

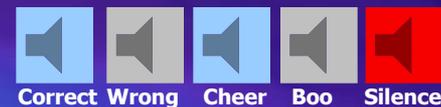
JEOPARODY JEOPARODY JEOPARODY JEOPARODY JEOPARO

# JEOPARODY

JEOPARODY JEOPARODY JEOPARODY JEOPARODY JEOPARODY

# HERE ARE TODAY'S CATEGORIES

**JEDPARODY**



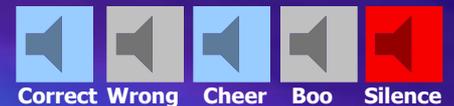
# Hallmarks of Self-Direction

**JEPARODY**



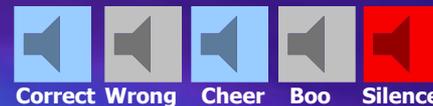
# Cash and Counseling

**JEDPARODY**



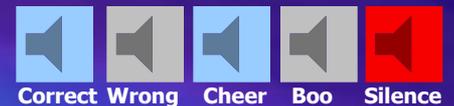
# To Agency or Not to Agency: Is that a Question?

**JEDPARODY**



# Alphabet Soup

**JEDPARODY**



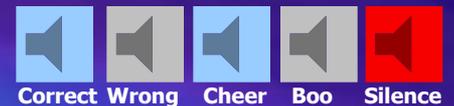
# Who's On First?

**JEPARODY**



**It Works for Me**

**JEDPARODY**



Hallmarks  
of Self-  
Direction

Cash and  
Counseling

To Agency  
or Not to  
Agency

Alphabet  
Soup

Who's On  
First?

