

SDAN

Self-Directed Advocacy Network of Maryland, Inc.

WELCOME!

New DDA
Policies

Survey
Results

Specific Asks

Ongoing
Advocacy

SDAN Meeting—Significant Policy Changes and Ongoing Issues

November 13, 2024



Please Mute.

Use Chat Box for questions. Please keep side conversations to a minimum.

We will be recording.

Close captioning available.

LINKS: Upcoming DDA Webinar & Important Resources



[DDA Community Meeting](#)
2:30 pm, November 14, on Google Meet.
Submit questions for DDA [HERE](#)

[Self-Directed Services Guidance and Forms webpage](#)

[Self-Direction Act of 2022](#)

[Self-Directed Services Manual](#)

[Look Up My Legislators](#)

Please Note:

- The following slides are merely highlights for our discussion here today.
- It is not a comprehensive presentation of all the changes that may affect a participant and their team.
- We recommend that you meet with your CCS and Support Broker!



DDA Changes and Policy Shifts

- Since January 2024 we have seen a significant increase in problems that participants are experiencing.
- Recent Published Policy Changes (10/24/24).
- Conflicts with Self Direction Act of 2022 and the three DDA Waivers.



SDAN Wants You to Know

- We share your concerns about the lack of stakeholder input regarding impact and implementation and loss of choice and control.
- We find many of these changes inconsistent with the waiver and the law.
- We immediately began advocating with legislators to pause the policy for legislative workgroup review and continue working closely with lawmakers.



Major Areas of October Policy Change

- **Employer Authority: Hiring & Wages**
- **Support Broker Services**
- **Individual Family Directed Goods and Services (IFDGS)**
- **Designated Representative for Minors**



Policy Changes That Limit Employer Authority, Hiring and Setting Wages



1. COLA's of 1/1/24 and 7/1/24

- People in Self- Direction did not receive the increase to vendor rates and DSP's Reasonable and Customary Wages

2. Access to available wage exception (wages above reasonable & customary; no higher than the rate less 14%)

- advertise the position for three months at a reasonable and customary rate
- conduct at least five interviews
- prove applicant refused the offer at reasonable and customary wages
- justify/prove the reasons on the wage exception form
- Only then can the CCS complete and submit Wage Exception form
- Support Brokers and participants can no longer submit the forms
- Protracted hiring process - high risk of losing new applicants and keeping current DSP's
- burdensome process for the participant

Policy Changes That Limit Employer Authority, Hiring and Setting Wages



3 . Ability to pay overtime (over 40 hours/week)* for staff that happen to be a family member is now:

- requires a higher burden of proof to justify the need

(inclement weather, death, sickness, resignation, sudden use of leave, termination)

- unclear as to process and timeliness (especially for sudden needs)

4 . Holiday Pay differential now must be within Reasonable Customary Wages

* Over 40 hours was available with prior DDA approval

Policy Changes: Limits Support Broker Services

1. New policies reduce Support Brokers' ability to support participants with needed budget and employer authority tasks. Loss of person-centeredness.

- No access to FMCS portals without participant or designated representative present
- No contact with “team members or community partners including FMCS, MDH or government officials regarding a participant without participant” or designated representative included.

2. States that SB cannot make recommendations for CCS or FMCS agencies to participants

3. No signing payment requests for or on behalf of the participants. (Even if requested by participants)

4. Singles out the SB role with a code of conduct is inappropriate because it creates policy -

5. Must have a SB if have a Day-to-Day Administrator

6. SB 15 hours must be billed in one month for start up. Unclear if orientation can begin before start.

7. Unused monthly SB hours considered “savings”. Does this mean hours don't roll over?

SD ACT Re: Support Broker Role

- Works at the discretion of the individual who uses SD including by assisting:
 - making informed decisions in arranging for, directing, and managing services received including decisions related to personnel requirement and resource
 - accessing and managing identified supports and services and
 - performing other tasks as assigned by the individual as authorized by CMS 1915c regulations

Individual Family Directed Goods and Services (IFDGS)



*For payment of **GOODS** and/or **SERVICES**, your FMCS must have preapproval from the DDA and funds allocated in your budget.

