FY 2012 Avg Hrs/wk	Family Providers under CDS ³²⁰	Min Wage and Overtime
Community Attendant Services	229	46,808	limited to 50 hrs a week	Cannot be the primary caregiver, spouse, or parents of minor children.	Min wage and overtime protection for the first time. Home care workers covered only by federal minimum wage and overtime law.
Community Based Alternatives Waiver	166	13,132	CD option: 16.8 TA: 29.9	Relative or legal guardians are allowed. No spouses or parents of minor children.	
Personal Care Services (EPSDT)	2,958	~6,000 ³²¹	No data available	No legal parent, foster parent, or spouse of a parent of a minor who receives the service.	

³¹⁸ DADS enrollment data through 3rd Quarter FY 2012, see Table 2 in the following report:

<http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf>

³¹⁹ These are very rough estimates that come from various sources and calculations: DADS 2013 Reference Guide, available at <http://cfoweb.dads.state.tx.us/ReferenceGuide/guides/FY13ReferenceGuide.pdf>, subtracted CDS consumers from total enrollment for programs that only provide personal assistance; subtracted CDS consumers from projected 2012 or 2013 residential habilitation, chore, supported home living, or community support service users in the DD waiver applications to get DD agency users; or reported the projected agency personal assistance service users for 2012 from the AD waiver applications.

³²⁰ CDS FAQ <http://www.dads.state.tx.us/providers/CDS/cds-faqs.pdf>, LTSS Waiver Comparisons http://www.dads.state.tx.us/providers/waiver_comparisons/LTSS-Waivers.pdf, Employee Qualification Requirement. <http://www.dads.state.tx.us/forms/1583/1583.pdf>

³²¹ Enrollment as of May 2011, see slide 17 here: <http://www.dads.state.tx.us/providers/CDS/webinars/may2011/cm-cds-powerpoint.pdf>. Total enrollment was 8,995, we subtracted the 2,958 CDS consumers to arrive at ~6,000 agency consumers (this is obviously a very rough estimate since we had to subtract 2012 CDS data from 2011 total enrollment data).

Primary Home Care	47	30,198	limited to 50 hrs a week	No legal parent, foster parent, or spouse of a parent of a minor who receives the service. Cannot be the spouse of the individual who receives the service, except for FC services ³²²
STAR+PLUS	2,594	15,619	Avg 23.43hrs/wk under all service delivery models	No relatives, spouses, or parents of minor children.

Overview of consumer direction in Texas:

- Texas allows three service delivery models for consumers enrolled in HCBS in the state: Traditional agency-directed model, CDS= Consumer Directed Services (CDS), a budget authority model; and the Service Responsibility Option (SRO) (an agency-with-choice model)
- CDS is available under the Primary Home Care, Community-Based Alternatives, STAR+PLUS Managed Care Waiver, Deaf Blind with Multiple Disabilities Waiver, Consumer Managed Personal Attendant Services, and Family Care Waivers
- All CD models in TX programs must use the FMS. The FMS acts as the employer agent for the consumer.³²³
- The Social Responsibility Model is available under Community Attendant Services, the Family Care Program, Star Plus, the PCO Option under EPSDT and under Primary Home Care (PCO)
- Except for the CMPAS program, spouses and representative designees are not allowed to provide services under consumer direction.. Under all programs parents, foster parents (under HCS) and other legally authorized representatives, if the recipient is under age 18, may not provide services.³²⁴
- CDS in Texas allows both budget and employer authority to consumers. Under the agency with choice or Service Responsibility model, the agency is the employer of record.³²⁵
- 11,330 consumers used the Consumer Directed Services (CDS) budget authority model as of Q3 FY 2012 (note that some CDS consumers may not be electing in-home ADL/IADL assistance)³²⁶
- **Primary Home Care –PHC (State Plan)**
 - Medicaid State Plan
 - 30,245 served in 2012.³²⁷

³²² TAC 40 Part 1, Chapter 47, Subpart C Rule §47.23 Attendant Qualifications

³²³ Texas Code Title 40. RULE §41.211 Financial Management Services ;

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=1&ch=41&rl=301](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=1&ch=41&rl=301) ,

<http://www.benrose.org/kpi/ASAP%20Report/tx-111709.pdf>

³²⁴ <http://www.dads.state.tx.us/providers/CDS/cds-faqs.pdf>

³²⁵ <http://www.dads.state.tx.us/providers/CDS/sro.html>

³²⁶ 2012 Consumer Direction Workgroup Biennial Report. See Table 2 here

<http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf>

³²⁷ http://www.dads.state.tx.us/providers/waiver_comparisons/LTSS-Entitlement.pdf

- TA, SRO, and CD³²⁸
 - 47 use CD option; 30, 198 use TA or AWC³²⁹
 - State Plan PCS limited to 50 hrs a week³³⁰
- Individuals who use the CDS option must select a Consumer Directed Services Agency that will provide training, pay the service providers and pay federal and state employer taxes.³³¹
- No legal parent, foster parent, or spouse of a parent of a minor who receives the service; Cannot be the spouse of the individual who receives the service, except for FC services³³²
- **Community Attendant Services (CAS)**
 - Provides PCA for adults and children with a higher income eligibility cap than the waivers and PHC.
 - Services Authorized under Section 1929
 - For individuals not eligible for Medicaid
 - CDS, SRO and TA options available
 - CD Option= 229 users³³³, 46,808 use TA or AWC³³⁴
 - Capped at 50 hrs/wk of PAS³³⁵
- **Community Based Alternatives Waiver Program 1915(c) (AD Waiver)**
 - PCA services provided
 - For those who live in counties not covered by STAR+PLUS

³²⁸ <http://www.dads.state.tx.us/providers/CDS/sro.html>

³²⁹ DADS enrollment data through 3rd Quarter FY 2012, see Table 2 in the following report: <http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf> These are very rough estimates that come from various sources and calculations: DADS 2013 Reference Guide, available at <http://cfoweb.dads.state.tx.us/ReferenceGuide/guides/FY13ReferenceGuide.pdf>, subtracted CDS consumers from total enrollment for programs that only provide personal assistance; subtracted CDS consumers from projected 2012 or 2013 residential habilitation, chore, supported home living, or community support service users in the DD waiver applications to get DD agency users; or reported the projected agency personal assistance service users for 2012 from the AD waiver applications.

<http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf>

³³⁰ <http://kff.org/medicaid/state-indicator/personal-care-services/>

³³¹ http://www.dads.state.tx.us/providers/community_options.pdf

³³² TAC 40 Part 1, Chapter 47, Subpart C Rule §47.23 Attendant Qualifications

³³³ DADS enrollment data through 3rd Quarter FY 2012, see Table 2 in the following report: <http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf> These are very rough estimates that come from various sources and calculations: DADS 2013 Reference Guide, available at <http://cfoweb.dads.state.tx.us/ReferenceGuide/guides/FY13ReferenceGuide.pdf>, subtracted CDS consumers from total enrollment for programs that only provide personal assistance; subtracted CDS consumers from projected 2012 or 2013 residential habilitation, chore, supported home living, or community support service users in the DD waiver applications to get DD agency users; or reported the projected agency personal assistance service users for 2012 from the AD waiver applications.

<http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf>

³³⁴ DADS enrollment data through 3rd Quarter FY 2012, see Table 2 in the following report: <http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf> These are very rough estimates that come from various sources and calculations: DADS 2013 Reference Guide, available at <http://cfoweb.dads.state.tx.us/ReferenceGuide/guides/FY13ReferenceGuide.pdf>, subtracted CDS consumers from total enrollment for programs that only provide personal assistance; subtracted CDS consumers from projected 2012 or 2013 residential habilitation, chore, supported home living, or community support service users in the DD waiver applications to get DD agency users; or reported the projected agency personal assistance service users for 2012 from the AD waiver applications.