It Works for  
Me

\$100

\$100

\$100

\$100

\$100

\$100

\$200

\$200

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\$500

FINAL JEOPARDY

**JEOPARDY**



Correct



Wrong



Cheer



Boo



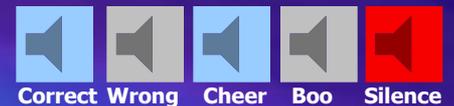
Silence

# What, When, Who, and How

Start Timer

GO TO  
RESPONSE

**JEDPARODY**



# Participant controls

What

When

Who

How

**JEOPARDY!**



Correct



Wrong



Cheer



Boo



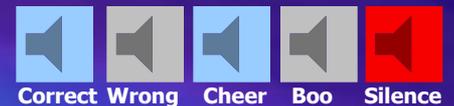
Silence

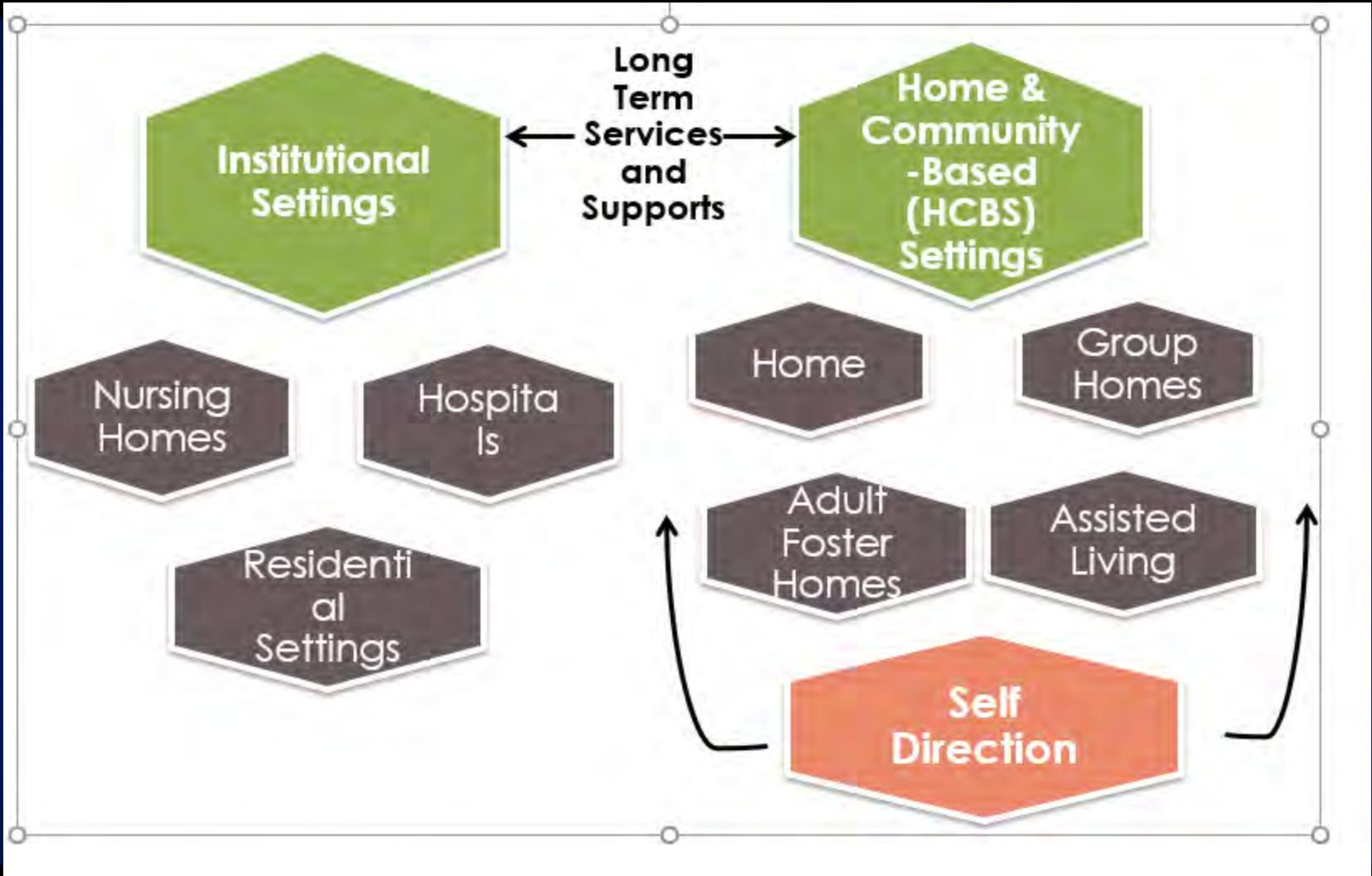
# Institutional Settings and Home & Community Based Settings

Start Timer

GO TO  
RESPONSE

**JEDPARODY**



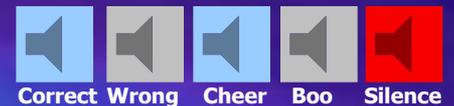


# Hiring, training, managing, and dismissing workers

Start Timer

GO TO  
RESPONSE

**JEDPARODY**



Recruits and  
manages  
workers

Sets tasks

Participant

Trains/  
arranges  
worker  
training

Specifies  
salary and  
benefits  
(optional)

Assigns  
flexible work  
hour schedule

**JEOPARDY**



Correct Wrong Cheer Boo Silence

**Fundamental to  
self-direction,  
this “roadmap” is  
a team effort.**



**GO TO  
RESPONSE**

**JEDPARODY**



- **Person-centered planning process:** CMS requires that a person-centered planning process and assessment be used to develop a person-centered plan. The process is directed by the individual, with assistance as needed or desired from a representative of the individual's choosing. It is intended to identify the strengths, capacities, preferences, needs, and desired measurable outcomes of the individual. The process may include other persons, freely chosen by the individual, who are able to serve as important contributors to the process.

