



Mississippi Department of Mental Health
Provider Bulletin
Number PR0129

Subject: Family Members providing Home and Community Support

Issue Date: October 5, 2022

Effective Date: October 5, 2022

Scope

All IDD Certified Providers for Home and Community Supports

Purpose

Due to the federal Public Health Emergency (PHE), the Department of Mental Health with approval from the MS Division of Medicaid and Center for Medicare and Medicaid Services (CMS) will temporarily allow certain family members who live with a person enrolled in the Intellectual Disabilities/Developmental Disabilities (ID/DD) Waiver to provide Home and Community Supports. The intent of this flexibility is to fill unutilized hours due to the lack of staffing available during the federal Public Health Emergency (PHE). Current staff providing Home and Community Supports cannot be terminated or displaced for the sole purpose of allowing a family member to provide the service.

The flexibilities described below are *time-limited* and will no longer be allowed beyond six months of the end of the federal PHE or no later than the approval of the renewed 5-year application of the ID/DD Waiver scheduled for July 1, 2023, whichever comes first.

Subject

Rule 47.2.A. for Home and Community Supports is temporarily revised during the federal Public Health Emergency (PHE). Under this provider bulletin, IDD certified providers of Home and Community Supports may hire non-legally responsible family members of the person receiving the service with the following exclusion(s):

- Home and Community Supports staff shall not be the spouse of a person supported; shall not be a legal guardian; or shall not be the parent, step-parent or custodial grandparent of a person supported under age 18 years, whether the relationship is by blood, by marriage, or by adoption
- Home and Community Supports staff cannot be responsible for providing support to another non-ID/DD Waiver person at the same time as providing the service.

Family members who are employed as staff to provide Home and Community Supports must meet the same standards as staff who are unrelated to the person receiving the service including all personnel and training requirements and service record documentation requirements. A family member terminated for lack of meeting these requirements cannot be hired by another Home and Community Supports provider to serve the same family member.

The amount of service hours a person receives continues to be determined by the person's support needs and must be pre-approved and authorized through a Service Authorization from the person's Support Coordinator. Family members may provide all or a portion of the authorized service hours but cannot

exceed more than a maximum of one-hundred seventy-two (172) hours per month or forty (40) hours per week. Service hours must be provided during awake hours.

Support Coordinators must be notified prior to the employee's start date of any family member serving as Home and Community Supports staff, his/her relationship to the person, if the family member lives within the home or outside of the home, and the number of authorized hours the family member will provide. Providers must keep documentation of notification to Support Coordination. Support Coordinators must document the information in the person's Plan of Services and Supports.

Rule 47.2.E. requires providers to conduct drop in, unannounced quality assurance visits during the time the approved family member is providing services. The quality assurance visits must occur at least once every three months for a family member living within the home.

If you have questions, contact Betty Pinion, Director of ID/DD Waiver at betty.pinion@dmh.ms.gov or call (601)359-5797.

End of Provider Bulletin