

ODP Clarifies Regarding Hours of ID/A Waiver Services Provided by Relatives or Legal Guardians

[ODP Announcement 20-090](#) provides guidance regarding services rendered by relatives or legal guardians to individuals enrolled in the Consolidated, Community Living or Person/Family Directed Support waivers, also known as the Intellectual Disability/Autism (ID/A waivers).

In response to the COVID-19 pandemic, the Office of Developmental Programs (ODP) requested and received approval from the Centers for Medicare and Medicaid Services (CMS) through Appendix K, for the ability to allow more flexibility in the types of ID/A waiver services that relatives and legal guardians can provide as well as the number of hours of services that relatives and legal guardians can provide. The flexibilities and requirements were previously published in Announcements 20-027 and 20-072. Based upon feedback from stakeholders, this communication reiterates the types of waiver services that relatives and legal guardians can provide.

The following table outlines the services that relatives and legal guardians can provide as qualified direct service professionals or support service professionals (through a participant-directed services model) to an individual enrolled in an ID/A waiver. The table also provides information about whether the service can be rendered as a result of the ID/A waivers that were approved by CMS prior to the start of the COVID-19 pandemic or whether they can only be rendered as a result of the approval of Appendix K. When Appendix K is listed, this means relatives and legal guardians can only provide the service during the period that Appendix K is effective, currently March 11, 2020 through March 10, 2021.

Service Name	Allowable Through Regular ID/A Waivers or Appendix K
In-Home and Community Support	Regular Waiver
Companion	Regular Waiver
Residential Habilitation (including Supplemental Habilitation)	Appendix K
Supported Living (including Supplemental Habilitation)	Appendix K
Life Sharing (including Supplemental Habilitation)	Regular Waiver
Respite	Regular Waiver
Supported Employment	Regular Waiver
Supports Broker	Regular Waiver
Shift Nursing	Regular Waiver
Transportation Mile	Regular Waiver

As described in the regular ID/A waivers, relatives and legal guardians can be reimbursed to provide waiver services when the following conditions are met:

- The individual has expressed a preference to have the relative or legal guardian provide the service(s);
- The service provided is not a function that the relative or legal guardian would normally provide for the individual without charge in the usual relationship among members of a nuclear family;
- The service would otherwise need to be provided by a qualified provider of services funded under the Waiver;
- The relative or legal guardian is not the common law employer or managing employer for the individual that they will provide services to. The only service a common law employer or managing employer may receive payment for is Transportation (Mile); and
- The service is provided by a relative or legal guardian who meets the qualification criteria that are established by ODP.

The document provides additional information. This communication was originally published on 7/31/2020, however, due to technical difficulties with ODP listservs, it was not disseminated. We apologize for the delay in its receipt.