



COMMUNITY-BASED SERVICES UNIT

WYOMING MEDICAID
DIVISION OF HEALTHCARE FINANCING

PROGRAM BULLETIN

Bulletin Ref: CCW-2019-01

To: All Community Choices Waiver Program Stakeholders

From: Tyler Deines, Community-Based Services Administrator

Date: January 18, 2019

Subject: Direct Service Worker Qualifications

Purpose:

To provide guidance on the minimum qualification standards for Direct Service Worker (DSW) services reimbursed under the Community Choices Waiver (CCW) program and the responsibilities of the CCW program participant (or designated representative) who acts as employer of record under the participant-directed service delivery option.

This bulletin is provided as notice of revision to the CCW Policy & Procedures Manual (rev. 03/2018) and as official direction to CCW program participants, case managers, and the Financial Management Services agency.

Background:

The CCW program is administered by the Community-Based Services Unit (CBSU) and provides eligible individuals access to an array of Medicaid home and community-based services (HCBS) as an alternative to care provided in a nursing facility. Participant-direction (commonly referred to as self-direction) is a service delivery option which grants the CCW program participant (or a designated representative) with the authority to control many aspects of service delivery. Under this model of service delivery, the CCW participant (or designated representative) acts as the employer of record and directly manages the DSW. This includes the authority to hire, fire, schedule, set wages, and otherwise manage DSWs of the employer of record's choosing.

A Financial Management Services (FMS) agency supports the employer of record by performing specific financial administrative functions such as filing federal employer and employee tax forms and processing payroll on the employer of record's behalf. The FMS also verifies and maintains documentation that timesheets and other employment-related documents meet Department of Labor, Internal Revenue Service (IRS), and CCW program requirements. No employment or co-employment relationship exists between the DSW and the State of Wyoming, the FMS agency, the case management agency, or any other traditional service provider agency.

The employer of record is responsible for ensuring the DSW meets, and continues to meet, all minimum qualification standards. In late 2016, the minimum qualifications for DSWs were revised to include First Aid training and hands-on Cardiopulmonary Resuscitation (CPR) certification requirements. A transitional grace period through the end of 2016 was given to allow all active DSWs to come into compliance with the new requirements. Following the transitional grace period, DSWs who did not

obtain or maintain current First Aid training and hands-on CPR certification were ineligible to receive reimbursement for services delivered under the participant-directed service delivery model.

Policy Change:

In response to stakeholder feedback on the limited availability of First Aid and hands-on CPR training opportunities in some communities and the volume of DSWs whose CPR and First Aid certifications will soon require renewal, the CBSU has reviewed its current policies, federal and state regulatory obligations, and the CCW program application as approved by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). The CBSU continues to require that employers of record ensure all DSWs maintain current First Aid training and CPR certification in accordance with the approved CCW program application. However, the CBSU has eliminated the “hands-on” requirement for CPR certification.

Employers of record may now utilize any nationally-recognized in-person or online CPR training with or without the hands-on component as evidence that their DSWs meet the minimum qualification standards for services reimbursed under the CCW program’s participant-directed service delivery option. This change does not apply to any other Medicaid waiver program.

The following changes to the CCW Policy and Procedures Manual (rev. 03/2018) are effective immediately upon release of this Program Bulletin:

- Page forty-one (41): “Ensure that each DIRECT SERVICE WORKER completes ~~hands-on~~ CPR certification and First Aid Training prior to beginning employment and has received approval from the fiscal management service provider. As the employer, I am responsible for the cost of these trainings, as well as ensuring that renewal certifications/trainings are completed.”
- Page forty-three (43): “The CPR course must ~~have a “hands-on” component and~~ utilize a nationally recognized curriculum.”

Procedure or Information:

Effective immediately, the CBSU will accept CPR certifications without a hands-on training component. Employers of record retain the responsibility for ensuring DSWs maintain compliance with minimum qualification standards in order for services to be reimbursed under the CCW program. The employer of record must submit evidence of DSW minimum qualification standards to the FMS agency. This evidence should be submitted in advance of the expiration of any current qualification standard. Timesheets submitted to the FMS for processing will not be reimbursed for any time period beyond the First Aid training or CPR certification expiration date and before the effective date of the new or renewed First Aid training or CPR certification.

An extension of up to 45 days from the expiration of the most current certification may be granted by the CBSU if an employer of record can provide objective and justifiable evidence of extenuating circumstances that would prevent the DSW from completing the in-person or online First Aid training or CPR certification prior to their expiration dates. Extension requests must be submitted to the FMS by the employer of record. No further considerations or extensions will be granted.