

# **Draft Mi Via Consultant Service Standards**

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## **I. Definition of Service**

Consultant services are intended to educate, guide and assist the participant to make informed planning decisions about services and supports. This leads to the development of a service and support plan (SSP), based on the participants assessed needs. Consultant services help the participant identify supports, services and goods that meet their need for waiver services and are specific to the participant's disability or qualifying condition and help prevent institutionalization. Consultant services provide a level of support to a participant that is unique to their individual needs in order to maximize their ability to self-direct in the Mi Via Program.

## **II. Scope of Service**

Consultant services and supports are delivered in accordance with the participant's identified needs. Based upon those needs, the consultant shall:

- A. Provide the participant with information, support and assistance during the Medicaid eligibility processes, including the medical level of care (LOC) evaluation and financial eligibility processes;
- B. Assist the new participants with the requirements for establishing LOC within ninety (90) days of receiving the Primary Freedom of Choice. Assist existing participants with annual LOC requirements within thirty (30) days prior to the expiration of the LOC;
- C. Assist the participants in utilizing all program assessments, such as the client individual assessment and the level of care abstract, to develop the SSP;
- D. Ensure the completion of the initial development of the service and support plan (SSP) within ninety (90) days of eligibility determination as required by the Departments; and
- E. Ensure that the SSP for each participant includes the following:
  1. The services and supports, covered by the Mi Via program, to address the needs of the participant as determined through an assessment and person-centered planning process;
  2. A The 24-hour emergency backup plan for services that affect health and safety of participants; and
  3. The quality indicators, identified by the participant, for the services and supports provided through the Mi Via Program.

- F. Ensure that the SSP is submitted in the appropriate format and platform as prescribed by the state (this includes an online system).
- G. Ensure the completion and submission of the annual SSP to the TPA thirty (30) days prior to the expiration of the plan.
- H. Provide a copy of the final SSP and budget documents to participants.
- I. Educate participants regarding Mi Via covered supports, services, and goods;
- J. Assist the participant to identify resources outside the Mi Via Program that may assist in meeting their needs;
- K. Provide additional support based upon the needs of the participant. The amount and type of support needed must be specified in the SSP. All new Mi Via participants are required to receive the level of support outlined in this section for the first three months of program participation. The additional support includes, but is not limited to the following:
  - 1. Provide education related to how to use the Mi Via program;
  - 2. Provide training for the participant related to the decision-making process in order to fully utilize the Mi Via Program;
  - 3. Assist in implementing the SSP to ensure access to Mi Via goods, services, support, and to enhance success with self-direction;
  - 4. Assist in the identification of employees and vendors;
  - 5. Assist with employer/vendor functions such as recruiting, hiring and supervising workers; establishing and documenting job descriptions for direct supports; completing forms and approving/processing timesheets and purchase orders or invoices for goods, and identifying and negotiating with vendors;
  - 6. Identify and support the participant to arrange for participant specific training of the participant's employee(s) /service provider(s) in circumstances where the participant is unable to provide the training;
  - 7. Ensure the participant's requirements for training of employee(s) /service provider(s) are documented in the SSP and outlined in the job description;
  - 8. Assist the participant to identify and access other resources for training employee(s)/service provider(s), if applicable;

9. Assist the participant to identify local community resources, activities and services, and help the participant identify how they will access these resources, if applicable; and
  10. Assist the participant in managing the service plan budget to include reviewing budget expenditures; preparing and submitting budgets and revisions.
- L. Assist participants to understand and complete the eligibility process, the SSP approval process and with the resolution of other problems related to the program requirements.
  - M. Assist participants to identify issues related to the implementation of the SSP.
  - N. Serve as an advocate for the participant, as needed, to enhance his/her opportunity to be successful with self-direction.
  - O. Oversee quality assurance activities to ensure implementation of the participant's SSP, utilization of the authorized budget, and timely submission of annual SSP and/or revisions.
  - P. Assist participants to transition to another consultant provider when requested. Transition from one consultant provider to another can only occur at the first of the month.

