

To: Managed Care Organizations for Employment and Community First CHOICES
From: Lisa A. Mills PhD, Deputy Chief of LTSS
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Subject: **Guidance on Flexible Scheduling in Authorization of Services for Employment and Community First CHOICES Members**

Background:

Employment and Community First (ECF) CHOICES is a managed long-term services and supports program administered by the State’s contracted Managed Care Organizations (MCOs) that offers home and community-based services to eligible individuals with intellectual and developmental disabilities. ECF CHOICES is a program designed to promote competitive employment and integrated community living as the first and preferred option for members, and is driven by person-centered planning practices and supports for achieving the greatest level of independence possible. Many of the services offered in ECF CHOICES are different than any other home and community-based services offered today, and are designed to be delivered flexibly and in unique combinations that support the member’s personal goals and outcomes, and reflect the member’s desired lifestyle and preferences.

The CRA requires that service authorizations include the schedule at which ECF CHOICES services are typically needed or preferred, as applicable, including whether the member requests or agrees to accept flexibility in his/her typical schedule. It further specifies that MCOs shall not lead a member to develop a schedule that is more prescriptive than is needed or preferred, or that does not provide for flexibility that the member may want—whether to allow flexibility so the member’s preferred provider has capacity to deliver needed services or to provide the member with flexibility to adjust the schedule as his or her needs and preferences change. This guidance document will instruct MCOs and ECF CHOICES providers on how to assure flexibility in service scheduling when members need or prefer such flexibility, while maintaining the integrity of the program and ensuring receipt of services in accordance with members’ needs.

Accommodating Member Need or Preference for Flexibility in Scheduling ECF Services:

TennCare wants to assure that members receive services in accordance with their needs and preferences. This includes assuring that members have ample flexibility in their schedule that allows them to engage in employment and other activities that help them reach their stated goals and outcomes. This flexibility in scheduling of services is often necessary if:

- A member is employed and has work schedule that varies, as dictated by the employer;
- Members have things they do with family or friends, which does not involve the provision of ECF services, and the member wants ECF services delivered at times that do not interfere with the things they do with family or friends.
- Members have opportunities to engage in specific community activities that may occur at varying times from week to week and they need ECF supports to engage in those community activities;

- Members are receiving multiple services and the opportune time to deliver each service (given the goals and outcomes the service is designed to support) may vary from week to week or day to day, partly due to when other services are best scheduled.

When a member is first beginning services, it is likely to be more important that flexibility in service scheduling is accommodated in the PCSP and service authorizations. As members and their families begin interfacing with the provider(s) they selected, it is expected that they can – together - determine the best schedule for service delivery. In the early stages after enrollment, it is also expected that the initial schedule may need to be adjusted based on experience and learning about what works best.

TennCare expects that MCOs can accommodate the flexibility that a member desires in the MCO service authorization processes. **As a guiding principle, the schedule of service delivery should be crafted with as much flexibility and/or specificity as the member wants and needs.** Members who need or desire specificity in scheduling services should have that outlined in their Person-Centered Support Plan (PCSP) and authorizations, while members who would find flexibility more beneficial should not have PCSPs or authorizations that dictate a specific schedule for services. Some members may prefer specificity for certain services and flexibility for other services. This should also be reflected in the PCSP and service authorizations. MCO Support Coordinators should never require members to establish specific schedules for services as a condition of authorization, nor should they require members to agree to flexible schedules as a condition of authorization. The scheduling should always reflect the preferences and needs of the member.

When specificity is not needed or preferred by the member, it is recommended that the MCO authorize services on a weekly basis (i.e., a certain number of units per week) or when appropriate, even a monthly basis (i.e., a certain number of units per month) to ensure maximum flexibility is available to the member and to ensure the provider is able to accommodate such flexibility without requiring a change in the PCSP or service authorization.. It is also possible to schedule by the specific day(s) of the week when such services are needed on a specific day; but allowing those services to be delivered during a defined window of time each day rather than defining a specific start and end time, when appropriate based on the member's needs and preferences.