**JEDPARODY**



Correct



Wrong



Cheer



Boo



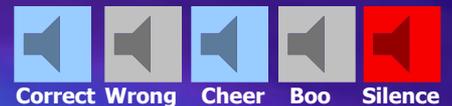
Silence

**Supports that all  
participants have  
to help them  
develop and  
manage their plans**



**GO TO  
RESPONSE**

**JEDPARODY**



## Information and Assistance

- Embraces paradigm shift
- Explains the program
- Completes enrollment
- Collaborates with participant to complete the assessment, service plan, spending plan, and reassessments
- Offers skills training
- Partners with participant

## Financial Management Service

- Assures that spending plan is followed
- Pays invoices including timesheets
- Figures tax liability and pays taxes
- Maintains savings
- Provides accounting reports

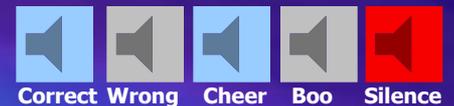


**Named after a philanthropist, this foundation with ties to first aid supplies focuses on the nation's health.**

Start Timer

GO TO  
RESPONSE

**JEDPARODY**

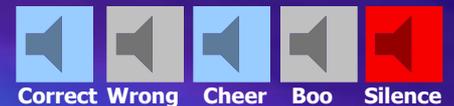




# Robert Wood Johnson Foundation

The nation's largest philanthropy  
focused solely on health.

**JEOPARDY!**

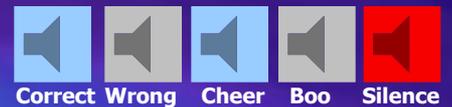


# Arkansas, Florida, and New Jersey



GO TO  
RESPONSE

**JEDPARODY**



# Cash & Counseling Demonstration and Evaluation

- 3-state demonstration



- Offers Medicaid participants with disabilities more choices about how to get help at home

- Hire friends, family or neighbor
- Flexible budget
- Goods and services

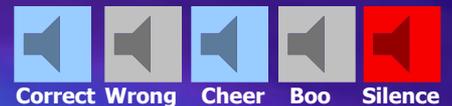
- 12-state expansion

**This 1999 Supreme Court ruling helped set the stage for the growth of self-direction**



**GO TO RESPONSE**

**JEDPARODY**



# SUPREME COURT OF THE UNITED STATES

No. 98-536

TOMMY OLMSTEAD, COMMISSIONER, GEORGIA  
DEPARTMENT OF HUMAN RESOURCES, ET AL.,  
PETITIONERS *v.* L. C., BY JONATHAN ZIMRING,  
GUARDIAN AD LITEM AND NEXT FRIEND, ET AL.

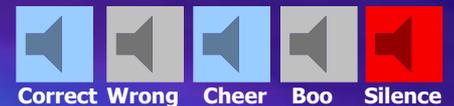
ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE ELEVENTH CIRCUIT

[June 22, 1999]

JUSTICE GINSBURG announced the judgment of the Court and delivered the opinion of the Court with respect to Parts I, II, and III-A, and an opinion with respect to Part III-B, in which O'CONNOR, SOUTER, and BREYER, JJ., joined.

~~This case concerns the proper construction of the anti-~~

**JEPARODY**

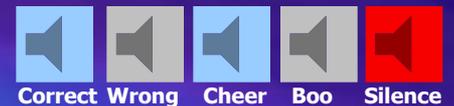


**High overall  
satisfaction, more  
needs met, and no  
increased fraud or  
abuse.**

Start Timer

GO TO  
RESPONSE

**JEDPARODY**



Self-directing participants were up to 90% more likely to be very satisfied with how they led their lives.



Self direction significantly reduced participants' unmet personal care needs.



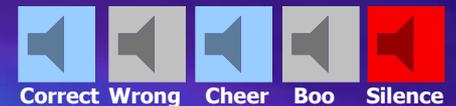
Primary caregivers were significantly more satisfied with their lives in general.



Self-direction did not result in the increased misuse of Medicaid funds or abuse of participants.

