

## CHAPTER 32: NEW OPPORTUNITIES WAIVER

## SECTION 32.2: SELF-DIRECTION OPTION

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**SELF-DIRECTION OPTION**

Self-direction is a service delivery option which allows ~~recipients~~beneficiaries to become the employer of the direct service workers (DSWs) they choose to hire to provide their supports. As the employer, the ~~recipient~~beneficiary or his/her authorized representative is responsible for recruiting, training, supervising and managing their direct service workers.

A required component of this option is the use of a contracted fiscal/employer agent who will perform the ~~recipient's~~beneficiary's employer-related payroll functions. ~~Recipients~~Beneficiaries must utilize support coordination services for the development of the ~~Plan~~plan of ~~Care~~care (POC), budget planning, ongoing evaluation of supports and services and for organizing the unique resources the ~~recipient~~beneficiary needs.

~~Recipients~~Beneficiaries participating in this option must:

1. Be a New Opportunities Wavier (NOW) ~~recipient~~beneficiary;
2. Be able to participate in this option without a lapse or decline in quality of care or an increased risk to his/her health and welfare;
3. Complete the mandatory training including rights and responsibilities of managing his/her own services and supports offered by the support coordinator;
4. Understand the rights, risks, and responsibilities of managing his/her own care, and managing and using an individual budget, or if unable to make decisions independently, have a willing decision maker (authorized representative who is listed on the ~~recipient's~~beneficiary's plan of carePOC) who understands the rights, risks, and responsibilities of managing the care and supports of the ~~recipient~~beneficiary within the individualized budget; and
5. Participation in the development and management of the approved personal purchasing plan:
  - a. Annual budget is determined by the recommended service hours listed in the beneficiary's comprehensive plan of care (CPOC) to meet his/her needs; and the
  - a.b. Beneficiary's individual budget includes a potential amount of dollars within which the beneficiary or his/her authorized representative exercises

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decision-making responsibility concerning the selection of services and service providers.

- 4.6. Follow all rules and requirements pertaining to Self-Direction as outlined in the Office for Citizens with Developmental Disabilities (OCDD) Self-Direction Handbook.

**NOTE:-** An individual who is unable to make decisions independently or who does not have an authorized representative as their willing decision maker is not eligible to enroll in the Self-Direction option, and also receive or continue to receive Supported Independent Living (SIL) services are not allowed at the same time as the beneficiary receives the self-direction option.

### **Termination of the Self-Direction Service Delivery Option**

Termination of participation in the self-direction service delivery option requires a revision of the CPOC, the elimination of the fiscal agent and the selection of the Medicaid-enrolled waiver service provider(s) of choice.

#### **Voluntary Termination**

The waiver beneficiary may choose at any time to withdraw from the self-direction service delivery option and return to the traditional provider agency management of services.

#### **Involuntary Termination**

The Department may terminate the self-direction service delivery option for a beneficiary and require him/her to receive provider-managed services under the following circumstances:

1. Health or welfare of the beneficiary is compromised by continued participation in the self-direction service delivery option;
2. Beneficiary is no longer able to direct his/her own care and there is no responsible representative to direct the care;
3. There is misuse of public funds by the beneficiary or the authorized representative; or

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4. Over three consecutive payment cycles, the beneficiary or authorized representative:
  - a. Places barriers to the payment of the salaries and related state and federal payroll taxes of direct support staff;
  - a. Fails to follow the Personal Purchasing Plan;
  - b. Fails to provide required documentation of expenditures and related items;  
or
  - c. Fails to cooperate with the fiscal agent or support coordinator in preparing any additional documentation of expenditures.
  
5. All services rendered shall be prior approved and in accordance with the CPOC.

**Service Limits**

Authorized representatives, legally responsible individuals, and legal guardians may be the employers in the self-directed option but may not also be the employees.

Employers of the self-direction option must live and be a resident of Louisiana.

Legally responsible individuals may only be paid for services when the care is extraordinary care in comparison to that of a beneficiary of the same age without a disability and the care is in the best interest of the beneficiary.

Family members who are employed in the self-directed option must:

1. Meet the same standards as direct support staff that are not related to the beneficiary; and
- ~~1.2.~~ Must not exceed a total of 40 hours per week/per beneficiary when employed in the self-directed option, if they reside in the home with the beneficiary.