

4/19/2013
DRAFT 0208 Comprehensive Waiver
New and Significantly Modified Services

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SUPPORTED EMPLOYMENT SERVICES

Individual Employment Support

Individual Employment Support consists of habilitation services and staff supports needed by a person to acquire a job/position or career advancement in the general workforce at or above the state's minimum wage, with a goal of not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities.

Supported Employment - Individual Employment Support is delivered in a competitive, customized, or self-employment setting.

The outcome of this service is paid employment in a competitive, customized, or self-employment setting within the general workforce that meets personal and career goals, as documented in the plan of care. Supported Employment –Individual Employment Support services are person-centered to address the person's employment needs and interests.

REIMBURSABLE ACTIVITIES: Individual Employment Support:

1. Person-centered employment planning (assisting an individual in identifying wants and needs for supports and in developing a plan for achieving integrated employment),
2. Job development,
3. Negotiation with prospective employers,
4. Job carving,
5. Job placement,
6. Career advancement activities,
7. Job analysis,

8. Training, support, coordination and communication in related skills needed to obtain and retain employment such as using community resources and public transportation,
9. Job coaching,
10. Job loss - the person may need to be referred to, or back to, Vocational Rehabilitation for services and reimbursement, in which case, concurrent reimbursement for Supported Employment – Individual Employment Support and Vocational Rehabilitation Services will not be allowed,
11. Benefits planning support,

People may utilize Job Discovery/Job Preparation, Small Group Employment Support, Follow Along Support, Co Worker Support, and Day Supports & Activities in conjunction with Individual Employment Support.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

ACTIVITIES NOT REIMBURSABLE: Individual Employment Support:

1. Ongoing transportation of a person to and from the job site once the person has been hired.
2. Any service that is otherwise available under the Rehabilitation Act of 1973.
3. Employment activities taking place in a group, i.e., work crews or enclaves.
4. Public relations activities.
5. Staff continuing education - In-service meetings, department meetings, individual staff development.
6. Incentive payments made to an employer to subsidize the employer's participation in a supported employment program.
7. Payments that are passed through to users of supported employment programs.
8. Payments for vocational training that is not directly related to a person's supported employment program.
9. Any other activities that are non-participant specific, i.e., the person has the job and can't work their scheduled hours so the job coach is working the job instead of the person.
10. Any activities which are not directly related to the person's career plan.
11. Services furnished to a minor by a parent(s), step-parent(s) or legal guardian.
12. Services furnished to a person by the person's spouse.

This service will not overlap with, supplant, or duplicate other services provided through the waiver or Medicaid State plan services.

The waiver will not cover vocational rehabilitation services, which are otherwise available under section 110 of the Rehabilitation Act of 1973. Therefore Documentation is required to ensure that the service is not available or is no longer available under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).

Income from customized home-based businesses may not be commensurate with minimum wage requirements with other employment.

Federal financial participation is not claimed for incentive payments, subsidies, or unrelated vocational training expenses such as the following:

1. Incentive payments made to an employer to encourage or subsidize the employer's participation in supported employment; or
2. Payments that are passed through to users of supported employment services.

Follow Along Support

Supported Employment - Follow Along Support consists of services and supports that enable a person who is paid at or above the state's minimum wage, with a goal of not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities to maintain employment in a competitive, customized, or self-employment setting.

Supported Employment – Follow Along Support includes habilitation services needed to stabilize and maintain an individual in a competitive, customized, or self-employment setting. Examples of stabilization and support may include, but are not limited to, the following situations described below.

1. Job in jeopardy – the person will lose his/her job without additional intervention.
2. Job promotion within same employment setting - it is determined that the new job requires more complex, comprehensive, intensive supports that can be offered under the waiver.

Extended ongoing or intermittent services needed to maintain and support an individual in a competitive, customized, or self-employment setting. Outcomes and Actions needed for the person to maintain employment must be identified in the plan of care.