<http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf>

³³⁵ <http://www.payingforseniorcare.com/cash-and-counseling/tx-cas-program.html>

- Consumer direction is available for PAS. Individuals who use the CDS option must select a Consumer Directed Services Agency that will provide training, pay the service providers and pay federal and state employer taxes.³³⁶
- 14,441 enrolled (2012)³³⁷
 - 166 use CD option³³⁸, avg 16.8 hrs/week
 - 13,132 use agency directed services³³⁹, avg 29.9 hours/wk
- In general, an individual may receive a maximum of 2,135 hours of personal assistance services per waiver plan year. The individual's service plan cannot exceed 200 percent of the individual's Resource Utilization Group (RUG) payment rate. Relatives or legal guardians may provide services, spouses or parents of minor children may not
- **STAR+PLUS Managed Care Waiver 1115**³⁴⁰
 - Limited Geography.
 - In the STAR+PLUS program, PHC services are referred to as Personal Assistance Services (PAS) and do not include Community Attendant Services (CAS) or Family Care (FC).³⁴¹
 - PAS available with consumer direction, TA, and SRO.
 - Relatives, spouses or guardians may not be the PAS provider.
 - 34,712 enrolled as of 2012³⁴²
 - 2,594 use CD PAS Option³⁴³; avg 23.43hrs/wk
 - 15,619 use TA PAS,³⁴⁴ avg 23.43hrs/wk
- **Deaf Blind with Multiple Disabilities Waiver 1915(c)**
 - Chore services provided under the waiver
 - CD Option available along with TA
 - Relatives or guardians may provide chore services, no spouses or parents of minor children
 - 158 enrolled (2012)³⁴⁵
 - 6 use CD option (2012)³⁴⁶, 71 use TA³⁴⁷

³³⁶ Community Options Manual. http://www.dads.state.tx.us/providers/community_options.pdf

³³⁷ http://www.dads.state.tx.us/providers/waiver_comparisons/LTSS-Waivers.pdf

³³⁸ <http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf>

³³⁹ DADS enrollment data through 3rd Quarter FY 2012, see Table 2 in the following report:

<http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf> These are very rough estimates that come from various sources and calculations: DADS 2013 Reference Guide, available at <http://cfoweb.dads.state.tx.us/ReferenceGuide/guides/FY13ReferenceGuide.pdf>, subtracted CDS consumers from total enrollment for programs that only provide personal assistance; subtracted CDS consumers from projected 2012 or 2013 residential habilitation, chore, supported home living, or community support service users in the DD waiver applications to get DD agency users; or reported the projected agency personal assistance service users for 2012 from the AD waiver applications.

<http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf>

³⁴⁰ <https://www.hhsc.state.tx.us/starplus/overview.shtml>

³⁴¹ Pg 134/ <http://cfoweb.dads.state.tx.us/ReferenceGuide/guides/FY13ReferenceGuide.pdf>

³⁴² http://www.dads.state.tx.us/providers/waiver_comparisons/LTSS-Waivers.pdf

³⁴³ <http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf>

³⁴⁴ DADS enrollment data through 3rd Quarter FY 2012, see Table 2 in the following report:

<http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf> These are very rough estimates that come from various sources and calculations: DADS 2013 Reference Guide, available at <http://cfoweb.dads.state.tx.us/ReferenceGuide/guides/FY13ReferenceGuide.pdf>, subtracted CDS consumers from total enrollment for programs that only provide personal assistance; subtracted CDS consumers from projected 2012 or 2013 residential habilitation, chore, supported home living, or community support service users in the DD waiver applications to get DD agency users; or reported the projected agency personal assistance service users for 2012 from the AD waiver applications.

<http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf>

³⁴⁵ http://www.dads.state.tx.us/providers/waiver_comparisons/LTSS-Waivers.pdf

³⁴⁶ <http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf>

- Average hours not available
- **Client Managed Personal Attendant Services**
 - State funded PCA program
 - Both TA and CD³⁴⁸
 - 338 enrolled, 59 use CD in 2012^{349, 350}
 - Average hours were not available.
 - Caps on costs: Varies according to contracted unit rate. Reimbursement cannot exceed the nursing facility weighted average cost.³⁵¹
 - Spouses and other relatives are eligible to provide services³⁵²
- **Family Care** (paid for by Title XX funds)
 - Attendant Care provided under the program³⁵³
 - CD, TA, and SRO options are available
 - 5,451 enrolled, 13 use CD option³⁵⁴
 - Individuals who use the CDS option must select a Consumer Directed Services Agency that will provide training, pay the service providers and pay federal and state employer taxes.³⁵⁵
 - Individuals can receive: 50 hours per week of services; or 42 hours per week if they receive Priority Status. Priority Status is based on each individual's functional assessment which is completed by a DADS case manager.³⁵⁶
 - No primary caregivers, spouses or parents of minor children may provide services CD services
- **Medically Dependent Children Program (MF Waiver)**

³⁴⁷ DADS enrollment data through 3rd Quarter FY 2012, see Table 2 in the following report: <http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf> These are very rough estimates that come from various sources and calculations: DADS 2013 Reference Guide, available at <http://cfoweb.dads.state.tx.us/ReferenceGuide/guides/FY13ReferenceGuide.pdf>, subtracted CDS consumers from total enrollment for programs that only provide personal assistance; subtracted CDS consumers from projected 2012 or 2013 residential habilitation, chore, supported home living, or community support service users in the DD waiver applications to get DD agency users; or reported the projected agency personal assistance service users for 2012 from the AD waiver applications.

<http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf>

³⁴⁸ <http://www.dads.state.tx.us/services/faqs-fact/cmpas.html>

³⁴⁹ <http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf>

³⁵⁰ DADS enrollment data through 3rd Quarter FY 2012, see Table 2 in the following report: <http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf> These are very rough estimates that come from various sources and calculations: DADS 2013 Reference Guide, available at <http://cfoweb.dads.state.tx.us/ReferenceGuide/guides/FY13ReferenceGuide.pdf>, subtracted CDS consumers from total enrollment for programs that only provide personal assistance; subtracted CDS consumers from projected 2012 or 2013 residential habilitation, chore, supported home living, or community support service users in the DD waiver applications to get DD agency users; or reported the projected agency personal assistance service users for 2012 from the AD waiver applications.

<http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf>

³⁵¹ http://www.dads.state.tx.us/providers/community_options.pdf

³⁵² <http://www.dads.state.tx.us/providers/CDS/cds-faqs.pdf>

³⁵³ <http://www.dads.state.tx.us/services/faqs-fact/fc.html>

³⁵⁴ <http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf>

³⁵⁵ http://www.dads.state.tx.us/providers/community_options.pdf

³⁵⁶ http://www.dads.state.tx.us/providers/community_options.pdf

- Respite, Support Family Services (which includes personal care) are provided under the waiver
 - Flexible family supports are capped at 1875 hrs/year
- TA, CDS services are available
- 2,379 CDS users 2012, no estimates for in-home respite users for that years
- 2015 projections of service usage
 - CD services 2015,
 - Respite: 2597, 22hrs/wk avg
 - TA services 2015³⁵⁷
 - Respite 4805, 14.3hrs/wk avg
 - Flexible Family Supports: 140; 12.8hrs/wk avg. No breakdown by delivery model
- No parents of minor children may provide services
- **Community Living Assistance and Supports (DD Waiver)**
 - Respite, Continued Family Supports included under the waiver that include personal assistance services or services with ADL or IADL assistance
 - An individual may receive a maximum of 29 days of combined in-home respite and out-of-home respite per service plan year.³⁵⁸
 - Projected that 6,219 total enrolled in 2014³⁵⁹
 - For 2012: TA/CDS
 - 2,231 use CD services (2012)³⁶⁰
 - 2,517 TA consumers (2012)
 - 2 receive Continued Family services, an average of 365 days a year. Agency only though a relative may be hired by that agency (2014)
 - 3292 receive respite a total of 13 days/avg (2014)
 - Budget and employer authority
 - Relatives but no spouses or parents of minor children can provide services
- **Personal Care Services (EPDST)**³⁶¹

³⁵⁷ DADS enrollment data through 3rd Quarter FY 2012, see Table 2 in the following report: <http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf> These are very rough estimates that come from various sources and calculations: DADS 2013 Reference Guide, available at <http://cfoweb.dads.state.tx.us/ReferenceGuide/guides/FY13ReferenceGuide.pdf>, subtracted CDS consumers from total enrollment for programs that only provide personal assistance; subtracted CDS consumers from projected 2012 or 2013 residential habilitation, chore, supported home living, or community support service users in the DD waiver applications to get DD agency users; or reported the projected agency personal assistance service users for 2012 from the AD waiver applications.

