



Mississippi Department of Mental Health

Provider Bulletin

Number PR0138

Subject: Ending Appendix K Flexibilities for Family Caregivers providing Home and Community Supports

Issue Date: 7/2/2023

Effective Date: 7/1/2023

Scope

All IDD Certified Providers for Home and Community Supports

Purpose

In response to the end of the federal Public Health Emergency (PHE) and the ID/DD Waiver 5-year renewal scheduled for 7/1/2023, the Department of Mental Health issued Provider Bulletin PR0137 to outline changes in requirements for family members seeking to provide Home and Community Supports and In-Home Respite effective 7/1/2023. This Provider Bulletin provides guidance around the process for current family members approved to provide Home and Community Supports under the Appendix K flexibilities who do not qualify under the revised standards.

Subject

All family members currently approved to provide Home and Community Supports (HCS) must be assessed by their employer under the new guidelines outlined in Provider Bulletin PR0137 which takes effect 7/1/2023.

Providers are to complete the “Qualifying Relative Questionnaire” form. Division of Medicaid (DOM) allows an exception through 11/10/2023 if the relative approved under the Appendix K does not meet the new requirements with the following documentation. From 7/1/2023 through 11/10/2023, non-qualifying relatives may continue to render direct care services under the Appendix K flexibilities. In instances where a non-qualifying relative continues to provide waiver services under these flexibilities, the provider must document the need for flexibility and the plan for full compliance by 11/10/2023. DOM/DMH has provided the “Documentation for Appendix K Exception to Relatives as Direct Care Worker (DCW) Requirements” form as a tool to capture the auditable information. Both forms are to be kept in the Waiver member’s (Waiver participant’s) file. It is the HCS provider’s responsibility to keep the required documentation on file for DOM audit.

All Home and Community Supports (HCS) staff must comply with the new waiver requirements after the Appendix K expires on 11/10/2023. HCS providers are expected to educate person/family/staff concerning the change in requirements. HCS providers must inform Support Coordinators of status of family members serving as HCS staff. Support Coordinators will also educate the Waiver participant/legal representatives about the new waiver requirements and offer them Freedom of Choice of qualifying providers as needed/requested. Support Coordinators are not responsible for ensuring HCS providers are compliant with the new regulations. Support Coordination should notify DMH ID/DD Waiver of any suspected non-compliance with these requirements by providers after 11/10/2023.

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