REIMBURSABLE ACTIVITIES: Follow Along Support:

1. Person-centered employment planning with or on behalf of the person supported,
2. Development of skills that will make the person employable for more hours or for additional duties,
3. Job promotion activities,
4. Extended supports allow for time spent at the person's work site: Observation and job support to assist the person to enhance job task skills, and monitoring at the work site to ascertain the success of the job placement,
5. The provision of job coaches who accompany the person for short-term job skill training at the work site to help maintain employment,
6. Regular contact and/or follow-up with the employers, co-workers, person, parents, family members, guardians, advocates or authorized representatives of the person, and other appropriate professionals, in order to reinforce and stabilize the job placement,
7. Facilitation of natural supports at the work site,
8. Individual program development, writing task analyses, monthly reviews, and behavioral intervention programs,
9. Advocating for the person at the employment site (i.e., employers, co-workers, customers) and only for purposes directly related to employment; OR with persons not directly affiliated with the employment site (i.e., parents, bus drivers, case managers, school personnel, landlords, etc.) if the person is hired and currently working,
10. Assistance with financial paperwork and management related to the person's employment and/or maintaining Medicaid eligibility,

People may utilize Job Discovery/Job Preparation, Individual and Small Group Employment Support, Co Worker Support and Day Supports & Activities in conjunction with Follow Along Support.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

A person who is unable to sustain competitive, customized, or self-employment may be considered inappropriately placed and movement to a better-fit employment setting should be considered or the person may need to be referred to, or back to, Vocational Rehabilitation for services and reimbursement, in which case, reimbursement for Supported Employment - Follow Along Support and Vocational Rehabilitation Services will not be allowed concurrently for the same job placement.

ACTIVITIES NOT REIMBURSABLE: Follow Along Support:

1. Transportation of a person to and from the job site.
2. Any service that is otherwise available under the Rehabilitation Act of 1973.
3. Activities taking place in a group, (i.e., work crews or enclaves).
4. Public relations activities.
5. Staff continuing education - In-service meetings, department meetings, individual staff development.
6. Incentive payments made to an employer to subsidize the employer's participation in a supported employment program.
7. Payments that are passed through to users of supported employment programs.
8. Payments for vocational training that is not directly related to a person's supported employment program.
9. The job coach is working the job instead of the person (i.e. Person is not present, or training is not occurring).
10. Any activities which are not directly related to the person's career plan.
11. Services furnished to a minor by a parent(s), step-parent(s) or legal guardian.
12. Services furnished to a person by the person's spouse.

The waiver will not cover vocational rehabilitation services, which are otherwise available under section 110 of the Rehabilitation Act of 1973. Therefore Documentation is required to ensure that the service is not available or is no longer available under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).

Co-worker Support

Co-Worker Support allows the DD Program and DD provider agencies to contract with a business to provide co-worker provided job supports as a part of the natural workplace. The supports will be provided directly to the person and may include:

1. the development of positive work-related habits, attitudes, skills,
2. work etiquette directly related to their specific employment,
3. health and safety aspects/requirements of their particular job,
4. assisting the individual to become a part of the informal culture of the workplace,
5. job skill maintenance or assistance with incorporating new tasks,
6. facilitation of other supports at the work site such as employer sponsored employee activities beyond job tasks.
7. assistance during breaks and/or lunch.

Individuals participating in this service are employed by a business and are paid at or above the state's minimum wage, with a goal of not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. This service differs from Supported Employment – Follow Along Support in that it creates

opportunity for services/supports to be provided by the local business' employee where the person is employed. Receiving mentoring from a fellow employee increases opportunities for acceptance into and thus success in the workplace community. This service is intended to provide ongoing Co-Worker Support allowing Follow Along Support to be decreased.

People may utilize Job Discovery/Job Preparation, Individual and Small Group Employment Support, Follow Along Support and Day Supports & Activities in conjunction with Co-Worker Support.

Service Limitations:

The activities of this service are over and above the obligations an employer has for an employee without a disability, and does not duplicate nor supplant those provided under the provisions of the Individuals with Disabilities Education Improvement Act, or Section 110 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Small Group Employment Support

Supported Employment - Small Group Employment Support consists of habilitation services and staff supports needed for groups of two (2) to eight (8) workers with disabilities to acquire and maintain a job/position in the general workforce at or above the state's minimum wage, with a goal of not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. Small Group Employment examples include enclaves, mobile crews and other business-based workgroups employing small groups of workers with disabilities in employment in the community. Small Group Employment Support must be provided in a manner that promotes integration into the workplace and interaction between people with and without disabilities in those workplaces. Work occurs in business settings and hours typical for the industry.