³⁵⁸ Waiver Application Appendix C Participant Services

³⁵⁹ Waiver expires in 2014.

³⁶⁰ DADS enrollment data through 3rd Quarter FY 2012, see Table 2 in the following report: <http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf> These are very rough estimates that come from various sources and calculations: DADS 2013 Reference Guide, available at <http://cfoweb.dads.state.tx.us/ReferenceGuide/guides/FY13ReferenceGuide.pdf>, subtracted CDS consumers from total enrollment for programs that only provide personal assistance; subtracted CDS consumers from projected 2012 or 2013 residential habilitation, chore, supported home living, or community support service users in the DD waiver applications to get DD agency users; or reported the projected agency personal assistance service users for 2012 from the AD waiver applications.

³⁶¹ The provisions of this §363.601 adopted to be effective September 1, 2007, 32 TexReg 5355

- TA, CDS, SRO options available under the program
- 2,958 CD consumers in 2012, ~6,000 agency and SRO consumers 2012³⁶²
- No legal parent, foster parent or spouse of a parent of a minor who receives the service.
- **Texas Home Living Waiver**
 - Respite services available under the program
 - TA and CDS service delivery
 - offers the CDS option for every service³⁶³
 - 6026 total enrolled in 2015³⁶⁴
 - Respite: 2413, avg 5.8 Hrs/wk³⁶⁵
 - For 212, 375 CD users, 4,003 agency users³⁶⁶
 - Budget and/or employer authority available to consumers
 - No relatives or guardians who live with the individual may provide services
- **Home and Community Based Service (DD Waiver)**
 - Respite, and Supported Home Living available under CD
 - Reimbursement for respite is limited to 300 hours annually for in-home respite, 30 days out-of-home respite or a combination of both, not to exceed the annual limit for this service.³⁶⁷
 - Individuals electing to direct their own service providers may choose a Consumer Directed Services Agency (CDSA) to assist with payroll and taxes for respite or supported home living.³⁶⁸
 - Projections from the Waiver Application:
 - 22,645 total estimated for 2015³⁶⁹
 - Respite: CD 202, 2.4hrs/wk avg; TA 1435, 3.3hrs/wk avg
 - Supported Home Living: CD 262, 17.4, TA 540, 10.3hrs/wk avg
 - Actual 2012 enrollment numbers, TA and CD
 - 273 CDS consumers in 2012, , 4,107 TA Consumers, 19,893 total consumers enrolled 2012³⁷⁰

³⁶² Enrollment as of May 2011, see slide 17 here: <http://www.dads.state.tx.us/providers/CDS/webinars/may2011/cm-cds-powerpoint.pdf>. Total enrollment was 8,995, we subtracted the 2,958 CDS consumers to arrive at ~6,000 agency consumers (this is obviously a very rough estimate since we had to subtract 2012 CDS data from 2011 total enrollment data).

³⁶³ <http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf>

³⁶⁴ Approved Waiver Application Appendix J

³⁶⁵ Approved Waiver Application Appendix J

³⁶⁶ DADS enrollment data through 3rd Quarter FY 2012, see Table 2 in the following report:

<http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf> These are very rough estimates that come from various sources and calculations: DADS 2013 Reference Guide, available at <http://cfoweb.dads.state.tx.us/ReferenceGuide/guides/FY13ReferenceGuide.pdf>, subtracted CDS consumers from total enrollment for programs that only provide personal assistance; subtracted CDS consumers from projected 2012 or 2013 residential habilitation, chore, supported home living, or community support service users in the DD waiver applications to get DD agency users; or reported the projected agency personal assistance service users for 2012 from the AD waiver applications.

³⁶⁷ Appendix C Service Specifications

³⁶⁸ http://www.dads.state.tx.us/providers/community_options.pdf

³⁶⁹ Appendix J: Cost Neutrality Demonstration

³⁷⁰ DADS enrollment data through 3rd Quarter FY 2012, see Table 2 in the following report:

<http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf> These are very

- Employer and Budget authorities are available under consumer direction
- Relatives or legal guardians may provide services. Supported home living and respite may not be provided by persons, including guardians and relatives, who live with the individual.

Virginia

Major Program(s)	Est. IP/CD PAS Consumers	Est. Agency PAS Consumers	Avg hrs/wk	Family Providers	Min Wage and Overtime
Elderly and Disabled Consumer Directed	21,006 (2015)	15,949 (2015)	CD PAS 25.7 Agency Provided PAS 24.8 CD PCA services are limited to 56 hours per week for 52 weeks per year. Individual exceptions may be granted.	May not be parents of minor children or spouses. Payment may not be made for services furnished by other family/caregivers living under the same roof as the individual being served unless there is objective written documentation as to why there are no other providers available to provide the care.	Min wage and overtime protection for the first time. Home care workers covered only by federal minimum wage and overtime law.

Overview of Consumer directed services in Virginia:

- Consumer directed services are provided under the EDCD, ID, DD, and state funded PAS in Virginia, using a fiscal employer agent.³⁷¹
- The consumer who chooses to direct her own care is considered a co-employer.³⁷²
- Aides may not be the parents of minor children who are receiving waiver services or the spouse of the individuals who are receiving waiver services or the family/caregivers that are directing the individual's care.
- Payment may not be made for services furnished by other family/caregivers living under the same roof as the individual being served unless there is objective written documentation as to why there are no other providers available to provide the care.³⁷³
- **Elderly/Disabled w/ Consumer Direction (EDCD) Waiver**
 - PCA
 - Agency and CD

rough estimates that come from various sources and calculations; DADS 2013 Reference Guide, available at <http://cfoweb.dads.state.tx.us/ReferenceGuide/guides/FY13ReferenceGuide.pdf>, subtracted CDS consumers from total enrollment for programs that only provide personal assistance; subtracted CDS consumers from projected 2012 or 2013 residential habilitation, chore, supported home living, or community support service users in the DD waiver applications to get DD agency users; or reported the projected agency personal assistance service users for 2012 from the AD waiver applications.

³⁷¹ <http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+12VAC30-120-980>

³⁷² EDCD Waiver Application. Appendix E.

³⁷³ <http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+12VAC30-120-980>

- 27,078 enrolled (2013), 36, 955 (2015)
 - CD PAS usage 14,536 (2013), avg hrs per week: 25.7hrs/wk^{374, 375} -FI reported
 - Projected 2015 usage 21,006; 25.7hrs/wk
 - Agency Provided PAS 16,293(2013), avg 22.7hrs/wk^{376, 377} - FI reported
 - Projected 2015 usage 15,949, avg 24.8hrs/wk
- **Effective July 1, 2011, CD PCA were limited to 56 hours per week for 52 weeks per year.** Individual exceptions may be granted based on criteria established by DMAS.³⁷⁸
- **Individual and Family Developmental Disabilities Support (IFDDS) Waiver**
 - Companion, Respite Care, PCA available under the waiver
 - TA and Consumer Directed options
 - 1048 total enrolled (2015)
 - 644 using CD PAS services (2015), avg 36.8hrs/week
 - 102 using agency directed PAS (2015) ,avg 39.5hrs/week
 - Relatives and legal guardians can serve as consumer-directed attendants.
- **Technology Assisted (TECH) Waiver**
 - 322 total enrolled 9/13³⁷⁹
 - Per the Approved Waiver Application 421 total will be served in 2015
 - Personal Care: 2 users of this service, average 25hrs/wk
 - Respite 275 users of this service, average 3hrs/wk
 - PCA (Adults Only); Respite
 - Agency only.
 - Due to the complex medical needs of this population, personal care aide services are only provided in conjunction with Private Duty Nursing, for individuals older than 21 years of age, and is not a replacement of PDN services performed by the RN.
 - Relatives and legal guardians may provide these services. Spouses may not be paid to provide these services.