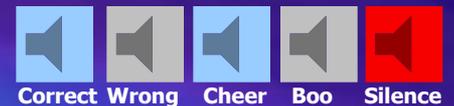


**JEPARODY**



**Included in the  
Affordable Care Act,  
this option supports  
the continued growth  
of self-direction**

**JEDPARODY**



# Community First Choice Option

## **Subtitle E—New Options for States to Provide Long-Term Services and Supports**

### **SEC. 2401. COMMUNITY FIRST CHOICE OPTION.**

Section 1915 of the Social Security Act (42 U.S.C. 1396n) is amended by adding at the end the following:

“(k) STATE PLAN OPTION TO PROVIDE HOME AND COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

“(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, beginning October 1, 2010, a State may provide through a State plan amendment for the provision of medical assistance for home and community-based attendant services and supports for individuals who are eligible for medical assistance under the State plan whose income does not exceed 150 percent of the poverty line (as defined in section 2110(c)(5)) or, if greater, the income level applicable for an individual who has been determined to require an institutional level of care to be eligible for nursing facility services under the State plan and with respect to whom there has been a determination that, but for the provision of such services, the individuals

Effective date.

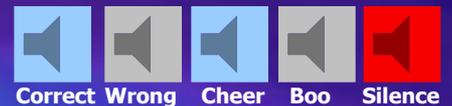
**JEPARODY**



Correct Wrong Cheer Boo Silence

**These two  
authorities  
reflect two  
models of self-  
direction**

**JEDPARODY**



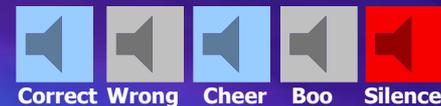
# Two Models of Self Direction

- Employer Authority
  - Participant recruits, hires, supervises, and manages worker
  - Participant must fulfill employer/payroll related tasks
  - Participant or agency may serve as the common law employer
  - Generally includes only one waiver service
- Budget Authority
  - Participant manages a budget
  - Free to make various decisions about purchasing other goods and services
  - Generally includes more than one service



**This “agency”  
option includes a  
co-employer  
relationship.**

**JEDPARODY**



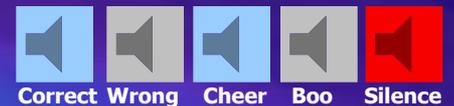
# Agency with Choice

- Participant selects a worker who is employed by the agency
- Co-employer relationship
- Participant free to make decisions about purchasing other goods and services

Start Timer

GO TO  
RESPONSE

**JEDPARODY**

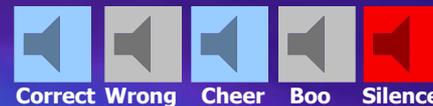


**The IRS  
establishes this  
agent with Form  
2678**

Start Timer

GO TO  
RESPONSE

**JEDPARODY**



# Fiscal/ Employer Agent

- Participant is common law employer
- Participant hires own workers
- F/EA handles payroll duties
- F/EA liable for federal taxes

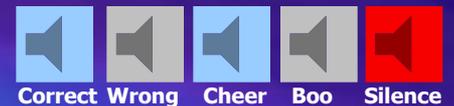


# Making payments, fiscal oversight, and employer tax and insurance responsibilities

Start Timer

GO TO  
RESPONSE

**JEDPARODY**



Regardless of the FMS model, the primary duties of an FMS entity are:

- ❑ Make payments on behalf of the participant to workers, agencies, or other good and services vendors
- ❑ Ensure that payments on behalf of the participant are made in accordance with spending plans, authorizations and program rules
- ❑ Generate reports for participant and program administrative agencies showing expenditures and individual budget information
- ❑ Manage all employer tax and insurance responsibilities
- ❑ Maintain fiscal accountability and oversight