REIMBURSABLE ACTIVITIES: Small Group Employment Support:

1. Person-centered employment planning with or on behalf of the person supported,
2. Job development,
3. Negotiation with prospective employers,
4. Job carving,
5. Job placement,
6. Job analysis,
7. Training and support in related skills needed to obtain and retain employment such as using community resources and public transportation,
8. Job coaching,
9. Benefits planning support,
10. Assistance with financial paperwork and management related to the person's employment and/or maintaining Medicaid eligibility,
11. Job promotion support,
12. Career advancement support.

People may utilize Job Discovery/Job Preparation, Individual Employment Support, Co Worker Support and Day Supports & Activities in conjunction with Small Group Employment Support.

Service Limitations:

ACTIVITIES NOT REIMBURSABLE: Small Group Employment Support

1. Transportation of a person to and from the job site.
2. Any service that is otherwise available under the Rehabilitation Act of 1973.
3. Public relations activities.
4. Staff continuing education - In-service meetings, department meetings, individual staff development.
5. Incentive payments made to an employer to subsidize the employer's participation in a supported employment program.
6. Payments that are passed through to users of supported employment programs.
7. Payments for vocational training that is not directly related to a person's supported employment program.
8. Any activities which are not directly related to the person's career plan.
9. Services furnished to a minor by a parent(s), step-parent(s) or legal guardian.
10. Services furnished to a person by the person's spouse.

Total hours for a person's attendance shall not include time spent during transporting to/from the person's residence.

The waiver will not cover vocational rehabilitation services, which are otherwise available under section 110 of the Rehabilitation Act of 1973. Therefore Documentation is required to ensure that the service is not available or is no longer available under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).

JOB DISCOVERY/JOB PREPARATION

Job Discovery

Job discovery is support and individual assistance in the development of a career profile and employment goal or career plan of which Job Preparation or Supported Employment may be an identified need.

Job discovery services include but are not limited to the following activities with the person supported.

1. Person centered employment planning (assisting an individual in identifying wants and needs for supports and in developing a plan for achieving integrated employment),
2. Job exploration,
3. Job shadowing,
4. Informational interviewing,
5. Job and task analysis activities,
6. Employment preparation (i.e. resume development, work procedures),
7. Business plan development for self-employment,
8. Volunteerism to assist the person in learning aspects of job or career interest.

Job Preparation

Job preparation services provide formalized training and work experiences intended to teach a person the skills necessary to succeed in a paid competitive, customized, or self-employment setting. Job preparation activities are based on goals identified during job discovery. Supports and skill training may include:

1. Following directions,
2. Focusing on tasks,
3. Completing tasks,
4. Achieving productivity standards and quality results,
5. Responding appropriately to supervisors/co-workers,
6. Attendance and punctuality,
7. Problem solving,
8. Safety,
9. Mobility,
10. Skills such as accessing transportation and connecting to community resources as it relates to obtaining employment,
11. Short term work trials,
12. Volunteerism to assist the person in learning aspects of job or career interest.

Training may also address workplace social skills necessary for successful competitive, customized, or self-employment such as:

1. Appropriate work place attire,
2. Hygiene,
3. Appropriate interactions with supervisors/co-workers,
4. Acceptable work behaviors.

The need for services must be documented in the plan of care and must be primarily habilitation in nature. This service should be a pathway towards individualized employment and is dependent on individuals demonstrating progress towards employment over time.

If, after two years of receiving Job Preparation with no employment, the Job Discovery process is repeated and a community work experience completed. Refusal by the person to participate in the Job Discovery process must be clearly documented in the plan of care.

For traditional agency based - Services may be provided in a community setting or at a DD provider agency site.

For self-directed common law employer authority and self-directed agency with choice employer authority - Services may only be provided in a community setting with 1:1 staff.