Other PAS Programs

- **State-funded PAS (General Funds)**
 - CD program
 - Co-pay is assessed on a sliding scale if income exceeds a certain level.
 - Program is limited in funding and there may be a waiting list for services
- **PAS for Individuals with Brain Injury (General Funds)**
 - CD program.³⁸⁰
 - No other data available

³⁷⁴ FI Report PPL

http://www.publicconsultinggroup.com/consumerdoc/library/casestudies/VA%20Case%20Study_fs.pdf

³⁷⁵ Ibid

³⁷⁶ Ibid

³⁷⁷ Ibid

³⁷⁸ 12VAC30-120-980. Consumer-directed services: personal care and respite services. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+12VAC30-120-980>; http://www.poac-nova.org/newsmanager/news_article.cgi?news_id=3342. Effective July 1, 2011 due to state budget cuts.

³⁷⁹ Nov 2013 enrollment http://www.dmas.virginia.gov/Content_atchs/lte/lte_wsr_stats.pdf

³⁸⁰ <http://www.vadrs.org/cbs/pas.htm>

Washington

Chart of Major CDS Programs

Major Programs	Est. IP Consumers	Est. Agency Consumers	Service Caps / Avg. Utilization	Family Providers	Minimum Wage and Overtime
Medicaid In-Home Services for the elderly and physically disabled (PCO, COPES waiver, New Freedom waiver, and the state-funded Chore Program)	27,773 by 2015 ³⁸¹ ~33,000 workers in 2013 across A/D and DD programs ³⁸²	10,801 by 2015 ³⁸³	As of May 2012, the average AD consumer received 105 hours/month of IP care	40-70% are family providers (also see SEIU internal poll below)	Pre-existing coverage under state overtime and minimum wage protections. Home Care workers will be covered by a state minimum wage rate higher than the federal minimum wage. Home care
Medicaid In-Home Services for the developmentally disabled (PCO, Basic waiver, Basic Plus waiver, CORE waiver, Community Protection waiver, and Children's intensive in-home behavioral support waiver)	8,084 by 2015 ³⁸⁴	4,079 by 2015 ³⁸⁵	As of May 2012, the average DD consumer received 107 hours/month of IP care	40-70% are family providers (also see SEIU internal poll below)	

³⁸¹ According to a November 2013 caseload forecast, 38,574 consumers are projected to use in-home services in FY 2015 (<http://www.cfc.wa.gov/Documents/ForecastAndOverview.pdf>). And approximately 72% of in-home consumers use the IP model (2010 data from "Home Care Aides in Washington State: Current Supply and Future Demand" policy brief, available here: http://depts.washington.edu/uwrhrc/uploads/Home_Care_Aides_Brief.pdf). Therefore, approximately 27,773 IP consumers and 10,801 agency consumers are projected for 2015.

³⁸² SEIU Local 775NW

³⁸³ According to a November 2013 caseload forecast, 38,574 consumers are projected to use in-home services in FY 2015 (<http://www.cfc.wa.gov/Documents/ForecastAndOverview.pdf>). And approximately 72% of in-home consumers use the IP model (2010 data from "Home Care Aides in Washington State: Current Supply and Future Demand" policy brief, available here: http://depts.washington.edu/uwrhrc/uploads/Home_Care_Aides_Brief.pdf). Therefore, approximately 27,773 IP consumers and 10,801 agency consumers are projected for 2015.

³⁸⁴ 3,031 DD consumers are projected to use IPs in the PCO in 2015 (see Nov. 2013 forecast here: http://www.cfc.wa.gov/HumanServices_DDD_ADU_IND.htm). And 7,018 DD consumers are projected to access personal care through the DD waivers (see <http://www.cfc.wa.gov/Documents/ForecastAndOverview.pdf>). Assuming 72% of waiver enrollees elect the IP model (see endnote 62 for an explanation of where the 72% factor comes from), then approximately 5,053 DD waiver users are projected to use IPs in 2015.

³⁸⁵ 319 adult DD consumers are projected to use agencies in the PCO in 2015 (see Nov. 2013 forecast here: http://www.cfc.wa.gov/HumanServices_DDD_ADU_AGE.htm). 1,787 child DD consumers are projected to use agencies in the PCO in 2015 (see Nov. 2013 forecast here: http://www.cfc.wa.gov/HumanServices_DDD_CHI.htm). And 7,018 DD consumers are projected to access personal care through the DD waivers (see <http://www.cfc.wa.gov/Documents/ForecastAndOverview.pdf>). Assuming 72% of waiver enrollees elect the IP model (see endnote 62 for an explanation of where the 72% factor comes from), then approximately 1,965 DD waiver users are projected to use agencies in 2015.

- Hours are capped at 408/month (102 hours/week)³⁹³ regardless of which program(s) the consumer is served through. There are different hours caps for consumers based on the classification group they are assigned to during the CARE assessment process (see WAC § 388-106-0125). The highest need individuals could have hours as high as 414/month regardless of which program(s) the consumer is served through.³⁹⁴
 - As of May 2012, the average AD consumer received 105 hours/month of IP care³⁹⁵
 - The State uses the CARE assessment tool to determine base hours depending on the consumers' functional and cognitive abilities.³⁹⁶ Base hours may be reduced due to informal supports or other paid assistance or base hours may be increased due to certain living conditions.³⁹⁷
- The Chore Program appears to be a very small grandfathered program that is not expanding. It has an hours cap at 116/month (29 hours/week)³⁹⁸
- 40-70% of IPs deliver care to family members in WA (this appears to be an estimate among AD and DD providers)³⁹⁹
 - The COPES and New Freedom waivers allows relatives to provide services so long as the provider is not the spouse of the consumer.
- **Medicaid In-Home Services for the developmentally disabled (PCO, Basic waiver, Basic Plus waiver, CORE waiver, Community Protection waiver, and Children's intensive in-home behavioral support waiver)**
 - Across these programs, 8,084 will receive IP services by 2015⁴⁰⁰ and 4,079 will receive agency-provided services⁴⁰¹
 - 3,010 consumers receive PCO services through IPs (2013)⁴⁰²
 - 333 consumers receive PCO services through agencies (2013)⁴⁰³

³⁹³ Hours used to be capped at 420, see page 19 of the "Public Guardianship in Washington State Costs and Benefits" report from the Washington State Institute for Public Policy (December 2011) available here: <http://www.wsipp.wa.gov/ReportFile/1097>

³⁹⁴ WAC § 388-106-0125 notes that base hours could be as high as 393 for the highest need individuals and WAC § 388-106-0130 (4) indicates that certain living conditions can prompt the state to provide up to an additional 21 hours. Tim Palmer of 775 believes the hours cap is the same across all programs since the CARE assessment tool is used for each program, also see WAC § 388-106-0070.

³⁹⁵ Information request data from May 2012 emailed to Vanessa Wells on 11/26/12 by Tim Palmer of 775.

³⁹⁶ WAC § 388-106-0125 breaks down the base service hours each group can receive.

