

# Self-Directed Services in Oklahoma

## Lesson 1: Introduction



This course was developed by Developmental Disabilities Services of the Oklahoma Department of Human Services and the Center for Learning and Leadership/UCEDD.

# WELCOME!

**Self-Directed Services (SDS) is an option available through Oklahoma's In-Home Supports Waiver programs for children and adults and the Community Waiver. This course contains an overview of SDS and explains the requirements of the program.**

**If you are taking this course, it means you are interested in self-directing services for yourself or a loved one. The lessons in this course will provide a basic level of information and help you decide if self-directing is right for you.**

**Feel free to print the lessons in this course, take notes and write down your questions. Your case manager can answer any questions you may have about SDS.**



# HISTORY

The self-determination movement began in the early 1970's when people with developmental disabilities began to speak out and advocate for the right to make choices about their own lives, to have personal control in their lives. Self-directed services can be traced back to some important events in recent history.

- In 1995, a United States Supreme Court case, *Olmstead v. L.C. & E.W.*, was filed under the Americans with Disabilities Act (ADA). In its June 1999 decision, the Supreme Court said that states must offer community services. Inadequate funding could not be used as an excuse. The Court ruled that unjustified isolation is discrimination and challenged states to develop more opportunities for individuals with disabilities.
- In May 2005, the Oklahoma Legislature created the Self-Directed Care Act (Senate Bill 1015) as a result of the *Olmstead* decision. The intent of this legislation is to provide individuals with developmental disabilities more choice in and greater control over the purchase of services they receive. The legislation created a committee of advocates to assist with policy development and established a self-directed care pilot program.

While self-determination is a philosophy about one's right to choice, self-directed services is a way of allowing individuals to exercise choice when using public funds.

*It's about what matters to you, whether you are a person with disabilities or a family member or guardian advocating for the needs of your loved one.*



## SELF-DIRECTED SERVICES IN OKLAHOMA



There are two options when you receive services through a Waiver program. The traditional option and the SDS option.

- Through the traditional option, a provider agency has responsibility for hiring support staff and providing the other services and supports outlined in the Individual Plan. The agency must have a contract with the Oklahoma Health Care Authority (OHCA), Oklahoma’s Medicaid Agency.
- Through the SDS option, you manage the funds. You select and hire staff and buy other necessary goods and services, within Medicaid guidelines. You make the decisions about the types of support you need with help from your Oklahoma Department of Human Services (DHS) Developmental Disabilities Services (DDS) Case Manager. You will also have a Financial Management Services (FMS) agent, who will help you manage your SDS account. The FMS agent will be referred to as a “fiscal agent” in this course.



## SELF-DIRECTED SERVICES POLICY

If you have questions, do not hesitate to ask your case manager. This online training course and the materials in the packet of information sent to you, are based upon the guidelines in the policy. If you decide to self-direct, you need to become very familiar with the Self Directed Services policy. Click here to access the policy [OAC 317:40-9-1 Self-Directed Services \(SDS\)](#)



## **AN OVERVIEW OF THE SDS OPTION**

**SDS is an option for individuals who are receiving services through the In-Home Supports Waiver for Children, the In-Home Supports Waiver for Adults or the Community Waiver. A service recipient may self-direct his or her own services if 18 years of age and determined able to understand and carry out the requirements of the program or to designate an eligible representative to assist in directing care. When you choose to self-direct, you or your representative become the employer of record, also known as the EOR.**

**An eligible EOR must also be 18 years old and can be the parent, spouse or legal guardian of the service recipient. Another family member or friend can be the EOR, if designated by the service recipient. The EOR cannot be the SDS staff.**

**The remainder of this course will refer to you as the one directing the services.**



# RESPONSIBILITIES OF THE EMPLOYER OF RECORD

As the employer of record, your responsibilities will include:

- **Completing the Self-Directed Services training (Which you are doing!)**
- **Signing the *Self-Directed Services Agreement* with DDS**
- **Participating in the development of the Individual Plan to identify needs and preferences**
- **Developing and following the approved SDS budget**
- **Following federal and state employment laws (You will have help from the fiscal agent.)**
- **Hiring, supervising and, if necessary, firing employees**
- **Submitting information for a criminal background check on employees**
- **Verifying that employees have completed required training**
- **Following DDS and OHCA policy and regulations**
- **Completing the Provider Progress Report and submitting to the case manager quarterly**
- **Notifying your case manager if your plan or budget needs change**
- **Complying with DDS staff requests for home visits**
- **Managing paperwork related to employees and purchases**
- **Providing documentation for items or services purchased**
- **Keeping required records**
- **Paying for services that exceed the approved budget amount, or are not identified and approved in the plan of care**



# RESPONSIBILITIES OF THE FISCAL AGENT

If you choose the SDS option, the fiscal agent will:

- Assist in managing finances and paperwork
- Retain the funds, track expenditures and monitor the budget
- Process employee background checks
- Verify that employees are “good to go”
- Process time sheets
- Process payroll, taxes and insurance and make payment to staff
- Process payments for authorized supports and supplies
- Reimburse vendors for the goods and services purchased as outlined in the budget
- Make sure the payroll records are maintained and correct
- Maintain SDS budget records
- Provide an electronic visit verification system (EVV) to document staff work hours





# RESPONSIBILITIES OF THE DDS CASE MANAGER

When you choose the SDS option, you will work with your DDS case manager and the fiscal agent. Some responsibilities of the case manager include:

- Explaining the choices, options, rights, risks and responsibilities when you self direct
- Assisting you in developing the individual plan, the budget, an emergency back-up plan and a quality assurance plan and making changes if needed
- Submitting the plan of care to authorize services and making changes upon your request
- Submitting requests for goods and services to the DDS state office for approval
- Reviewing and documenting progress, including the Provider Progress Report received from the EOR
- Monitoring Medicaid eligibility and notifying the EOR when action is needed
- As needed -- reviewing incident reports and following-up on issues
- Participating in the fair hearing process
- Assisting with problem resolution and capacity assessments



And...answering your questions and addressing any concerns



The table below gives you the basic differences in responsibilities when services are provided through a traditional contract provider agency versus self-directed services.

<b>Responsibility</b>	<b>Traditional Services</b>	<b>Self-Directed Services</b>
<b>Advertise, recruit and hire staff</b>	<b>Agency</b>	<b>You</b>
<b>Set the rate of pay</b>	<b>Agency</b>	<b>You</b>
<b>Calculate salary and benefits</b>	<b>Agency</b>	<b>Fiscal Agent</b>
<b>Schedule and determine staff duties</b>	<b>Agency</b>	<b>You</b>
<b>Explain the duties to the staff</b>	<b>Agency</b>	<b>You</b>
<b>Supervise and evaluate the staff</b>	<b>Agency</b>	<b>You</b>
<b>Ensure staff complete required training</b>	<b>Agency</b>	<b>You</b>
<b>Fire undesirable staff</b>	<b>Agency</b>	<b>You</b>
<b>Purchase goods and services</b>	<b>Agency</b>	<b>You</b>



# GETTING STARTED

The Case Manager will work with you to schedule the planning meeting. As always, the purpose of the planning meeting is to discuss the service recipient's needs and determine how to meet those needs.

You as the EOR will attend the meeting along with the individual receiving services and the case manager. If the service recipient is a child, you will decide if attendance is appropriate. Other people can be invited to the meeting. These participants might include friends, relatives, advocates, and therapists.

You will create a budget with the case manager's assistance that is within the limits of the Waiver. Everything in the budget must benefit the individual receiving supports either directly or indirectly. Selected services and supports should address functional and medical/safety needs and focus on helping the individual to participate in the community.

You may choose to fund some services using the SDS option and continue to use the traditional option for other purchases.