### **III. Contact Requirements**

- A. Consultant providers shall make contact with the participant at least monthly for a routine follow up. This contact can either be face to face or by telephone;
- B. Consultant providers shall meet face to face with the participant at a minimum of quarterly for the following purposes:
  1. Review and document progress on implementation of the SSP;
  2. Document any usage and the effectiveness of the 24-hour Emergency Backup Plan;
  3. Review SSP/budget spending patterns (over and under utilization);
  4. Assess quality of services, supports and functionality of goods in accordance with the quality assurance section of the SSP and any applicable Mi Via service standards;

5. Document the participant's access to related goods identified in the SSP;
6. Review any incidents or events that have impacted the participants' health and welfare or ability to fully access and utilize support as identified in the SSP ; and
7. Other concerns or challenges as noted by the participant/ representative.

#### **IV. Incident Management and Reporting Requirements**

- A. The consultant provider shall provide training to participants related to recognizing and reporting incidents of abuse, neglect or exploitation. This shall include reporting procedures for employees, participant/participant representative, and other designated individuals;
- B. The consultant provider shall report incidents of abuse, neglect and/or exploitation as directed by the state.
- C. Incidents are reported to:
  1. Department of Health/Division of Health Improvement (DOH/DHI) for services provided by a community-based waiver service agency.
  2. Aging and Long-Term Services Department/Adult Protection Services (ALTSD/APS) or to the Children, Youth, and Family Department/Children's Protection Services (CYFD/CPS) for services provided by any employee, contractor or vendor, other than a community-based waiver service agency.

#### **V. Administrative Requirements**

- A. The consultant provider shall comply with all applicable federal, state and waiver regulations, all policies and procedures governing consultant services, and shall meet all of the following requirements, as applicable:
  1. Have a current business license issued by the state, county or city government as required;
  2. Maintain Financial Solvency;
  3. Ensure all employees providing consultant services under this standard attend all state-required orientation and trainings and demonstrate knowledge of and competence with the Mi Via policies and procedures,

philosophy, including self-direction, financial management processes and responsibilities, needs assessments, person-centered planning and service plan development, and adhere to all other training requirements as specified by the state;

4. Ensure that all employees are trained and competent in the use of the fiscal management online system;
  5. Ensure all employees providing services under this scope of service and all other staff paid with Mi Via funds, are trained on how to identify and where to report critical incidents abuse, neglect and exploitation; and
  6. Ensure compliance with the 7.1.9 NMAC - Caregivers Criminal History Screening Requirements for all employees.
- B. The consultant provider shall develop a quality management plan to ensure compliance with regulatory and program requirements and to identify opportunities for continuous quality improvement.
- C. The consultant provider shall conduct an annual participant satisfaction survey. A copy of a report summarizing the results of this survey must be submitted to the New Mexico Department of Health, Developmental Disabilities Supports Division upon provider renewal or as requested by the state.
- D. The consultant provider shall ensure that participants have access to the consultant provider. This requirement includes, but is not limited to the following:
1. The consultant provider must maintain a presence in each region for which they are providing services;
  2. The consultant provider must maintain a consistent way (for example, phone, pager, email, and fax) for the participant to contact the consultant provider during typical business hours 8:00 a.m. to 5:00 p.m. Monday through Friday);
  3. The consultant provider must maintain a consistent way( for example phone, pager, email, and fax) for the participant to contact the consultant provider during non-business hours prior to 8:00 a.m. and after 5:00 p.m. on weekdays and on weekends) and for emergency purposes;
  4. The consultant provider must provide a location to conduct confidential meetings with participants when it is not possible to do so in the participant's home. This location must be convenient for the participant and compliant with the Americans with Disabilities Act (ADA);