³⁹⁷ WAC § 388-106-0130

³⁹⁸ WAC § 388-106-0135

³⁹⁹ See page 9 of the "Health Workforce Demand in Washington State: Employers' Current and Expected Needs for Home Care Aides, Medical Assistants, Nursing Assistants Certified, Licensed Practical Nurses, Associate's Degree Registered Nurses" report, available here: http://depts.washington.edu/uwrhrc/uploads/CHWS_FR145_Palazzo.pdf.

⁴⁰⁰ 3,031 DD consumers are projected to use IPs in the PCO in 2015 (see Nov. 2013 forecast here: http://www.cfc.wa.gov/HumanServices_DDD_ADU_IND.htm). And 7,018 DD consumers are projected to access personal care through the DD waivers (see <http://www.cfc.wa.gov/Documents/ForecastAndOverview.pdf>). Assuming 72% of waiver enrollees elect the IP model (see endnote 62 for an explanation of where the 72% factor comes from), then approximately 5,053 DD waiver users are projected to use IPs in 2015.

⁴⁰¹ 319 adult DD consumers are projected to use agencies in the PCO in 2015 (see Nov. 2013 forecast here: http://www.cfc.wa.gov/HumanServices_DDD_ADU_AGE.htm). 1,787 child DD consumers are projected to use agencies in the PCO in 2015 (see Nov. 2013 forecast here: http://www.cfc.wa.gov/HumanServices_DDD_CHI.htm). And 7,018 DD consumers are projected to access personal care through the DD waivers (see <http://www.cfc.wa.gov/Documents/ForecastAndOverview.pdf>). Assuming 72% of waiver enrollees elect the IP model (see endnote 62 for an explanation of where the 72% factor comes from), then approximately 1,965 DD waiver users are projected to use agencies in 2015.

⁴⁰² Enrollment data came from the Washington State Caseload Forecast Council, available here: http://www.cfc.wa.gov/HumanServices_DDD_ADU_IND.htm. The report was accessed on 11/18/2013 and reflects actual enrollment as of July 2013 (as well as projected enrollment).

- 1,833 DD children receive PCO services (2013)⁴⁰⁴
 - Children appear to only receive services through agencies⁴⁰⁵
- 6,927 consumers receive personal care through one of five DD waivers (2013)⁴⁰⁶
 - DD waivers offer agency-delivered and IP-delivered personal care (without budget authority)
 - Applying the same 72% IP factor discussed above for the elderly and physically disabled, we estimate that 4,987 consumers use IPs and 1,940 consumers use agency-employed providers
 - DD waivers serve consumers who are not eligible for PCO services⁴⁰⁷
- Hours are capped at 408/month⁴⁰⁸ regardless of which program(s) the consumer is served through⁴⁰⁹
 - As of May 2012, the average DD consumer received 107 hours/month of IP care⁴¹⁰
 - The State uses the CARE assessment tool to determine base hours depending on the consumers' functional and cognitive abilities.⁴¹¹ Base hours may be reduced due to informal supports or other paid assistance or base hours may be increased due to certain living conditions.⁴¹²
- Relatives are allowed to provide services; however the relatives may not be the consumer's spouses or the parent of a consumer who is a minor⁴¹³
 - 40-70% of IPs deliver care to family members (this appears to be an estimate among AD and DD providers)⁴¹⁴
 - Below are the results of an internal 775 poll of IP and agency home care members regarding their relationship to their clients:

Relationship with client	Percentages
Your parent	21.5%
Your child	13.5%
Your spouse or domestic partner	2.4%

⁴⁰³ Enrollment data came from the Washington State Caseload Forecast Council, available here: http://www.cfc.wa.gov/HumanServices_DDD_ADU_AGE.htm. The report was accessed on 11/18/2013 and reflects actual enrollment as of July 2013 (as well as projected enrollment).

⁴⁰⁴ Enrollment data came from the Washington State Caseload Forecast Council, available here: http://www.cfc.wa.gov/HumanServices_DDD_CHI.htm. The report was accessed on 11/18/2013 and reflects actual enrollment as of July 2013 (as well as projected enrollment).

⁴⁰⁵ <http://www.washingtonautismadvocacy.org/updates/2011/05/28/wa-supreme-court-strikes-dshs-rules-that-discriminate-against-disabled-children/>

⁴⁰⁶ Enrollment data came from the Washington State Caseload Forecast Council, available here: http://www.cfc.wa.gov/HumanServices_DDD_WAIVER.htm. The report was accessed on 11/18/2013 and reflects actual enrollment as of July 2013 (as well as projected enrollment).

⁴⁰⁷ http://www.cfc.wa.gov/HumanServices_DDD_WAIVER.htm

⁴⁰⁸ Hours used to be capped at 420, see page 19 of the "Public Guardianship in Washington State Costs and Benefits" report from the Washington State Institute for Public Policy (December 2011) available here: <http://www.wsipp.wa.gov/ReportFile/1097>

⁴⁰⁹ WAC § 388-106-0070

⁴¹⁰ Information request data from May 2012 emailed to Vanessa Wells on 11/26/12 by Tim Palmer of 775.

⁴¹¹ WAC § 388-106-0125 breaks down the base service hours each group can receive.

⁴¹² WAC § 388-106-0130

⁴¹³ WAC § 388-845-0111

⁴¹⁴ See page 9 of the "Health Workforce Demand in Washington State: Employers' Current and Expected Needs for Home Care Aides, Medical Assistants, Nursing Assistants Certified, Licensed Practical Nurses, Associate's Degree Registered Nurses" report, available here: http://depts.washington.edu/uwrhrc/uploads/CHWS_FR145_Palazzo.pdf.

Your grandparent or great grandparent	3.6%
Your sibling	6.8%
Your niece, nephew, aunt, uncle or cousin	3.3%
A distant blood relative	1.1%
Not a blood relative, but considered part of your family	7.4%
A close friend	9.2%
Don't know/refused	2.2%
Unknown	28.9%

- The State also provides non-Medicaid respite services.

Large Home Care Programs Likely to be Impacted by FLSA Rule Change

Large home care programs with >10,000 consumers receiving ADL/IADL assistance services and we have evidence to suggest that some consumers in these programs may be impacted by the rule change.

Option 1: We have noted where consumers have budget authority and wage setting authority in programs)

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	Est. IP Consumers and Workers	Est. Agency Consumers	Service Caps / Avg. Utilization	Family Providers	Min Wage and Overtime ¹
<p>Estimated only</p>	<p>447,752 consumers as of 2012²</p> <p>376,000 workers as of 2012³</p>	<p>2,874 consumers as of 2012⁴</p>	<p>Services capped at 283 hours/month per consumer⁵</p> <p>In 2012, the avg. IP consumer received ~22 hours/week. However, 33 out of 58 counties had severely impaired IP consumers receiving more than 40 hours/week on average⁶</p>	<p>72% of IHSS consumers have a relative provider⁷</p>	<p>Gaining overtime protection for the first time. CA overtime law providing time-and-a-half the regular rate of pay after 9 hours per day and 45 hours per week except for workers performing services through CA's IHSS program. If workers spend over 20% of work hours on certain housekeeping tasks as described by CA DLSE they are not subject to the CA overtime exemption, however.</p>
<p>Estimated only</p>	<p>~30,000 consumers in 2013⁸</p> <p>~26,000 workers in 2013⁹</p>	<p>~4,000 consumers in 2013¹⁰</p>	<p>In general, IPs cannot provide more than 16 hours of care in a 24-hour period to one or more consumers (exceptions may be granted in emergencies).¹¹</p> <p>Total waiver cost caps apply depending on a consumer's "determination of need" score.¹²</p> <p>Estimated average hours per user according to the waiver application: 24/week for IP personal care and 12/week for agency homemaker</p>	<p>~50% of IPs are relative providers¹³</p>	<p>Pre-existing coverage. Home care workers are covered by federal minimum wage and overtime law, and by IL minimum wage of \$8.25 and IL overtime law. Home care workers employed solely by private household (unless 4+ employees in household) are not covered under IL law. 820 Ill. Comp. Stat. § 105/3(d). Although the statute contains an exemption for "domestic service employees," regulations state that exemption does not include workers whose primary duty is to be</p>