IFDGS (Individual and Family Directed Goods and Services) may include:

1. **Any and all goods and services allowed by the Centers for Medicare and Medicaid Services,** within a participants' approved funding.
2. **Goods or services** supporting an outcome in your Person-Centered Plan (PCP) and helping increase community engagement, independence, and/or health/fitness.
3. Up to \$500 for **recruitment/advertising.**
4. **Day-to-Day Administrative Services** (staff or vendor)

Policy Changes : Individual and Family Directed Goods and Services (IFDGS)



One of the service requirements for IFDGS in the Waivers: is “the participant does not have the funds to purchase the item or service.” **Now they are requiring proof.

1. Proof of financial need by disclosure of 3-months of statements for personal bank accounts and a list of monthly expenses.

(NOTE: ABLE accounts and Trusts are no longer required to be disclosed.)

2. Additional burdensome new supporting documentation for IFDGS requests:

- Invoice, estimate, or other proof of cost for goods and services
- Schedule for when a program or activity will be attended.
- Documentation that item not covered by insurance or health plans.
- Documentation showing all other funding sources were attempted.

3. There is no description of how a person’s ability to fund the request from their personal resources will be objectively determined.

*Many IFDGS are “activities” and as such are part of the rate.

Policy Changes: Individual and Family Directed Goods and Services (IFDGS)

4. Additional information

- DDA must approve all requests. Participants already report delays and denials for requested IFDGS - even ones that were previously approved and meet waiver criteria
- Only a CCS may submit the request for IFDGS and must attest in writing to the accuracy information.
- No IFDGS requests allowed during auto-extended budgets.
- No clear process or communication to participants regarding the requests submitted or appeals process for denials

Designated Representative is now required for **participants under the age of 18.** (page 83, SDS Policy Manual)

- A Designated Representative becomes employer of record.
- If a “relative” (parent, step-parent or sibling) is chosen as the Designated Representative they cannot work for their child nor can parent, step-parent or sibling.
- Note: A non-relative may be chosen.
- The Designated Representative may not be a support broker.

This may present a significant challenge to some participants who wish to hire family as staff.



New Vendor Invoice Requirements - Effective 1/1/25

Delegating Nurse is especially an Issue:

“All invoices must contain all these elements:

...in order to be paid by the Financial Management and Counseling Services provider. a) The name of the participant; b) Vendor Name; c) The service(s) rendered as authorized in the Person-Centered Plan; d) Date(s) the services were rendered; e) Start and end times of the services each day; f) Number of hours/units for each day (broken down by the quarter hour); g) Name of each direct support professional who provided the service(s) h) A description of tasks completed by the vendor for each time entry; and i) Total amount charged.”

Due to the above changes, it is impossible for nurses to accurately invoice for their hours of “on duty” or on call.

Note: GT is making this effective now.



Remember this was only the highlights.

Please read the manual and talk with your CCS and Support Broker.



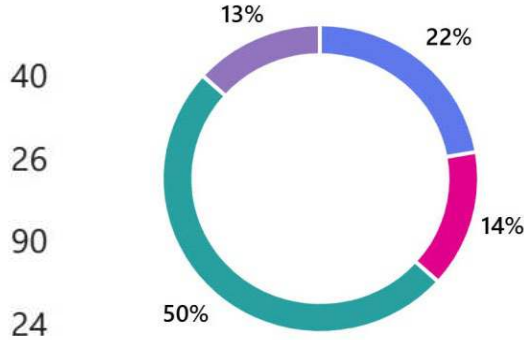
SDAN did a survey in October (prior to the latest policy changes).

We received 109 responses.

This is what you said.

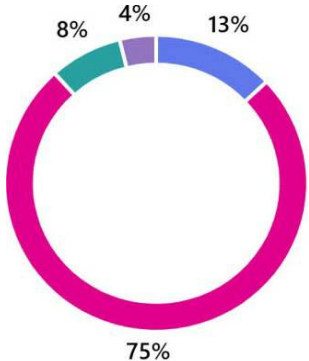
Why did you choose Self-Direction?