You will want to record the outcomes of the planning meeting in case you need or want to make changes. If you have an emergency situation and you need to make a change immediately, call your case manager. Remember, don't be afraid to ask for a change. You are making what you think are the best choices at the time. Changes in your circumstances may require adjustments to your plan.



# DEVELOPING THE PLAN

In developing the plan, you must follow Medicaid guidelines and DDS policy as well as applicable policies of the Oklahoma Health Care Authority (OHCA).

The goal of service delivery is to promote the independence of persons with developmental disabilities. The purpose of publicly funded supports is to strengthen the individual's capacity for self-care and self-sufficiency and to lead to a lesser reliance on paid supports. In order to minimize dependence on public funds, DDS staff use specific criteria to determine the necessity of publicly funded supports.

The next slide shows the the DHS-DDS policy *Criteria to Establish Service Necessity*.



# SERVICE NECESSITY POLICY

## 340:100-3-33.1 Criteria to establish service necessity

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(a) The goal of service delivery is to promote the independence of persons with developmental disabilities. The purpose of publicly funded supports is to strengthen the individual's capacity for self-care and self-sufficiency and to lead to a lesser reliance on paid supports. Because of the unpredictable nature of government funding, promoting reliance on publicly funded supports is often not in the person's best interest. In order to minimize dependence on public funds, Developmental Disabilities Services Division (DDSD) staff use the criteria given in subsection (b) of this Section to determine the necessity of publicly funded supports.

(b) Services provided through DDSD must meet all of the requirements given in this subsection.

(1) Services appropriate to meet the individual's need are not available from another funding source.

(2) Services are authorized only to the extent necessary to achieve, maintain, or promote functional capacity.

(3) Services provided are consistent with accepted practice standards and guidelines.

(4) Services must be necessary to achieve a specific outcome and must be required for other than the convenience of the client, family, staff, or provider.

(5) Documentation submitted to request a service must contain objective evidence supporting the need, including evidence to support orders or prescriptions for the service.

(6) Services must be delivered in the most cost-effective manner and most appropriate setting.

(7) Services must be based on reasonable and predictable outcomes.

(8) Services are not provided to meet hypothetical situations.

**Click here to access the above policy online [OAC 340:100-3-33.1. Criteria to establish service necessity](#)**



# DECIDING IF SDS IS RIGHT FOR YOU

Once you complete the lessons in this course, have a chance to ask questions and think through your needs and options, you will decide if SDS is right for you.

Once you have tried self directing, if you decide to go back to the traditional option, that's okay. Remember that SDS is a choice. You may stop self directing at any time during the year. If you choose to go back to the traditional option and later decide that you want to try SDS again, you will have to wait until your next annual planning meeting. Contact your case manager.

***Self-direction gives you the freedom to make your own choices and to learn from your experiences. If you need assistance, don't hesitate to contact your case manager and your fiscal agent.***



# INVOLUNTARY TERMINATION OF SELF-DIRECTED SERVICES

Participation in SDS may be terminated involuntarily and changed back to traditional waiver services when it has been determined that any of the following exist:

- Immediate health and safety risks, such as imminent risk of death or irreversible or serious bodily injury related to services
- Intentional misuse of funds even after notification, assistance and support from DDS
- Failure to follow and implement policies of self-direction even after technical assistance and guidance from DDS
- Fraud
- It is determined that restrictive or intrusive procedures are essential for safety

If self-directed services must be terminated involuntarily, the case manager will assist in accessing needed and appropriate services through the traditional waiver option, ensuring that no lapse in necessary services occurs.

You have the right to file a complaint and access the Fair Hearing process. The case manager will give you information regarding the Fair Hearing process.



# CONGRATULATIONS!

You have completed Lesson 1, an introduction to self-directing services.

In Lesson 2, you will learn more about developing a budget.

When all of the lessons are completed, you will hopefully have a better understanding of the Self-Directed Services option and whether it is right for you.