				services			a companion to or perform health care services for an aged or infirm person. 820 Il. Comp. Stat. §105/3(d); 56 Il Admin Code § 210.110.
Infant	~23,000 consumers in 2012 ¹⁴ ~32,000 workers in 2012 ¹⁵	None		A 2009 survey of 500 IPs found that 15% of surveyed IPs worked more than 40 hours/week. ¹⁶	A 2009 survey of 500 IPs found that 67% of surveyed IPs were related to their consumer: 25% adult children, 19% siblings, 15% parents, and 8% grandchildren. ¹⁷		Pre-existing coverage under state overtime and minimum wage protections. Home Care workers will be covered by a state minimum wage rate higher than the federal minimum wage \$8/hr. Home care workers covered by federal minimum wage and overtime protections.
	~58,000 consumers in 2012 ¹⁸ ~61,000 workers in 2012 ¹⁹	~10,000 consumers in 2012 ²⁰		A 2005 survey found that 40% of surveyed Home Help IPs provided more than 40 hours of care/week. ²¹ A 2012 survey found that 45% of surveyed agency-employed Home Help providers worked 36 hours or more/week. ²²	At least 50%, if not more, of IPs are family providers. ²³		Pre-existing coverage under state overtime and minimum wage protections. Home Care workers will be covered by a state minimum wage rate higher than the federal minimum wage. Most workers also covered by MI state minimum wage of \$7.40/hour and by MI overtime law, except for: (1) live-in workers and (2) workers who are the only.
	14,481 projected total enrollees by 2015, most consumers will receive community living supports, chore, or respite through agencies ²⁴ 2,168 projected consumers will use a budget authority model (which includes wage-setting authority) to hire IPs or agencies in 2015 ²⁵ 28,661 consumers projected for SFY 2015 ²⁸			A 2012 survey found that 31% of surveyed agency-employed MI Choice providers worked 36 hours or more/week. ²⁶	A 2010 survey found that 49% of surveyed MI Choice IPs were family providers. ²⁷		See above
Services 915(i) that will be current	We do not know how many consumers will chose an agency model, a budget authority IP model, or an employer authority-only IP model. Under the current PCO program, all consumers are served through agency (including an agency-with-choice model where the agency is the employer).	~37,000 in 2012 ³²		It is our understanding that CFSS will have a similar or identical cap as under the current PCO program which states that a worker cannot be paid for more than 275 hours of care per month, regardless of how many consumers they serve or the number of agencies they are employed by. ²⁹	There is a debate about whether spouses and parents of minors will be allowed to be providers (possibly with a 40 hours/week cap); however, other relatives will be allowed to provide care. ³⁰		Pre-existing coverage. Home care workers covered by federal and MN minimum wage and overtime laws.
	3,389 used a budget			We do not have a sense of the service	Relatives, including spouses and		See above

<p>for the th waivers n, ar PCO</p>	<p>13,394 consumers forecasted for 2013-2015⁵⁰ 88% of consumers are projected to receive care through IPs while only having employer authority, 2% of consumers are projected to receive care through a budget authority model called Independent Choices (without having wage-setting authority), and 10% of consumers are projected to receive care through agencies.⁵¹ ~13,000 IPs in 2013⁵²</p>	<p>Pre-1915(k) caps on hours⁵³: • 145 hours of ADL assistance/month • 76 hours of IADL assistance/month • 159 hours of 24-hour availability/month (i.e. live-in IP who assists with ADLs/IADLs). Unclear whether the same caps will exist under the 1915(k) program. Consumers may be assessed to receive hours that are summed across these three service categories.</p>	<p>Relatives are allowed to provide care, but they may not be the consumer's legal representative (i.e. a spouse, legal guardian, or parent of a minor).⁵⁴ Unclear whether the same caps will exist under the 1915(k) program. Consumers may be assessed to receive hours that are summed across these three service categories.</p>	<p>except that live-in workers receive overtime after 44 hours/week (rather than 40 hours) under NY law. Min wage and overtime protection for the first time. Home care workers are covered by federal minimum wage and overtime law. Workers may gain coverage under OR minimum wage and overtime laws if OR interprets the companionship exemption consistent with federal law.</p>
<p>ected</p>	<p>~15,000 consumers in 2013 use IPs.⁵⁵ Small % uses budget authority. ~19,000 workers in 2013⁵⁶ A further breakdown by program can be found in Appendix I.</p>	<p>We do not have data on how many consumers may be receiving more than 40 hours of care per week.</p>	<p>Relatives may be providers so long as they are not a parent of a minor, a spouse or a legal guardian⁵⁷</p>	<p>Pre-existing coverage under state wage and hour law. Third party-employed workers covered by PA minimum wage and overtime law but workers employed solely by private household exempt from PA law.</p>
<p>ected</p>	<p>11,330 consumers used the Consumer Directed Services (CDS) budget authority model as of Q3 FY 2012 (note that some CDS consumers may not be electing in-home ADL/IADL assistance)⁵⁸</p>	<p>Evidence that some consumers may receive more than 40 hours of care/week: consumers may receive up to 42 or 50 hours of care/week depending on their priority status in the following programs: Primary Home Care, Community Attendant Services and Family Care⁶⁰ and consumers in the Community Living Assistance and Support Services waiver may receive up to 3,312 hours of residential habilitation per year (averages to ~64</p>	<p>Varies by program. See Appendix II for program breakdown.</p>	<p>Min wage and overtime protection for the first time. Home care workers covered only by federal minimum wage and overtime law.</p>

and non-Medicaid programs that deliver ADL/IADL assistance to consumers in the community. Every program offers a budget authority option (which includes wage setting authority), called (S), in addition to traditional agency-directed services. And several programs offer an agency-with-choice option called the Service Responsibility Option (SRO). See Appendix II for more information.

with (AD	21,006 consumers projected for 2015 ⁶²	Some consumers are utilizing an agency-with-choice model called the Service Responsibility Option 15,949 consumers projected for 2015 ⁶³	hours/week). ⁶¹ Other programs may allow consumers to receive more than 40 hours of care/week. In general, agency and IP consumers can receive no more than 56 hours of care/week (exceptions may be granted) ⁶⁴	May not be parents of minor children or spouses. Payment may not be made for services furnished by other family/caregivers living under the same roof as the individual being served unless there is objective written documentation as to why there are no other providers available to provide the care. ⁶⁵	Min wage and overtime protection for the first time. Home care workers covered only by federal minimum wage and overtime law.
services (er) D) (aiver) r) ction ve In- Support	27,773 AD consumers projected for 2015 ⁶⁶ 8,084 DD consumers projected for 2015 ⁶⁷ ~33,000 workers in 2013 across the AD and DD programs ⁶⁸	10,801 AD consumers projected for 2015 ⁶⁹ 4,071 DD consumers projected for 2015 ⁷⁰	There are different hours caps for consumers based on the classification group they are assigned to during the CARE assessment process (see WAC § 388-106-0125). The highest need individuals could have hours as high as 414/month regardless of which program(s) the consumer is served through. ⁷¹ As of May 2012, the average AD consumer received 105 hours/month of IP care ⁷² As of May 2012, the average DD consumer received 107 hours/month of IP care ⁷³	40-70% of IPs deliver care to family members in WA (this appears to be an estimate among AD and DD providers) ⁷⁴ An internal SEIU poll of IP and agency home care members found that at least 50% of providers surveyed were related to their consumers (including spouses). Unless the State approves an exception, family providers are not allowed under the agency-directed model. ⁷⁵	Pre-existing coverage under state overtime and minimum wage protections. Home Care workers will be covered by a state minimum wage rate higher than the federal minimum wage. Home care workers covered under federal and WA minimum wage and overtime protections, but live-in and some casual workers are exempt from state coverage.

