



State of Louisiana
Louisiana Department of Health
Office of Aging and Adult Services
Office for Citizens with Developmental Disabilities

MEMORANDUM

TO: Fiscal Employer Agents (FEAs) **OCDD-P-20-060**
OAAS-P-20-042

FROM: Fernando Lopez-Evangelio, MHSA, Ph.D. *Fernando Lopez-Evangelio*
OAAS Assistant Secretary
Charles Ayles, OCDD Deputy Assistant Secretary *Charles Ayles*

DATE: November 18, 2020

SUBJECT: OAAS & OCDD Hazard Pay Policy and Procedures for Self-Direction In-Home Services Due to the COVID-19 Pandemic

This memorandum is to provide the Office of Aging and Adult Services (OAAS) and Office for Citizens with Developmental Disabilities (OCDD) Hazard Pay Policy and Procedures for Direct Service Workers (DSWs) due to the continuation of the COVID-19 emergency. The Louisiana Department of Health (LDH) has approved a Hazard Pay rate for DSWs working **with participants in the OCDD and OAAS Waivers**. DSWs who provide care to participants who **either test positive for COVID-19 or participants who have to quarantine due to living with a household member that tested positive for COVID-19** are eligible for this hazard pay rate for a specified period of time with some exceptions.

When Hazard Pay will NOT be Allowed:

Hazard pay is to ensure DSWs who **normally** work with the participants will continue to work even during the exposure/infection period.

OAAS:

- Hazard pay will **NOT** be provided to DSWs working in a participant's home where a household member is isolating but has **NOT** tested positive for COVID-19.
- The following individuals who became DSWs for participants under the **COVID-19 exceptions** are **NOT** eligible for hazard pay:
 - Participant's spouse;
 - Participant's curator;
 - Participant's tutor;
 - Participant's legal guardian;
 - Participant's responsible representative; or
 - Participant's power of attorney.

OCDD:

- Hazard pay is **NOT** available to DSWs working in a home where a family/household member is isolating but has **NOT** tested positive for COVID-19.
- The following individuals are **NOT** eligible for hazard pay:
 - **Household members that have become DSWs** under the exception criteria **will NOT be eligible for hazard pay.**
 - **Parents/Legal guardians and Self-Direction Employers who have become DSWs** under the exception criteria **are NOT eligible for hazard pay.**

Retroactive Payments:

- Retroactive payments **will be allowed for DSWs who worked with participants who tested positive for COVID-19 OR participants who lived with someone who tested positive for COVID-19 on or after March 21, 2020** (pandemic declaration). Payments will be allowed based on data previously entered into LaSRS and validated by the FEA and the Support Coordinator (SC) that the DSW is eligible for this hazard pay.
- If the SD Employer is requesting retroactive payments, they must contact the SC to ensure that the participant's or the participant's household member's COVID-19 test results were reported previously.
 - **If the SD Employer did NOT previously report this COVID-19 information, retroactive pay is NOT available to the DSW.**
 - If the COVID-19 information was previously reported and/or is in COVID-19 tracker in LaSRS, the SC will complete the "Request for Hazard Pay" form and forward it to the FEA for further review/processing. **(Refer to 3rd bullet under "Procedures" section for more details.)**

Verification:

- **Participants who test positive for COVID-19 and/or must quarantine due to known exposure** (live with a household member who has tested positive for COVID-19) must be reported to their SC who will update the COVID-19 tracker in LaSRS.
- The SC must verify all information for the participant's date of exposure (household member's positive test), date of participant's test, result of test, and/or date of recovery.

Procedures:

- The SD Employer must report the participant's COVID-19 information (including if a participant tests positive for COVID-19 and/or participant must quarantine due to known exposure (positive COVID-19 test from a household member) to the SC for this information to be entered into the COVID-19 tracker in LaSRS.
- If the DSW is working for a participant that is in quarantine due to exposure from a household member or has received a positive COVID-19 test, the SD Employer will inform the SC at this time.
- The SC will:
 - Discuss details for hazard pay with the SD Employer to verify if the DSW is eligible for hazard pay based on the OAAS or OCDD Hazard Pay policy/criteria (Refer to "When Hazard Pay will NOT be Allowed") and ensure that all of the participant's COVID-19 information is in the COVID-19 tracker in LaSRS.
 - Complete the "Request for Hazard Pay" form and forward to the FEA with the following information completed:
 - Participant's Name;
 - DSW/Employee Name(s); and
 - SC/SCA Email Address.
- The FEA will receive the completed "Request for Hazard Pay" form from the SC and verify the following information for the program offices:

OCDD

- Is the DSW(s) requesting hazard pay on form the SD Employer on File?
- Is the DSW(s) requesting hazard pay on the form living with the participant?