People may utilize Individual and Small Group Employment Support, Follow Along Support, Co Worker Support, and Day Supports & Activities in conjunction with Job Discovery/ Job Preparation.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:
Job Discovery is limited to 40 hours of service per year, except with DDP prior approval.

Total hours for a person's attendance at Job Preparation services shall not include time spent during transporting to/from the person's residence.

After 5 unsuccessful attempts of job discovery and work experiences or if it becomes clear that competitive, customized, or self-employment is not a reasonable goal and the individual does not plan to move forward toward employment, then other supports and services which are designed to continue on a long term basis should be considered.

The waiver will not cover vocational rehabilitation services, which are otherwise available under section 110 of the Rehabilitation Act of 1973. Therefore Documentation is maintained for the person that the service is not available (denial letter from Voc Rehab) or is no longer available (closure from Voc Rehab services) under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).

DAY SERVICES

Adult Day Health

Adult Day Health services are targeted to people who are of the typical retirement age (age 62 or older) or are limited due to health and safety issues. Participants of this service are no longer able to maintain employment due to health and safety risks OR are of retirement age. Adult Day Health services are structured services consisting of day activities and residential support. Adult Day Health services are provided in a residential or community day activity setting. The outcome of Adult Day Health services is to treat each person with dignity and respect, to the maximum extent possible maintain skills and abilities, and to keep the person engaged in their environment and community through optimal care and support. Adult Day Health services are designed to actively stimulate, encourage and enable active participation; develop, maintain, and increase awareness of time, place, weather, persons, and things in the environment; introduce new leisure pursuits; establish new relationships; improve or maintain flexibility, mobility, and strength; develop and maintain the senses; and to maintain and build on previously learned skills.

Adult Day Health services must be furnished in a way which fosters the independence of each individual. Strategies for the delivery of Adult Day Health services must be person centered and person directed to the maximum extent possible and is identified in the plan of care.

Adult Day Health services may be provided as a continuous or intermittent service.

When adult Day Health services are delivered in a provider operated residence, staff must meet scheduled or unpredictable needs in a way that promotes maximum dignity and independence, to provide supervision, safety and security, and to provide activities to keep the person engaged in their environment.

The personal living space and belongings of individuals living at the provider operated residence must not be utilized by those receiving Adult Day Health services at the residence. Only shared living spaces such as the living room, kitchen, bathroom, and recreational areas may be utilized.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Payments for Adult Day Health services are not made for room and board.

Day Supports and Activities

Day Supports and Activities are targeted at people who are of working age. It consists of formalized habilitation services, and staff support for the acquisition, retention, or improvement in self-help, behavioral, educational, socialization, and adaptive skills. Day Supports and Activities must also include community inclusion activities. Day Supports and Activities are person centered, preplanned, purposeful, documented and scheduled activities which take place during typical working hours, in a non-residential setting, separate from the individual's private residence or other residential living arrangement. Day Supports and Activities may occur within a day activity setting, in the community, or in both settings. Day Supports & Activities may be provided as a continuous or intermittent service.

Day Supports and Activities are expected to be evaluated based upon the following criteria:

1. It is considered by the person to be a meaningful day.
2. It is an actual learning or skill building experience.
3. It is something the person, wants, chooses, or needs to do.
4. It supports deep connections to ordinary community life.
5. It is something useful to themselves or a contribution to others.
6. It is of significant exercise or health value.
7. It is building friendships and social relationships.

Day Supports and Activities include but are not limited to:

1. The discovery and identification of skills, interests and potential for community contribution and people and places where a person's interest, culture, talent, and gifts can be contributed and shared with others with similar interests;
2. The identification and provision of support necessary for each person's personal success and achievement of plan of care outcomes. Supports may include but are not be limited to; the identification of resources necessary for transportation, social participation, inclusion, and independence;
3. Support as needed, for a person's communication, personal care and safety as needed;
4. Increased awareness and exposure to self-determination and self advocacy; and
5. For person's of working age, an annual conversation to determine interest in a Path to Employment

People may utilize Individual and Small Group Employment Support, Follow Along Support, Co Worker Support, and Job Discovery/ Job Preparation in conjunction with Day Supports & Activities.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Total hours for a person's attendance shall not include time spent during transporting to/from the person's residence.