Home Care Programs

directed model (includes Agency W/Choice (AWC)[†] because the data is not available broken down between the two.)

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Care Waiver have a small percentage of consumers with budget authority under the "Services My Way," Cash and Counseling Model.

Type	Service Models	Est FY 2015 CDS PAS Consumers	Est 2015 PAS Users TA or AWC	Est avg CDS Hrs/Wk 2015 [§]	Est. avg AD Hrs/Wk 2015	Family Providers under CDS ^{**}
AD Waiver	TA or CDS	9,834	14,070	19.7	13.4	No spouses or legal guardians
AD Waiver	TA or CDS	7,529	2,766	24.2	16.1	No spouses or legal guardians
DD Waiver	TA or CDS	1,014	719	37.3	30.8	No spouses or legal guardians
TBI Waiver	TA or CDS	442	363	29.6	25.4	No spouses, legal guardians or other legally responsible individuals
AD Waiver	TA or CDS	5,000	4,901	42	37	No parents of minor children, spouses or legal guardians
DD Waiver	TA, AWC or CDS	772 -no estimates available by service model. This figure represents the total number of consumers of companion and homemaker/chore services.		3hrs/wk Homemaker, 17.4 hrs/wk Chore. Estimates by service delivery model were not available		Relatives may be allowed to provide PAS on a service-by-service basis
DD Waiver	TA, AWC or CDS	788- no estimates available by service model. This figure represents the total number of consumers of companion and homemaker/chore services.		.42 hrs/wk Chore, 5.9hrs/wk Companion. Estimates by service delivery model were not available		No parents/step parents, spouses or legal guardians

[†] For record functions, payroll and human resources functions. The consumer is considered the managing employer and is responsible for recruiting and managing the attendant. Finance services unless otherwise noted.
[§] http://www.dads.state.tx.us/providers/waiver_comparisons/LTSS-Waivers.pdf, LTSS Waiver Comparisons
^{**} http://www.dads.state.tx.us/providers/waiver_comparisons/LTSS-Waivers.pdf, Employee Qualification Requirement.

Home Care Programs

Directed model (specifically for in-home ADL/IADL assistance services)
 Directed Services (a budget authority model; some CDS consumers may not be electing in-home ADL/IADL assistance)
 Waiver Option (an agency-with-choice model)

Type	Service Models	FY 2012 CDS Consumers ^{††}	Est. 2012 TA Consumers ^{**}	Family Providers under CDS ^{§§}
Section 1929	TA, CDS, SRO	229	46,808	Cannot be the primary caregiver, spouse, or parents of minor children.
AD waiver	TA, CDS	166	13,132	Relative or legal guardians are allowed. No spouses or parents of minor children.
DD waiver	TA, CDS	2,231	2,517	No spouses or parents of minor children.
Non-Medicaid	TA, CDS	59	338	Relatives, including spouses are eligible.
Non-Medicaid	TA, CDS, SRO	13	5,451	Cannot be the primary caregiver, spouse, or parents of minor children.
DD waiver	TA, CDS	6	71	Chore service may be provided by relative or legal guardian. No spouses or parents of a minor.
DD waiver	TA, CDS	273	4,107	Relative or legal guardians are allowed. No spouses or parents of minor children.
MF waiver	TA, CDS	2,379	in-home respite users N/A	No parents of minor children.
EPSDT	TA, CDS, SRO	2,958	~6,000 ⁷⁶	No legal parent, foster parent, or spouse of a parent of a minor who receives the service.
PCO	TA, CDS, SRO	47	30,198	No legal parent, foster parent, or spouse of a parent of a minor who receives the service. Cannot be the spouse of the individual who receives the service, except for FC services ⁷⁷
DD waiver	TA, CDS	375	4,003	No relatives or guardians who live with the individual.

⁷⁶ 3rd Quarter FY 2012, see Table 2 in the following report: <http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf> that come from various sources and calculations: DADS 2013 Reference Guide, available at <http://cfoweb.dads.state.tx.us/ReferenceGuide/guides/FY13ReferenceGuide.pdf>, subtracted CDS for programs that only provide personal assistance; subtracted CDS consumers from projected 2012 or 2013 residential habilitation, chore, supported home living, or community support service users; subtracted DD agency users; or reported the projected agency personal assistance service users for 2012 from the AD waiver applications. http://www.dads.state.tx.us/providers/waiver_comparisons/LTSS-Waivers.pdf, Employee Qualification Requirement. http://www.dads.state.tx.us/providers/waiver_comparisons/LTSS-Waivers.pdf, Employee Qualification Requirement.

Managed Care	TA, CDS, SRO	2,594	15,619	No relatives, spouses, or parents of minor children.
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er Rights in the State After the Federal Companionship Rules Change -2013. September 2013. Available at: <http://phinational.org/policy/take-action/campaign-fair-pay/map-expansion-labor->

ata available here: <http://www.cdss.ca.gov/agedblinddisabled/PG1282.htm>

ata available here: <http://www.cdss.ca.gov/agedblinddisabled/PG1282.htm>. Agency consumers are the sum of contract and homemaker cases.

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ata available here: <http://www.cdss.ca.gov/agedblinddisabled/PG1282.htm>

pportive Services: Background and Policy Considerations of Proposed Integration Into Medi-Cal Managed Care” report from the Legislative Analyst’s Office, (March 2012). Available here: <http://www.cdss.ca.gov/agedblinddisabled/PG1282.htm>

Illinois and Indiana. The waiver application projects that 30,917 consumers receive personal care from IPs.

diana

Illinois and Indiana. The waiver application projects that 5,501 consumers receive personal care through agencies.

Illinois and Indiana.

port to the Governor and the General Court” by The Personal Care Attendant Quality Home Care Workforce Council, available here: <http://www.mass.gov/pca/docs/council-performance-review->

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<http://www.mass.gov/pca/reports/pca-worker-survey.html>

<http://www.mass.gov/pca/reports/pca-worker-survey.html>

in FY 2012 (average monthly caseload was 56,411), see page 38 here: http://www.michigan.gov/documents/dhs/Information_Packet_-_DHS_Pub-790_June_2013_423386_7.pdf. According to SEIU, 85% of the Home Help consumers use IPs and the remaining 15% use agency workers.

ates/michigan/. Another report states that there were 70,000 Home Help IPs in 2011, see footnote #3 in this report: <http://phinational.org/sites/phinational.org/files/surveys-focus-groups/home-help->

in FY 2012 (average monthly caseload was 56,411), see page 38 here: http://www.michigan.gov/documents/dhs/Information_Packet_-_DHS_Pub-790_June_2013_423386_7.pdf. According to SEIU, 85% of the Home Help consumers use IPs and the remaining 15% use agency workers.

increase for Home Help Workers”, Anderson Economic Group (June 2006), see page 12, available here: <http://www.andersoneconomicgroup.com/Portals/0/upload/Doc1943.pdf>

/phinational.org/sites/phinational.org/files/surveys-focus-groups/home-help-provider-survey.pdf

0% of IPs were relatives, see page 462 of the following report: http://deepblue.lib.umich.edu/bitstream/handle/2027.42/66882/10.1177_073346488800700403.pdf?sequence=2. A report from 2009 is often related to the beneficiary”, see “Cost and Benefits of a Wage Increase for Home Help Workers”, Anderson Economic Group (August 2009), page 5, available here: <http://www.andersoneconomicgroup.com/Portals/0/upload/Doc1943.pdf>

oup.com/Portals/0/upload/MQHCC_Update2009_PUBLIC.pdf.