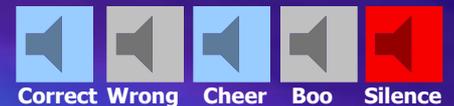


**All section 3504  
agents are required  
to file this Schedule  
with quarterly tax  
returns**

Start Timer

GO TO  
RESPONSE

**JEDPARODY**



# Schedule R (Form 941): Allocation Schedule for Aggregate Form 941 Filers

(Rev. January 2018)

Department of the Treasury — Internal Revenue Service

OMB No. 1545-0029

950417

Employer identification number (EIN)    -

Name as shown on Form 941

Type of filer (check one):  Section 3504 Agent  Certified Professional Employer Organization (CPEO)

**Report for calendar year:**

Check the quarter (same as Form 941):

1: January, February, March

2: April, May, June

3: July, August, September

4: October, November, December

Read the instructions before you complete Schedule R. Type or print within the boxes. Complete a separate line for the amounts allocated to each of your clients. The term "client" as used on this form includes the term "customer." See the instructions.

(a) Client's Employer identification number (EIN)	(b) Type of wages, tips, and other compensation (CPEO Use Only)	(c) Wages, tips, and other compensation allocated to the listed client EIN from Form 941, line 2	(d) Federal income tax withheld from wages, tips, and other compensation allocated to the listed client EIN from Form 941, line 3	(e) Total social security and Medicare taxes allocated to the listed client EIN from Form 941, line 5e	(f) Section 3121(q) Notice and Demand-Tax due on unreported tips allocated to the listed client EIN from Form 941, line 5f	(g) Qualified small business payroll tax credit for increasing research activities allocated to the listed client EIN from Form 941, line 11	(h) Total taxes after adjustments and credits allocated to the listed client EIN from Form 941, line 12	(i) Total deposits from Form 941, line 13, plus any payments made with the return allocated to the listed client EIN
1		.	.	.	.	.	.	.
2		.	.	.	.	.	.	.
3		.	.	.	.	.	.	.
4		.	.	.	.	.	.	.
5		.	.	.	.	.	.	.
6		.	.	.	.	.	.	.
7		.	.	.	.	.	.	.
8		.	.	.	.	.	.	.
9		.	.	.	.	.	.	.
10		.	.	.	.	.	.	.
11	Subtotals for clients. Add all amounts on lines 1 through 10	.	.	.	.	.	.	.
12	Enter the combined subtotal from line 11 of all							



# LTSS and MLTSS

Start Timer

GO TO  
RESPONSE

**JEDPARODY**



# Long Term Services and Supports

## Managed Long Term Services and Supports

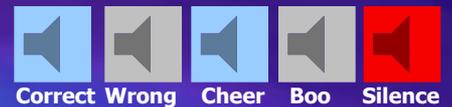


# FIER, FMS, FISO



GO TO  
RESPONSE

# JEDPARODY



## Fiscal Intermediary:

- Medicare and Medicaid regulations define a “fiscal intermediary” as an organization or company that has a contract with CMS to pay Part A and some Part B bills.
- “Fiscal Intermediary Services Organizations” (FISOs) are regulated by the Office of Insurance Regulation.

## Financial Management Services Entity:

- CMS requires FMS be available as a support for self-directed services
- Other supports would include information and assistance (support broker)

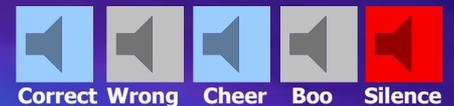


**HCBS (not a  
subsidiary of the  
CBS Television  
Network)**

Start Timer

GO TO  
RESPONSE

**JEDPARODY**



# Home & Community Based Services

Home and community-based services (HCBS) provide opportunities for Medicaid beneficiaries to receive services in their own home or community rather than institutions or other isolated settings. These programs serve a variety of targeted populations groups, such as people with intellectual or developmental disabilities, physical disabilities, and/or mental illnesses.