- Unable to find a community provider due to complex medical or behavioral needs
- History of abuse or neglect in congregate settings
- Self-direction allows me to choose my own activities, staff, and schedule.
- Other



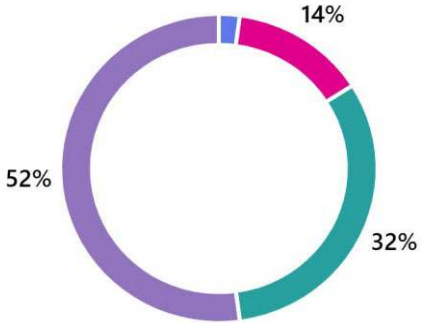
If you contacted DDA this year, how would you rate their response?

- No response 10
- Poor 58
- Acceptable 6
- Good 3



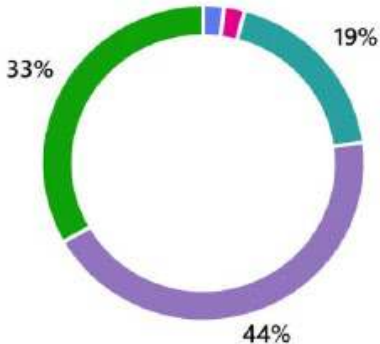
In your opinion to what degree has DDA changed policies since January 2024?

- No changes 2
- Minor changes 13
- Moderate changes 30
- Major changes 49

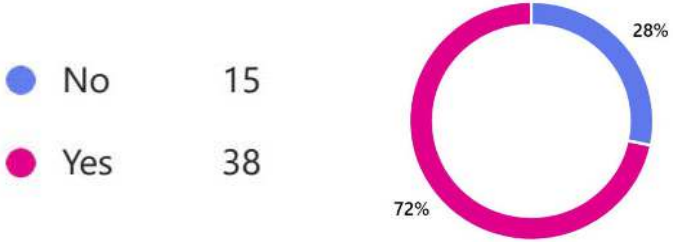


What effect have the changes made by DDA had on your services?

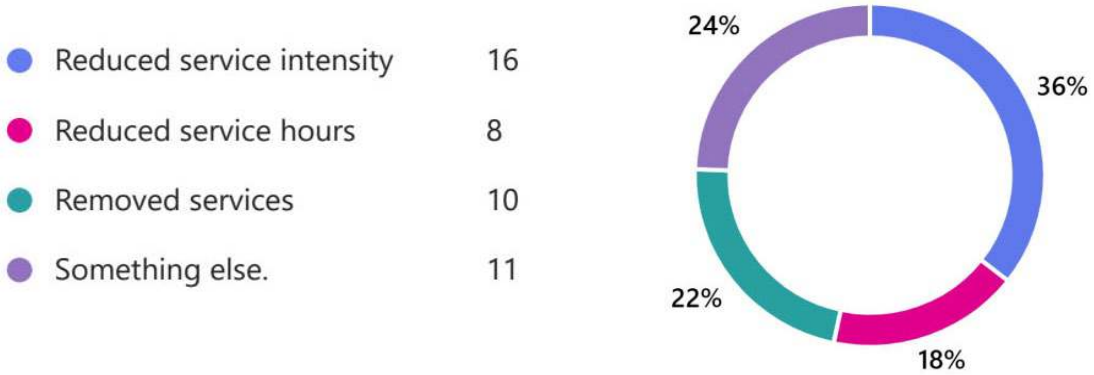
- Very positive 2
- Positive 2
- Neutral or no affect 18
- Negative 42
- Very negative 32



At any point this year, were you told to “reduce or remove a service or DDA will deny your PCP”, or something to that effect?



What changes did you make to your PCP for the DDA to approve it?





There has been a lot of information shared and now its time for action.



**THANK YOU
TO EACH AND
EVERY ONE
WHO DID
SOMETHING!**

**Advocacy at
work!**

Are you registered for DDA Webinar tomorrow?

Send questions and feedback to
DDA [Here](#)

Registration Link:

[DDA Community Meeting](#)

STOP The Policies

**Contact
your
legislators
to:**

1. Use email subject line: Stop DDA Policy Changes for Self-Direction
2. Tell your story - how these changes affect you (1 page)
2. Ask to STOP the Policies
3. Ask for a legislative workgroup with stakeholder input
4. Ask for a legislative audit on the compliance with Self-Direction Act of 2022.