04.00, Appendix J, Waiver Year 2, available at <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/Waivers.html>.

04.00, Appendix E, Waiver Year 2, available at <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/Waivers.html>.

Choice Provider Organizations: Understanding Michigan’s Long-Term Supports and Services Workforce. “A report prepared for: Michigan Office of Services to the Aging Michigan Department of Tameshia Bridges, MSW, and Hollis Turnham, JD. PHI Michigan. March 2013 See page 4. <http://phinational.org/sites/phinational.org/files/surveys-focus-groups/mi-choice-provider-survey.pdf>

Choice Provider Organizations: Understanding Michigan’s Long-Term Supports and Services Workforce. “A report prepared for: Michigan Office of Services to the Aging Michigan Department of Tameshia Bridges, MSW, and Hollis Turnham, JD. PHI Michigan. March 2013. See page 8 of this report: <http://phinational.org/sites/phinational.org/files/surveys-focus-groups/phinich->

dependence Section 1115 Waiver Proposal” (resubmitted to CMS on November 21, 2012). Fiscal analysis can be found on page 614 here: <http://www.medicaid.gov/Medicaid-CHIP-Program-downloads/mn/mn-reform-2020-ar.pdf>, sum of 20,954 fee-for-service recipients, 6,255 managed care recipients, and 1,452 recipients who previously did not receive PCO services who will newly be expanded eligibility rules for CFSS.

11 (10)

which has been tracking the development of CFSS.

Human Services, obtained 11/8/12, on file with Vanessa Wells of SEIU.

was calculated using 2012 actual total waiver enrollment data from MN Department of Human Services (obtained 11/8/12, on file with Vanessa Wells of SEIU) and the projected % of consumers services in Appendix J of the waiver application for each waiver program. For the Elderly Waiver, it was assumed that 100% of enrollees are accessing ADL/IADL assistance services (the majority of care and the waiver application merely lists their managed care premium in Appendix J without projecting which services managed care enrollees use).

which has been tracking the development of CFSS.

in response to FOIA request, obtained 12/11/13, on file with Vanessa Wells.

nursing home care was assumed to be \$4,410 (assuming a \$147/patient day NF rate (see <http://www.dss.mo.gov/mhd/providers/pages/nfrates.htm>) and 30 days in a month). The rate for 15 minutes of care http://dss.mo.gov/mhd/providers/pdf/bulletin36-09_2013oct01.pdf), \$4,410 divided by 4 (weeks per month), means the CDS hours maximum is roughly 70/week.

applications.

in response to FOIA request, obtained 12/11/13, on file with Vanessa Wells.

nursing home care was assumed to be \$4,410 (assuming a \$147/patient day NF rate (see <http://www.dss.mo.gov/mhd/providers/pages/nfrates.htm>) and 30 days in a month). The rate for 15 minutes of care 18.16/hour (see http://dss.mo.gov/mhd/providers/pdf/bulletin36-09_2013oct01.pdf), \$2,646 (60% of \$4,410) divided by 4 (weeks per month), means the basic personal care hours similarly, the rate for 15 minutes of advanced personal care is \$5.62, or \$22.48/hour. \$4,410 divided by 4 (weeks per month), means the advanced personal care hours maximum is

applications.

ed Personal Assistance Program Training, available at <http://www.ilny.org/events/training-events>.

insured, “Medicaid Home and Community-Based Service Programs: 2009Data Update” (December 2012). Underlying data available at www.wordpress.com/2013/01/7720-06.pdf, see Table 1C.

C Programs in NY”, Chapter 3, page 9, available at: <http://www.uhfnyc.org/publications/880507>.

in Services forecast of consumers of in-home long-term care services for the aging and people with disabilities, see overview table here:

fradocuments/Fall%202013%20-%20Overview%20Tables.pdf.

man Services forecast of consumers of in-home long-term care services for the aging and people with disabilities, see page 23 for a breakdown of consumers by service model here: fradocuments/Spring%202013%20Forecast.pdf.

r the Independent Choices Program, see OAR 411-030-0100 (6) (e). The definition of a relative can be found in OAR 411-030-0020 (43).

www.publicpartnerships.com/news/PA_Update_111513.html

www.publicpartnerships.com/news/PA_Update_111513.html

rious waiver applications.

kgroup Biennial Report. See Table 2 here <http://www.hhsc.state.tx.us/reports/2012/Consumer-Direction-Workgroup-Biennial-Report.pdf>

mate because it assumes all enrollees in the programs are accessing ADL/IADL assistance services. Subtracting the 11,330 consumers who accessed CDS care, we are left with approximately 127,000 consumers accessing agency

TAC § 48.2911(f) and (g)
1 for residential habilitation in the waiver application (specifically see the section for “specify applicable (if any) limits on the amount, frequency, or duration of this service”).
R03.00, Appendix J, Waiver Year 3, available at <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/Waivers.html>.
R03.00, Appendix J, Waiver Year 3, available at <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/Waivers.html>.
112 VAC 30-120-950 B. 1.
12 VAC 30-120-950 D. 4. c.
3 caseload forecast, 38,574 consumers are projected to use in-home services in FY 2015 (<http://www.cfc.wa.gov/Documents/ForecastAndOverview.pdf>). And approximately 72% of in-home
10 data from “Home Care Aides in Washington State: Current Supply and Future Demand” policy brief, available here: http://depts.washington.edu/uwrhrc/uploads/Home_Care_Aides_Brief.pdf.
3 IP consumers and 10,801 agency consumers are projected for 2015.
3 IP consumers in the PCO in 2015 (see Nov. 2013 forecast here: http://www.cfc.wa.gov/HumanServices/DDD_ADU_IND.htm). And 7,018 DD consumers are projected to access personal care
p://www.cfc.wa.gov/Documents/ForecastAndOverview.pdf). Assuming 72% of waiver enrollees elect the IP model (see endnote 62 for an explanation of where the 72% factor comes from), then
users are projected to use IPs in 2015.
W
3 caseload forecast, 38,574 consumers are projected to use in-home services in FY 2015 (<http://www.cfc.wa.gov/Documents/ForecastAndOverview.pdf>). And approximately 72% of in-home
10 data from “Home Care Aides in Washington State: Current Supply and Future Demand” policy brief, available here: http://depts.washington.edu/uwrhrc/uploads/Home_Care_Aides_Brief.pdf.
3 IP consumers and 10,801 agency consumers are projected for 2015.
3 IP consumers in the PCO in 2015 (see Nov. 2013 forecast here: http://www.cfc.wa.gov/HumanServices/DDD_ADU_AGE.htm). 1,787 child DD consumers are projected to use agencies in
forecast here: http://www.cfc.wa.gov/HumanServices/DDD_CHI.htm). And 7,018 DD consumers are projected to access personal care through the DD waivers (see
nts/ForecastAndOverview.pdf). Assuming 72% of waiver enrollees elect the IP model (see endnote 62 for an explanation of where the 72% factor comes from), then approximately 1,965 DD waiver
es in 2015.
at base hours could be as high as 393 for the highest need individuals and WAC § 388-106-0130 (4) indicates that certain living conditions can prompt the state to provide up to an additional 21 hours.
request, data is from May 2012, on file with SEIU.
kforce Demand in Washington State: Employers’ Current and Expected Needs for
stantants, Nursing Assistants Certified, Licensed Practical Nurses, Associate’s Degree Registered Nurses” report, available here: http://depts.washington.edu/uwrhrc/uploads/CHWS_FR145_Palazzo.pdf.
e slide 17 here: <http://www.dads.state.tx.us/providers/CDS/webinars/may2011/cni-cds-powerpoint.pdf>. Total enrollment was 8,995, we subtracted the 2,958 CDS consumers to arrive at ~6,000 agency
ry rough estimate since we had to subtract 2012 CDS data from 2011 total enrollment data).
bpart C Rule §47.23 Attendant Qualifications