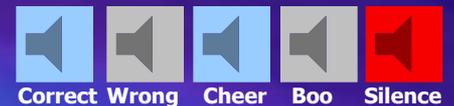


# C, I, J and K

Start Timer

GO TO  
RESPONSE

**JEPARODY**



The letters (c), (i), (j) and (k) refer to HCBS options as a part of the Section 1915 or the Social Security Act.

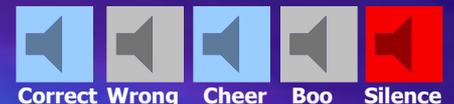
## Authorities

HCBS first became available in 1983 when Congress added section 1915(c) to the Social Security Act, giving States the option to receive a waiver of Medicaid rules governing institutional care. In 2005, HCBS became a formal Medicaid State plan option. Several States include HCBS services in their Medicaid State plans. Forty seven states and DC are operating at least one 1915(c) waiver.

State Medicaid agencies have several HCBS options:

- [1915\(c\) Home and Community-Based Waivers](#)
- [1915\(i\) State Plan Home and Community-Based Services](#)
- [1915\(j\) Self-Directed Personal Assistance Services Under State Plan](#)
- [1915\(k\) Community First Choice](#)

**JEOPARDY**

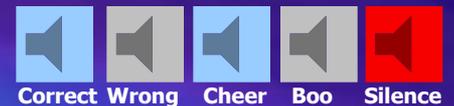


# 2013-39

Start Timer

GO TO  
RESPONSE

# JEDPARODY



Rev. Proc. 2013-39

## SECTION 1. PURPOSE

This Revenue Procedure describes and updates the procedure for requesting the IRS authorize a person to act as agent under section 3504 of the Internal Revenue Code (Code) and §31.3504-1 of the Employment Tax Regulations for purposes of Chapters 21, 22, 24, and 25 of the Code. Special instructions are also set forth for agents authorized to perform acts for purposes of Chapter 23 of the Code.

**JEPARODY**



Correct



Wrong



Cheer



Boo



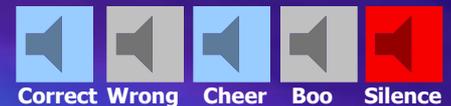
Silence

**One of 4 common characteristics of self-direction programs, this role is often filled by a “broker”**



**GO TO RESPONSE**

**JEDPARODY**



# Information and Assistance (I & A)

- **Information and assistance in support of self-direction:** States are required to provide or arrange for the provision of a system of supports that are responsive to an individual's needs and desires for assistance in developing the person-centered service plan and budget plan, managing the individual's services and workers and performing the responsibilities of an employer. Examples of self-directed supports include, but are not limited to: information regarding how a self-directed care program works; individual rights and responsibilities; and available resources; counseling; training; assistance, such as the use of a supports broker/consultant and financial management services (FMS); and access to an independent advocacy system available in the state. The amount and frequency with which an individual uses the available supports varies by person and circumstance.

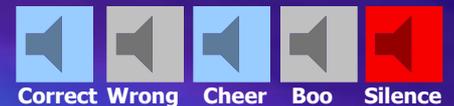


**Also known as a  
designee, this unpaid  
person assists the  
participant in  
directing services**

Start Timer

GO TO  
RESPONSE

**JEDPARODY**



# Representatives in Self-Direction Programs

- Serve as the employer or co-employer of the hired worker on behalf of the individual
- Review and sign timesheets if the individual lacks the ability to review and sign
- Be a part of the team
- Demonstrate a strong personal commitment to the individual
- Understand the participant's needs, goals, and preferences
- Participate in person-centered planning