When specificity of schedule is needed or preferred by the member, the MCO should ensure the PCSP and services authorizations appropriately define the specific schedule of service delivery that the member needs or wants. Specificity may be needed to ensure critical personal supports (e.g. Personal Assistance, Supportive Home Care) are provided at the time the member needs these services or to accommodate the work schedule of unpaid family caregivers. Specificity may also be needed for any supports that help a member engage in employment (if the work schedule does not vary) or another type of scheduled community opportunity that the member has identified during the person-centered planning process (e.g. a class, church service, sports practice, swim or music lesson, club or organization meeting, or similar type of activity that the member wants to participate in, with support provided through ECF).

MCOs issue service authorizations and are responsible for ensuring that these authorizations are consistent with the PCSP, including any schedule for specific services that may be defined in the PCSP, based on the member's needs and preferences. MCOs are responsible for any updates to the PCSP and

updates to service delivery schedules that may be included in the PCSP. MCOs are also responsible for notifying providers in advance when a service authorization, including an authorization that includes a schedule for service delivery, will be changed. These service authorizations are used to initiate services and generally include the following information:

- Member identification information
- Service name and description
- Billing code, and modifier(s) if applicable, associated with the service being authorized
- Authorization period start and end dates
- Amount of service being authorized (units) during the authorization period
- Frequency of service delivery (e.g. units/day; units/week; units per month; units/authorization period)
- Service schedule, to the extent a specific schedule is desired by the member.

If a member's needs and/or preferences are such that the service start and end times must be specified and consistently adhered to, the schedule, including the needed day(s), start time(s) and end time(s) will be documented in the PCSP and specified on the service authorization. In such instances, the flexibility to provide services outside of the schedule is not permitted unless specifically requested by the member/representative. Any such request must be documented and if it is a request for a permanent change, rather than a one-off request, the MCO Support Coordinator must update the member's PCSP and the service authorization.

In all cases, Job Coaching and Supported Employment Small Group must be delivered based on the member's work schedule, which may vary depending on the employer or type of employment.

Therefore, if the work schedule varies, the schedule for Job Coaching or Supported Employment Small Group must be able to vary with the work schedule. If the work schedule does not vary, the schedule for Job Coaching or Supported Employment Small Group should be set to match the work schedule.

Services That Utilize Electronic Visit Verification (EVV):

Three ECF CHOICES services utilize the Electronic Visit Verification (EVV) system (Personal Assistance, Supportive Home Care and Respite). EVV captures the delivery of these services and triggers a response if the provider does not start the service at the scheduled time or the scheduled window of time. This is typically to ensure the member receives vital personal assistance that is necessary, examples of which include but are not limited to: timely assistance to enable a person to get to work on time; assistance with self-care needs; and/or assistance with transferring from or into bed.

MCOs' EVV systems are required to have functionality that allows for a range of specificity and/or flexibility in the scheduling of services in the EVV system.

Authorizing services with specified start time (no window of time)

ONLY if a member's need or desire to have an EVV service delivered at a specific time on the days the service is scheduled, the specific days of the week and specified start times for service delivery must be documented in the PCSP. Members should be educated about the full range of options available with respect to service scheduling, including the considerations that may assist them in making an informed decision. This includes the option of having the specific start time vary on each day of scheduled service delivery, if this is necessary to support the member's schedule. An example would be a member who is receiving Personal Assistance to get ready for work, and has a job that starts at different times on different days of the week. Therefore, the member must be ready to leave for work at different times, depending on the work schedule. This should be documented in the PCSP and the variation in the specific start time for the Personal Assistance service should be included in the PCSP.

Once the PCSP is completed, the MCOs will then issue authorizations for these services, with specific days of the week, specific start time on each day, and specific number of units approved, and this information will be loaded into the EVV system. Providers are responsible for providing the service as specified in the service authorization and based on the schedule generated.

- Providers will use the schedule generated by the authorization to assign the member's worker(s), as applicable.
- Providers may continue to request a one-time schedule deviation on behalf of a member. For example, if a member requests a one-time change to a day and/or start time, the provider shall request a schedule deviation in the EVV system. The MCO then has three (3) business days to resolve the schedule deviation by contacting the member to verify the needed change. The MCO will make the appropriate adjustment to the service authorization within three (3) business days if needed.