Personal Supports

The personal supports worker assists the individual in carrying out daily living tasks and other activities essential for living in the community. Services may include assistance with homemaking, personal care, general supervision and community integration. Personal Supports may also provide the necessary assistance and supports to maintain employment in a competitive, customized, or self-employment setting and/or day service needs of the person in integrated, community settings. Personal supports activities are generally defined in the plan of care and are flexible in meeting the changing needs of the person. Workers may be assigned activities that involve mentorship, and activities designed to develop or maintain skills. Personal supports workers may be required to provide non-medical transportation to a person for activities as outlined in the plan of care, including community integration activities, work or school and other community activities. A person receiving personal supports is self-directing this service with employer authority (either common law or agency with choice). Other waiver services that may overlap with the activities of the personal supports worker are prohibited.

REIMBURSABLE ACTIVITIES:

1. Providing supervision and monitoring for the purpose of ensuring the individual's health and safety.
2. Assisting the individual with hygiene, bathing, eating, dressing, grooming, toileting, transferring, or basic first aid.
3. Assisting the individual to access the community. This may include someone hired to accompany and support the individual in all types of community settings. Personal supports is available to a person only when the planning team has approved a back-up plan, serving to ensure the health and safety of the person in the event of a service disruption.
4. Assisting the individual to develop self-advocacy skills, exercise rights as a citizen, and acquire skills needed to exercise control and responsibility over other support services, including managing generic community resources and informal supports.
5. Assisting the individual in identifying and sustaining a personal support network of family, friends, and associates.
6. Assisting the individual with household activities necessary to maintain a home living environment on a day-to-day basis, such as meal preparation, shopping, cleaning, and laundry.
7. Assisting the individual with home maintenance activities needed to maintain the home in a clean, sanitary, and safe environment.
8. Assisting the individual to maintain employment. This may include someone to accompany and support the individual in a competitive, customized, or self-employment setting. The employment supports are delivered informally.
9. Assisting the individual to access services and opportunities available in community settings. This may include accompanying the individual to and facilitating participation in general community activities and community volunteer work.

A person receiving Personal Supports may also receive Respite.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

A person receiving personal supports is self-directing this service with employer authority (either common law or agency with choice). Other waiver services that may overlap with the activities of the personal supports worker are prohibited. These include live in care giver services, adult companion, extended personal care services and homemaker.

This service will not overlap with, supplant, or duplicate other services provided through the waiver or Medicaid State plan services.

Remote Monitoring Equipment

The equipment used to operate systems such as live feed video, motion sensing system, radio frequency identification, web-based monitoring system, or other device approved by the DDP. It also refers to the equipment used to engage in live two-way communication with the person being monitored.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Equipment must be leased at a maximum monthly amount of \$300.

Remote Monitoring

The provision of oversight and monitoring within the residential setting of a person, age 18 and older, through off-site electronic surveillance by staff using one or more of the following systems: live video feed, motion sensing system, radio frequency identification, web-based monitoring system, or other device approved by the DDP. It also allows live two-way communication with the person being monitored as described in the person's plan of care.

Remote monitoring shall be done in real time, not via a recording, by awake staff at a monitoring base using the appropriate connection. When remote monitoring is being provided, the remote monitoring staff shall not have duties other than remote monitoring.

The provider of remote monitoring shall have an effective system for notifying emergency personnel such as police, fire, and back up support staff.

The individual who receives the service and each person who lives with the individual shall consent in writing after being fully informed of what remote monitoring entails. If the individual or a person who lives with the individual has a guardian, the guardian shall consent in writing. The individual's case manager shall keep a copy of each signed consent form with the individual's plan of care.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Remote Monitoring shall only be used in supported living settings and is only used for the purpose of reducing or replacing the amount of residential habilitation needed.