Advocacy Alert!

**Record and
send a brief
video
to SDAN!**

- Help explain to legislators how new policies will affect you.
- Between 1-3 minutes.
- Further details to come by email.



FYI - Self Direction Act of 2022



- **Parity funding** across service models has been a requirement of the DDA waiver and reiterated by the 2022 Act – **funding is based on services needed, not service model.**
- **Training** of Coordinators of Community Service **on both service models**, giving participants unbiased information to make an informed decision.
- **Nursing Workgroup** to examine nursing issues in Self Direction. A nursing workgroup conducted by the Maryland Department of Disabilities (MDOD) was narrowly focused on nursing for individuals with complex medical needs and private duty nursing. That previous effort does not satisfy the administrations requirement to establish a workgroup consisting of Self-Directing participants and other stakeholders.
- Provide “read only” **access for participants to LTSSMaryland** (DDA’s online case management system) for real-time information on their Person-Centered plans. This project was underway and promised over a year ago and has apparently stalled.
- Access to any Individual and Family Directed Goods and Services (**IFDGS**) **that meet CMS guidelines** and within their approved annual budget (at the time of the law, this referred to the amount generated through LTSS service authorization)
- Access to **Support Broker hours greater than** the waiver funded **4 hours per month** when the need is supported by the Team and included in the Person-Centered Plan and within their approved annual budget (at the time of the law: this referred to the amount generated through LTSS service authorization)
- **Day-to-Day administrative** hours approved based on assessed need determined by the participant and their Team and included in the Person-Centered Plan and within their approved annual budget (at the time of the law, this referred to the amount generated through LTSS service authorization)

Tips for Advocacy

Because of time and resource constraints, elected officials and staff want quick information that is easy to absorb and remember:

- 1. Be Concise and Direct**—Time is often limited, so keep it brief, focused, and to the point.
- 2. Choose one or more method to Communicate**
- 3. Make it personal**—Real-life examples help legislators empathize with your concern and better understand its impact.

WATCH FOR ANNOUNCEMENT FOR NEXT SDAN MEETING ON GRASSROOTS ADVOCACY!



CONTACTS FOR INDIVIDUAL ADVOCACY

OFFICES OF CONSTITUENT SERVICES (Put your message 'on the record')

[Wes Moore, Governor](#); [Aruna Miller, Lt. Governor](#)

[Laura Herrera-Scott, Secretary of Health](#)

[Marlana R. Hutchinson, Deputy Secretary for Developmental Disabilities](#)

EMAILS

The Honorable Aruna Miller, Lt. Governor:
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Laura Herrera-Scott, Secretary of Health:
laura.herrerascott@maryland.gov;

Marlana R. Hutchinson, Deputy Secretary for Developmental Disabilities:
marlana.hutchinson@maryland.gov;

House HGO Committee (Health and Government Operations) – Delegate Joseline A. Pena-Melnyk, Chair:
AA_HGO@mlis.state.md.us

Senate Finance Committee – Senator Pamela Beidle, Chair:
AA_FIN@mlis.state.md.us

“Self-Direction Act of 2022” Sponsors - Senator Karen Lewis Young & Delegate Kris Fair:
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Developmental Disabilities Day at the Legislature—February 13, 2025

- ✓ Mark your calendar for DD Day.
- ✓ Start building a relationship with your elected state representatives now, before they leave for Annapolis in January for the Maryland General Assembly’s legislative session.
- ✓ Prepare to tell your “story” in writing or video (templates to come).



QUESTIONS? THOUGHTS?

Put your questions in the chat box or if you are unable to do that, use the “raise your hand” function.

We will answer as many questions as possible!

Reminder: Please feel free to email any private/sensitive information to info@marylandsds.org

The logo for SDAN (Self-Directed Advocacy Network of Maryland, Inc.) features the letters S, D, A, and N in a large, bold, sans-serif font. Each letter is filled with a pattern of yellow, black, and maroon colors, resembling the Maryland state flag.

Self-Directed Advocacy Network of Maryland, Inc.

Thank you!



SDAN

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info@Marylandsds.org

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