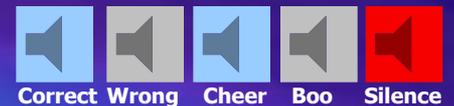


**Part payroll agent,  
purchaser, billing  
agent, tax filer, and  
customer service  
representative**

Start Timer

GO TO  
RESPONSE

**JEDPARODY**

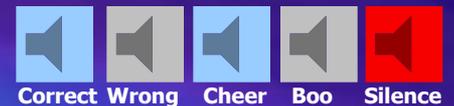


# Financial Management Services Entity (FMS)

Start Timer

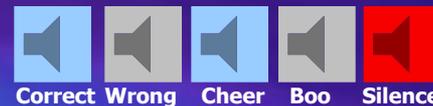
GO TO  
RESPONSE

**JEDPARODY**



**Responsible for  
preventing  
Medicaid fraud,  
waste, and abuse**

**JEDPARODY**



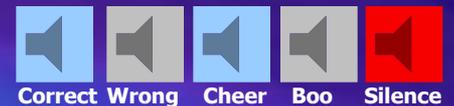
# Fraud prevention is a shared responsibility:

- Participants
- Workers
- FMS entities
- Support brokers
- Representatives

Start Timer

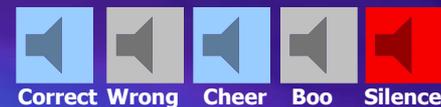
GO TO  
RESPONSE

**JEOPARDY!**



# Choice and Control Over Services and Supports

**JEDPARODY**



# Participant's Role: Choice and Control Over Services and Supports



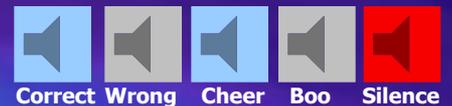
- Understand, respect, and accept core responsibilities and authority
- Fully participate
- Be honest, practical, and reasonable
- Openly communicate
- Accept and follow program limitations
- Ask for assistance when needed
- Follow plan and report what is working and what is not

**Current  
estimates of over  
1 Million**



**GO TO  
RESPONSE**

**JEDPARODY**



## Overall Growth is Strong

- 30% increase in 3 years
- Over 1,000,000 recipients
- More programs are statewide
  - ✓ 91% report statewide in 2016
  - ✓ 44% statewide in 2013
- This suggests that self-directed programs are no longer “demonstrations” but have become core state offerings