Behavioral Support Services (Formerly called Board Certified Behavior Analyst)

The Behavioral Support Services include the following:

1. Designing behavioral assessments and functional analyses of behavior and interpreting assessment and evaluation results for staff and unpaid caregivers providing services to enrolled individuals.
2. Designing, monitoring and modifying written behavior intervention procedures and skill acquisition procedures. Written plans of intervention developed generally require the collection of data by staff or unpaid caregivers providing direct support. Decisions made in designing, monitoring and modifying behavior intervention and skill acquisition procedures are generally based on the review and analysis of collected data.
3. Training staff and unpaid caregivers in the implementation of formal and informal procedures designed to reduce problem behaviors and/or to increase appropriate behaviors.
4. Attending planning meetings for purpose of providing guidance and information to planning team members in the setting of appropriate goals and objectives for individuals who need Behavioral Support Services.

In general Behavioral Support Services offer appropriate assessment and intervention methods for use in unfamiliar situations and for a range of cases of all ages. Behavioral Support Services teaches others to carry out ethical and effective behavior interventions based on positive behavior supports. Behavioral Support Services staff may supervise the work of others who implement behavior interventions. All behavior intervention procedures developed by the Behavioral Support Services staff are in compliance with the Administrative Rules of Montana governing the use of Positive Behavioral Supports.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Behavioral Support Services will not supplement or supplant services available to children under IDEA, or otherwise available to a school age child.

Individual Goods and Services

Individual Goods and Services are services, equipment or supplies that enhance opportunities for the person to achieve outcomes for full membership in the community as clearly identified in the plan of care. Individual goods and services fall into the following categories:

*Memberships and Fees including but not limited to:

- Fees associated with classes for the person supported
- Social club memberships
- Fees associated with Special Olympics
- Health memberships as prescribed by a licensed health care provider
- Recreational activities specific to a habilitative goal in the plan of care

Recreational activities provided under Individual Goods and Services may be covered only when they are included in a planning outcome related to a specific residential habilitation goal.

*Equipment and Supplies including but not limited to:

- Assistive technology devices, controls, appliances or other items that enable persons to increase their abilities to perform activities of daily living, or to recognize, control or communicate with the environment, thus decreasing the need for assistance from others.
- Accessories essential to prolong life of assistive technology devices such as batteries, protective cases, screen protectors.
- nutritional supplements,
- Nonreusable medical supplies related to the person's disability
- instructional supplies,

Individual Goods and Services can pay for repair of equipment when the equipment meets the authorization criteria and the repair is a cost-effective alternative (e.g., is expected to last and without repair the equipment would have to be purchased new at a great cost). A maintenance or insurance agreement may be purchased for items that meet authorization criteria when the maintenance agreement is expected to be cost-effective.

Shipping and handling costs may be paid if the shipping cost is included in the price of the item, and the waiver is purchasing the item.

Reconditioned equipment may be purchased if all authorization criteria are met and the item is considered of adequate quality, expected to be durable, and the cost is commensurate with the age and condition of the item (e.g., if a new item could be purchased at the similar cost, it may be worthwhile to purchase the new item).

Nutritional supplements, vitamins, and the like may be reimbursed when there is no other source for reimbursement, and the specific items have been reviewed and approved, in writing, by the person's licensed health care provider.

Individual goods and services must be directed exclusively toward the benefit of the individual and are the least costly alternative that reasonably meets the individual's assessed need and meets the following requirements A-D:

A. One or more of the following criteria are met:

1. The service, equipment or supply promotes inclusion in the community and/or
2. The service, equipment or supply increases the person's safety in the home environment and/or
3. The service, equipment or supply decreases the need for other Medicaid services

B. The service, equipment or supply is designed to meet the person's functional (remedially necessary: appropriate to assist a person in increased independence and integration in their environment/community), medical (Medically necessary: appropriate and effective for the medical needs and health and safety of the person) by advancing the outcomes in the plan of care;

C. The service, equipment or supply is not available through another source; and can be accommodated within the person's individual cost plan without compromising the health and safety.

D. The service, equipment or supply is not experimental or prohibited.

Individual goods and services must be approved prior to purchase and reimbursement. In addition, individual goods and services purchased on behalf of the person by legal guardians, legally responsible persons, or other non-employees acting on behalf of the recipient are

reimbursable only if receipts for such purchases are submitted to the agency with a DDP contract. The receipts are reimbursable only if all the requirements listed above have been met.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Individual goods and services projected to exceed \$2,000 (annual aggregate) require prior approval by the DDP Regional Manager.

