

Department of Legislative Services
 Maryland General Assembly
 2008 Session

FISCAL AND POLICY NOTE

House Bill 783 (Delegate Robinson, *et al.*)
 Health and Government Operations

**Community Attendant Services and Supports Program - Personal Assistants -
 Requirements for Family Members**

This bill establishes training requirements for an individual who receives Medical Assistance (Medicaid) payments for providing services to a family member under the Community Attendant Services and Supports Program. Qualifying individuals must submit evidence to the Department of Human Resources that documents that the individual has completed: (1) a course of study equivalent to certified nursing assistant or certified living assistant training; and (2) training in business operations.

Fiscal Summary

State Effect: Medicaid expenditures (50% general funds, 50% federal funds) could increase by \$48,200 in FY 2009 to hire an additional waiver coordinator to verify that family members meet all training requirements. Additional waiver expenditures may result if consumers forgo the individual provider model in favor of agency-provided services. Revenues would not be affected.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	24,100	29,600	31,000	32,600	34,200
FF Expenditure	24,100	29,600	31,000	32,600	34,200
Net Effect	(\$48,200)	(\$59,200)	(\$62,000)	(\$65,200)	(\$68,400)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Potential minimal increase in revenues for providers of training services that qualify as small business.

Analysis

Current Law: The Community Attendant Services and Supports Program provides services through the Medicaid home- and community-based services waiver to individuals with disabilities who are discharged or diverted from nursing facilities. Eligible individuals must be between 21 and 59 years old with an income less than 300% of Supplemental Security Income.

Services are provided based on an individualized support plan developed after an assessment of the consumer's functional need. The plan must be developed and approved with input from the consumer and his or her representative. Supports may include dressing, preparing meals, bathing and personal hygiene, moving to and from bed, and other services of daily care.

Attendant services and supports are available 24 hours a day in a consumer's home or other independent or supported living environment, including school, work, recreational, and religious settings. A consumer may select or hire anyone, including a family member, as a personal assistant. With the exception of a spouse, a family member may receive Medicaid payments for providing services. DHR is authorized to waive certain regulatory requirements for a personal assistant if he or she is a family member or otherwise known and chosen by the consumer.

DHR is required to offer consumer training on how to select, manage, and dismiss an attendant and the financial management of community attendant services and supports.

Background: The Community Attendant Services and Supports Program was transferred to the Department of Health and Mental Hygiene by a memorandum of understanding dated July 1, 2005 and is administered under the Living at Home Waiver. According to DHMH, approximately 500 individuals are enrolled in the program in fiscal 2008. The program's budget and enrollment under the waiver are limited, with interest in the program exceeding available resources. Chapter 303 of 2003 extended enrollment in the waiver under the Money Follows the Individual Act, allowing Medicaid recipients leaving nursing facilities to enroll even when a waiting list exists for individuals in the community.

Training Programs

There are nearly 200 programs approved by the Maryland Board of Nursing to provide training as a certified nursing assistant. As an example, the program offered by the American Red Cross includes 72 hours of classroom instruction, 42 hours of clinical instruction, and 29 hours of laboratory work. An applicant must pass a literacy test to qualify for the program, which costs \$35. Course registration and fees total \$825, with additional costs for uniforms, examinations, and State certification.

Living assistant and business operations training are not standardized courses of study and the cost of these programs can not be reliably determined.

State Fiscal Effect: Medicaid expenditures (50% general funds, 50% federal funds) could increase by an estimated \$48,204 in fiscal 2009, which accounts for the bill's October 1, 2008 effective date. This estimate reflects the cost of hiring one waiver coordinator to determine which providers qualify as family members under the consumer-directed individual provider model and verify that these individuals have met all applicable training requirements. The estimate includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1
Salary and Fringe Benefits	\$41,551
Start-up Costs and Operating Expenses	<u>6,653</u>
Total FY 2009 State Expenditures	\$48,204

Future year expenditures reflect • a full salary with 4.4% annual increases and 3% employee turnover; and • 2% annual increases in ongoing operating expenses.

The effect on nonadministrative waiver program costs cannot be reliably determined. An estimated 45% of individuals enrolled in the waiver elect to use the consumer-directed individual provider model; an unknown percentage of these enrollees depend on a family member to provide services. Any cost associated with training of these individuals would be borne by the family member; however, waiver costs could increase if consumers in the individual provider model instead elected to use the agency-provider model because their family member could not or chose not to meet the bill's training requirements. Costs under the agency-provider model are generally higher than the individual provider model.

Any modification of the consumer's individualized support plan would have to continue to meet the waiver's cost limits. Inability to do so disqualifies a consumer from participation in the Living at Home Waiver.

Additional Comments: Training requirements apply only to family members providing services under the consumer-directed individual provider model and would not apply to unrelated friends or neighbors who are authorized to receive Medicaid payments for their services. Family member is not defined in the bill and would need to be determined by waiver program staff.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Department of Health and Mental Hygiene, Department of Legislative Services

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