OAAS

- Is the DSW(s) requesting hazard pay on form the SD Employer on file?
- Is the DSW(s) listed on the form NOT the participant's spouse, tutor, curator, responsible representative, legal guardian or power of attorney?

- After the FEA verifies the DSW eligibility, the FEA will complete their portion of the "Request for Hazard Pay" form by:
 - Marking the appropriate box (eligible or ineligible) on the DSW table.
 - Adding the DSW Employee ID next to each DSW's name within the DSW table.

- Signing/dating the completed form and then forwarding it to the SC/SCA email address listed on the form.
- The SC will complete the final verification by completing their portion of the "Request for Hazard Pay" form and return a copy to the FEA and SD Employer. Units will only be released if the DSW is eligible as indicated by the FEA or Support Coordinator.

A maximum of 40 calendar days will be allowed for hazard pay per participant, if the participant received a positive COVID-19 test. A maximum of 14 calendar days will be allowed for hazard pay per participant, if the participant quarantined due to COVID-19 exposure by a household member who tested positive for COVID-19. If during the quarantine period, the participant tests positive for COVID-19, then an additional 26 calendar days may be added to the original 14 calendar days. Once the participant receives a negative COVID-19 test, hazard pay will end for the DSW on the date of the negative test.

Important Points:

- SD Employers and SCs must communicate and have accurate dates and times of exposures and COVID-19 testing.
- **Quarantined due to known exposure** is defined as the participant living with someone who has received a positive COVID-19 test.
- COVID-19 information must be in LaSRS.
- COVID-19 information must be verified by the SC.
- **The SD Employer is RESPONSIBLE for notifying the SC regarding COVID-19 information (including if a participant tests positive for COVID-19, participant has been exposed to COVID-19 by a household member, etc.) even if hazard pay is NOT being requested for the DSW.**

Payment Criteria:

- The FEA will be able to bill up to \$0.79 per 15 minute unit for the eligible DSW for hazard pay.
- Included in this \$0.79, the FEA must calculate the DSW's workers' compensation and appropriate tax amounts to determine additional costs.
- Of this \$0.79, a minimum of \$0.50 per 15-minute unit is required to be paid directly to the eligible DSW. OAAS and OCDD reserves the right to review and audit all records related to the hazard pay and may assess penalties for non-compliance.
- **NO** units will be billed by the FEA if the DSW will **NOT** be paid the hazard pay.

Procedure Codes:

OAAS:

Statistical Resources, Inc. (SRI) will release the same number of units that were recorded in LaSRS for the regular S5125 (PAS).

Personal Assistance Services (PAS) - Community Choices Waiver (CCW)			
HCBS Service Description	HIPAA Code	Modifier	Unit
Personal Assistance Services – Hazard Pay	S5125	CR	Up to \$0.79 per 15 minutes

Refer to the latest updated Community Choices Waiver Fee Schedules at the link below: https://www.lamedicaid.com/Provweb1/fee_schedules/OAAS_Fee.htm

OCDD:

The procedure code to be used is S5125 TU. Statistical Resources, Inc. (SRI) will release the same number of units for S5125 TU as was released for the S5125 services recorded in LaSRS for the time frame and DSWs approved.

The following OCDD waiver services are eligible for hazard pay:

OCDD Waiver	Eligible In-Home Service	Procedure Codes	Modifiers
NOW	Individual and Family Support (IFS) Day, Night, Single and Shared	S5125	U1, UJ, UN, UP
ROW	Community Living Support (CLS) Single and Shared	S5125	None, UN, UP
Children's Choice	Family Support (FS) Single and Shared	S5125	None, UN

If you have any questions for OAAS, please contact OAAS.ProviderRelations@la.gov or if you have any questions for OCDD, please contact OCDD-HCBS@la.gov

- c: Medicaid Program Support and Waivers
 Statistical Resources, Inc.
 OAAS Regional Offices
 Local Governing Entities (LGEs)
 Support Coordination Agencies – OAAS and OCDD

Attachments: OAAS Request for Hazard Pay – Self-Direction Form
 OCDD Request for Hazard Pay – Self-Direction Form