



COMMUNITY-BASED SERVICES UNIT

WYOMING MEDICAID
DIVISION OF HEALTHCARE FINANCING

COMMUNITY CHOICES WAIVER PROGRAM COMMUNICATION BRIEF

Brief Ref: CCW-2020-CB03

To: Community Choices Waiver Service Providers, Case Managers, and Stakeholders

From: Tyler Deines, Community-Based Services Administrator

Date: April 10, 2020

Subject: Additional Program Modifications in Response to the Coronavirus Disease 2019 (COVID-19)

Purpose: To provide additional direction and guidance to Community Choices Waiver stakeholders in response to COVID-19.

Background: The Community Choices Waiver program provides eligible individuals access to an array of Home and Community-Based Services (HCBS) as an alternative to the care provided in a nursing facility. Pursuant to 42 CFR §441.302(a), the Wyoming Department of Health, Division of Healthcare Financing (the Division) must assure the health and welfare of waiver participants by establishing adequate standards for waiver service providers and by ensuring that all waiver service providers meet all applicable licensure and certification requirements.

Among other provider qualification standards, a criminal history investigation and Central Registry screening must be conducted for those employees, contractors, and volunteers who may have unsupervised direct contact with waiver participants in the regular course of their work delivering the following waiver services:

- Adult Day Services (Health Model), a.k.a. Adult Day Care
- Case Management
- Home Health Aide, a.k.a. Personal Care
- Personal Support Services, a.k.a. Direct Service Workers (DSWs)
- Respite
- Skilled Nursing
- Assisted Living Facility Services

Procedure: Immediately upon release of this Communication Brief, the Division will allow for the following temporary modifications to Community Choices Waiver provider qualifications and service specifications in order to ensure participants maintain access to critical services as communities implement strategies to mitigate the spread of COVID-19. These modifications will remain in effect until further notice by the Division.

1. *Temporary Modifications to Criminal History Investigation Requirements:* Provider agencies and participants/designated employers of record under the participant-directed service delivery option may choose to permit an individual to begin delivering waiver services prior to receiving the criminal history investigation results if that individual has signed an attestation affirming that he/she has not been convicted of, has not pleaded "no contest" to, and does not have a pending deferred prosecution of any of the following barrier crimes:
 - Homicide
 - Kidnapping
 - Sexual assault
 - Robbery
 - Blackmail
 - Assault and Battery
 - Bigamy
 - Incest
 - Abandoning or endangering children
 - Violation of an order of protection
 - Human trafficking

The provider agency or participant/designated employer of record under the participant-directed service delivery option must ensure that the individual submits to a criminal history investigation within 30 calendar days of the expiration of the National Public Health Emergency Declaration or as otherwise directed by the Division. Upon receipt of the criminal history investigation results, Medicaid reimbursement will not be available for waiver services delivered by individuals who have a criminal history including a barrier crime.

These modifications apply only to the waiver service provider qualifications overseen by the Division. Licensed/certified provider agencies and healthcare professionals should consult with the Aging Division's Healthcare Licensure and Survey unit, the Wyoming State Board of Nursing, or other applicable regulatory agencies for information on any potential modifications to those requirements.

2. *Temporary Modifications to Central Registry Screening Requirements:* Provider agencies and participants/designated employers of record under the participant-directed service delivery option may choose to permit an individual to begin delivering waiver services prior to receiving the Central Registry screening results if that individual has signed an attestation affirming that he/she is not currently under investigation and has not been substantiated by the Wyoming Department of Family Services for abuse and/or neglect.

The provider agency or participant/designated employer of record under the participant-directed service delivery option must continue to submit Central Registry screening requests as soon as practicable. Upon receipt of the Central Registry screening results, Medicaid reimbursement will not be available for waiver services delivered by individuals currently under

investigation or who have been substantiated by the Wyoming Department of Family Services for abuse and/or neglect.

These modifications apply only to the waiver service provider qualifications overseen by the Division. Licensed/certified provider agencies and healthcare professionals should consult with the Aging Division's Healthcare Licensure and Survey unit, the Wyoming State Board of Nursing, or other applicable regulatory agencies for information on any potential modifications to those requirements.

3. *Temporary Modifications to Provider Qualification Standards for Personal Support Services, a.k.a. Direct Service Workers (DSWs)*: Participants/designated employers of record under the participant-directed service delivery option may choose to permit an individual to begin delivering waiver services prior to completion or renewal of the CPR, First Aid, and/or other caregiver trainings required by the Division. The participant/designated employer of record must ensure completion of any required caregiver training within 60 calendar days of the expiration of the National Public Health Emergency Declaration or as otherwise directed by the Division.

For up-to-date information on the Wyoming Department of Health's response to COVID-19 and other useful links, please visit: <https://health.wyo.gov/publichealth/infectious-disease-epidemiology-unit/disease/novel-coronavirus/>.