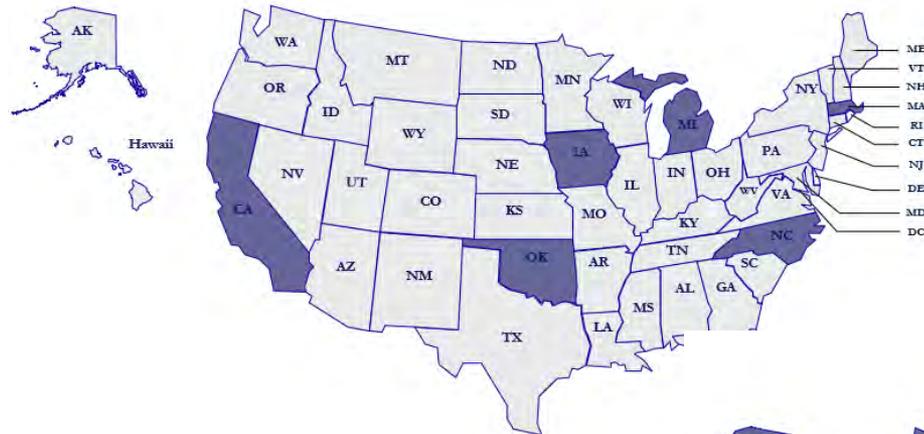
# From 6 to 50+

Start Timer

GO TO  
RESPONSE

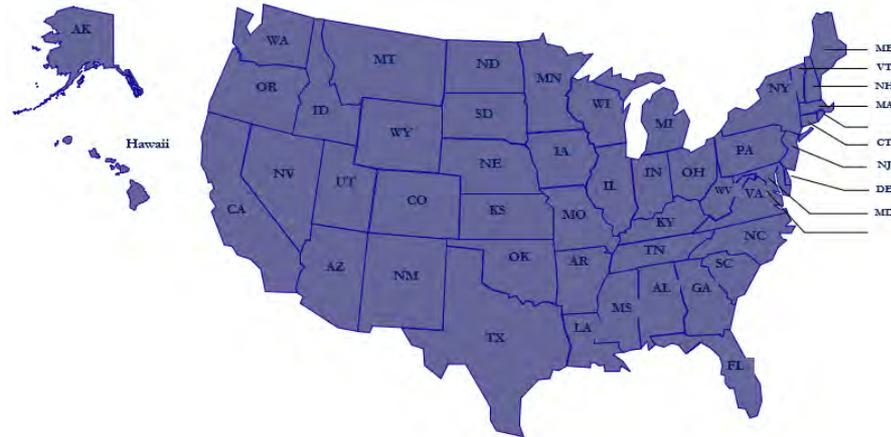
**JEDPARODY**





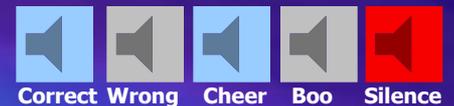
Prevalence of  
Self Direction:  
1970's-80's

Prevalence of  
Self Direction  
Today



GO TO  
RESPONSE

**JEPARODY**

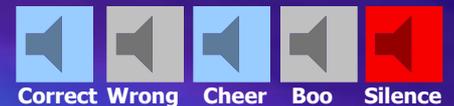


**Older adults,  
children with  
disabilities, and  
people living with  
mental illnesses**

Start Timer

GO TO  
RESPONSE

**JEDPARODY**





**JEOPARDY**



Correct



Wrong



Cheer



Boo



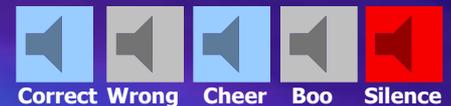
Silence

**In 2008, this partnership expanded self-directed options as an alternative to traditional home care**



**GO TO RESPONSE**

**JEDPARODY**





## Veteran-Directed Home and Community-Based Services Program



**JEDPARODY**



Correct



Wrong



Cheer



Boo



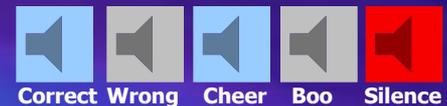
Silence

**Even as more states transition to this delivery system, self-direction programs continue to thrive.**

Start Timer

GO TO  
RESPONSE

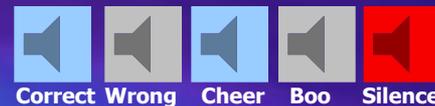
**JEDPARODY**





# FINAL JEOPARDOY

JEOPARDOY

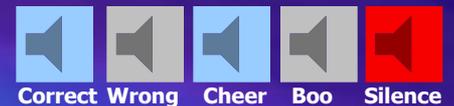


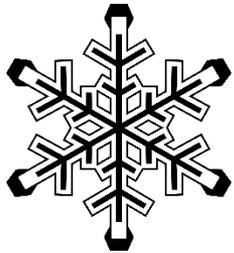
**Complete this sentence: “If you’ve seen one self-direction program, ...”**

Start Timer

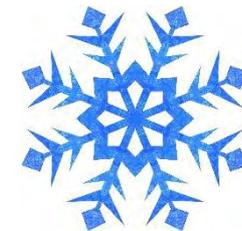
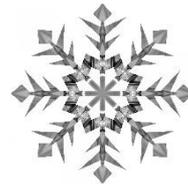
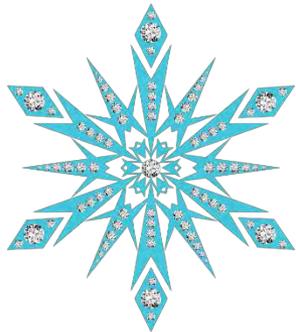
GO TO  
PROMPT  
(RESPONS  
E)

**JEDPARODY**





“You’ve seen one self-direction program.”



**JEOPARDY**