Equipment purchases are expected to be a one-time only purchase. Replacements, upgrades or enhancements made to existing equipment will be paid if documented as a necessity and approved by DDP Regional Manager.

The following represents a non-inclusive list of non-permissible Goods and Services:

1. Individual goods and services provided under this definition are not covered under the Individuals with Disabilities Education Act (IDEA), home-based schooling, or Section 110 of the Rehabilitation Act or available through any other public funding mechanism.
2. Goods, services or supports benefiting persons other than the individual
3. Room and board
4. Personal items and services not related to the disability
5. Gifts, gift certificates, or gift cards for any purpose
6. Items used solely for entertainment or recreational purposes
7. Personal hygiene items
8. Discretionary cash
9. General clothing, food, or beverages (not specialized diet or clothing)
10. Household furnishings
11. Household cleaning supplies
12. Home maintenance

Transportation

Service offered in order to enable individuals served on the waiver to gain access to waiver and other community services, activities and resources, specified by the plan of care. This service is offered in addition to medical transportation required under 42 CFR 431.53 and transportation services under the State plan, defined at 42 CFR 440.170(a) (if applicable), and shall not replace them. Transportation services under the waiver shall be offered in accordance with the plan of care. Whenever possible, family, neighbors, friends, or community agencies that can provide this service without charge will be utilized.

Legally responsible persons, relatives, legal guardians and other persons who are not employees of agencies with a DDP contract may be reimbursed for the provision of rides. In these cases, reimbursement will be less than or equal to the mileage rate set by the Department for a State employee operating a personal vehicle. The mileage rate is based on the operational expense of a motor vehicle and does not include reimbursement for work performed, or the driver's time. Reimbursement for rides provided by legally responsible persons or others must be related to the specific disability needs of a person, as outlined in the plan of care. Persons providing transportation must be licensed, insured and drive a registered vehicle, in accordance with the motor vehicle laws of the State of Montana.

Reimbursable transportation expenses may also include assistance with reasonable (as determined by the department) costs related to one or more of the following areas: operator training and licensure, insurance, registration or other costs associated with a individual's dependence on the use of a personal vehicle owned by the person in accessing work or other community integration activities as outlined in the plan of care.

Transportation as a self-directed services with employer authority (either common law or agency with choice):

Mileage reimbursement at the lowest current state plan rate is available when the person is transported to approved community functions, in accordance with the plan of care and the individual cost plan. Mileage reimbursement paid by the FMS is contingent upon the FMS receiving documentation that transportation was provided in accordance with Montana state requirements for operating a motor vehicle. Reimbursement is contingent upon vehicles being registered and insured, and the operator of the vehicle must have a valid driver's license. Mileage reimbursement does not pay for a person's time, rather, the mileage reimbursement partially offsets the cost of operating a motor vehicle. Mileage reimbursement may also available to the owner of the vehicle when friends and non-employees provide transportation services to the person for approved community functions, when all the requirements for operating a motor vehicle have been met, and the mileage reimbursement provision is approved in the plan of care. Mileage reimbursement is not available for medically necessary transportation reimbursable under the state plan

Rates for services in residential settings and work/day settings in which paid, on-site primary care givers provide routine, non-medically necessary transportation (community outings, picnics, etc) may include cost of these integrated transportation services.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

The following are excluded:

- 1) Adaptations or improvements to the vehicle that are of general utility, and are not of direct medical or remedial benefit to the individual;
- 2) Purchase or lease of a vehicle; and
- 3) Regularly scheduled upkeep and maintenance of a vehicle except upkeep and maintenance of any modifications.

Transportation services are not reimbursable in residential and work/day settings, if the transportation service is folded into the rates for these residential and/or work/day settings. Under no circumstances will medically necessary transportation (transportation to medical services reimbursed under the State Plan) be reimbursed under the waiver if the service is reimbursable under State Plan transportation.

As these are draft definitions there are likely to be changes up to the point of CMS approval.