5. The consultant provider must maintain an operational fax machine at all times; and
  6. The consultant provider must maintain an operational email address, internet access, and the necessary technology to access Mi Via related systems.
- E. The consultant provider shall maintain a current local/state community resource manual.
- F. The consultant provider shall adhere to Medicaid General Provider policies 8.302.1.
- G. The consultant provider shall maintain HIPAA compliant primary records for each participant including, but not limited to:
1. Current and historical SSPs and budgets;
  2. Contact log that documents all communication with the participant;
  3. Completed/signed quarterly visit form(s);
  4. TPA documentation of approvals/denials, including budgets and requests for additional funding;
  5. TPA correspondence; (requests for additional information; requests for additional funding, etc);
  6. Assessor's individual specific health and safety recommendations;
  7. Notifications of medical and financial eligibility;
  8. Approved Long Term Care Assessment Abstract with level of care determination and Individual Budgetary Allotment from the TPA;
  9. Budget utilization reports from the FMA;
  10. Environmental modification approvals/denials;
  11. Legally Responsible Individual (LRI) approvals/denials;
  12. Documentation of participant and employee incident management training;
  13. Copy of legal guardianship or representative papers and other pertinent legal designations; and
  14. Copy of the approval form for the authorized representative.

- H. The consultant provider shall ensure the development and implementation of a written grievance procedure in compliance with 8.349.2.11 NMAC.

## **VI. Qualifications**

- A. Consultant providers shall ensure that all individuals providing consultant services meet the criteria specified in this section:

1. Consultant providers shall:

- a) Be at least 18 years of age;
- b) Possess a minimum of a Bachelor's degree in social work, psychology, human services, counseling, nursing, special education or a closely related field;
- c) Have one year of supervised experience working with seniors and/or people living with disabilities;
- d) Complete all required Mi Via orientation and training courses;  
and
- e) Pass a criminal background check and abuse registry screen.

Or

1. Consultant providers shall:

- a) Be at least 18 years of age;
- b) Have a minimum of six (6) years of direct experience related to the delivery of social services to seniors and/or people living with disabilities ;
- c) Be employed by an enrolled Mi Via Consultant Provider agency;
- d) Complete all required Mi Via orientation and training courses;  
and
- e) Pass a criminal background check and abuse registry screen.

## **VII. Conflict of Interest**

- B. The consultant provider may not provide any other services for participants that are enrolled with the consultant provider; and
- C. The Consultant provider may not employ, as a consultant, any immediate family member or guardian of an individual served by the consultant provider.

## **VIII. Staff Ratio Requirements**

- A. The consultant provider must assure that the number of participants assigned to consultants do not exceed an average (mean) of fifty (50) participants. The actual number of participants on each case load shall be determined based upon the unique needs of each individual. And, the consultant/agency must ensure that all required consultant functions are met and that there is adequate time to provide the necessary supports unique to each participant.

## **IX. Reimbursement**

- A. Consultant services shall be reimbursed based upon a per-member/per-month unit.
  - 1. There is a maximum of twelve (12) billing units per participant per SSP year.
  - 2. A maximum of one unit per month can be billed per each participant receiving consultant services.
  - 3. Provider records must be sufficiently detailed to substantiate the nature, quality, and amount of consultant services provided.
  - 4. Months for which no documentation is found to support the billing submitted shall be subject to non-payment or recoupment by the state.
  - 5. The consultant provider/agency shall provide the level of support required by the participant and a minimum of four (4) face to face quarterly visits per SSP year. One of the quarterly meetings must include the development of the annual SSP and assistance with the LOC assessment.
  - 6. Consultant providers shall submit all billing through the Mi Via FMA as determined by the state.
- B. Non-Billable Services Include:

1. Services furnished to an individual who does not reside in New Mexico.
2. Services furnished to an individual who is not eligible for the Mi Via Program.
3. Participation by the Consultant/Support Guide in any educational courses or training.
4. Outreach activities, including contacts with persons potentially eligible for the Mi Via Program.
5. Consultant services furnished to an individual who is in an institution (e.g., ICF/MR, nursing facility, hospital) or is incarcerated, except for discharge planning services in accordance with MAD Supplement No. 01-22.