

PARTICIPANT-DIRECTION

1201. General

The Comprehensive Supports Waiver (COMP) Program and the New Options Waiver (NOW) Program promote personal choice and control over the delivery of waiver services by affording opportunities for participant-direction that are available to participants who live in their own private residence or the home of a family member.

The Participant or his or her Representative (Participant/Representative), assisted by the Support Coordinator, chooses services that meet their needs from among the allowable under the participant-directed service delivery model. The Participant/Representative exercises Employer Authority and has decision-making authority over the support workers who provide waiver services. The Participant/Representative may function as the employer of record (common law employer) of support workers or may be the co-employer with a traditional provider agency, which functions as the employer of record.

The Participant/Representative also exercises Budget Authority and has decision-making authority over a budget for services provided through the participant-directed waiver service delivery model. The amount of the participant-directed budget is the amount of the waiver allocation minus any costs for provider-managed services.

1202. Participant Eligibility

The COMP/NOW provides every Participant/Representative, the opportunity to elect to direct up to (18) waiver services. Should the Participant/Representative choose to participant direct allowable waiver services, the election must be specified in the Individual Service Plan (ISP). The participant enrolled in Participant-Directed service delivery model may receive other COMP/NOW waiver services through Traditional Agency Providers except for the exclusions specified in the Part III, Policies and Procedures Manual for the COMP/NOW Program. Traditional Agency Provider services must be specified in the Individual Service Plan (ISP) in accordance with provider requirements and qualifications specified for each respective service in the Part III, Policies and Procedures for the COMP/NOW Program.

1203. Participant-Direction by a Representative

Waiver services may be directed by:

- 1) A legal representative of the participant, or
- 2) A non-legal representative freely chosen by an *adult* participant.

A representative assists with participant-direction responsibilities on behalf of the participant. Representatives must follow all requirements related to the direction of waiver services, including signed documentation of their understanding of their role and responsibilities as a representative. Support Coordinators assist the representative in the development of the Individual Service Plan and the Individual Budget for Participant Direction.

An adult waiver participant's Support Coordinator may assist him or her in choosing an appropriate, qualified representative who will serve in his or her best interests. Whenever an adult waiver participant chooses a non-legal representative, his or her Support Coordinator assures at least an annual review of whether the continued direction of waiver services by the non-legal representative is in the best interests of the adult waiver participant. Community Guides provide, if needed, direct assistance to the representative on ISP and Individual Budget development that support community connections. Support Coordinators assure that representatives direct the inclusion of items in the Individual Budget that tie to specific ISP goals, which are based on the individual needs of the waiver participant. Under no circumstances may a representative for an individual in Participant-Direction be approved to be the provider of service. The Financial Support Service only pays for services specified in the Individual Service Plan, and Support Coordinators additionally monitor the provision of these services in relation to ISP goals, the health and safety of the waiver participant, and the meeting of all participant-direction responsibilities.