Authorizing services with a same day window of time (flexible start time)

EVV services may be authorized with a window of time for the start time, rather than a specific start time. Members should be educated during the planning process about this option. This type of authorization should be used when a member requests that services are delivered on a particular day, but is flexible around the start times of the services, and when this type of authorization will not have any adverse impact on the member getting his/her needs met and achieving his/her desired goals and outcomes. The specific window(s) of time used for the authorization must be established based on the member's needs and preferences. The window can provide for any time during that day (i.e., a 24-hour period), or a smaller window of time (a specified window in the morning, evening, etc.). This will vary by member as each member's needs and preferences are individualized. Each member's unique needs and preferences should be considered during service planning and in developing the authorizations to be entered into the EVV system.

The schedule agreed with the member must be documented in the PCSP and include the appropriate window of time on each day the service is scheduled. For example, a member may be able to have his/her Personal Assistance service start at any time between 9am and 11am on the days the service is needed. Therefore, the member would have a two hour window of time entered into the authorization

in EVV. In this example, the service provision must begin no earlier than 9am and no later than 11am. A specific member may also need or want the window of time to vary for each day of the week that the service is scheduled. A member may be able to have his/her Personal Assistance service start at any time between 9am and 11am on Tuesdays and Thursdays; but because of a volunteer role the member fills on Mondays, Wednesdays and Fridays, the member's window of time might need to be changed to be between 8am and 10am for those days. The member may also choose a wider window of time (up to 24 hours), as desired and preferred. Such flexibility must be possible for the member, and reflected in the PCSP.

Once the PCSP is completed, MCOs will then enter authorizations for these services, with specific days of the week, the window of time for starting the service on each day, and the specific number of units approved into the EVV system. Providers are responsible for ensuring services are provided within the window(s) of time as needed by the member.

- Providers will use the schedule generated by the authorization to schedule and assign the member's worker(s), as applicable.
- The MCO and provider will monitor the EVV system and contact the provider and/or member if services do not begin within the designated window of time. If services do not begin during the window of time, as verified through the MCO's follow-up with the provider and/or member, the MCO will activate the member's back up plan.

Authorizing services in the EVV system with "open" scheduling

Like ECF HCBS not utilizing the EVV system, members must have flexibility to choose "open" scheduling of services utilizing the EVV system. In that case, neither the PCSP nor the service authorization will specify particular days of the week or times of the day for the delivery of services. The authorization from the MCO would include a weekly/monthly amount of units/hours authorized. The provider will work directly with the member to develop the schedule for workers to deliver authorized services and will enter the schedule into the EVV system, and *only* in this case, alerts will trigger from the authorization sent by the MCO. (When the authorization includes a schedule, alerts and tracking must trigger from the schedule in the authorization.) When a provider fails to enter a schedule into the EVV system for a member who prefers open scheduling, the MCO should have an alert system that provides timely alerts, at different times during the week, to identify which provider(s) have not scheduled visits according to the Member's needs and preferences and follow up with each Provider accordingly. For the visits that are scheduled in the EVV system by the Provider, the late and missed visit alerts would occur as they do now.

When a member's PCSP includes ECF CHOICES HCBS that will be delivered by multiple providers (e.g., Individual Employment Supports, Community Integration Support Services, and Personal Assistance), some of which may utilize the EVV system while others do not, the MCO is responsible for working with the member and providers to coordinate on an ongoing basis the scheduling of these services in accordance with the member's needs and preferences, and to avoid duplication.

Ensuring Members Have Maximum Flexibility in Receiving Services that Utilize EVV

To maximize flexibility and member choice, members should be able to schedule EVV services, either individually or in combination, using any or all of the options detailed above.

For example, a member who has only Supportive Home Care services in his/her plan may be able to have a flexible start time on Mondays and Tuesdays; but on Wednesdays, Thursdays and Fridays, this member may have a job that s/he must leave for promptly at 8:30am. Therefore, the member must have his/her services scheduled to start at 7am on these days, without any window of time.

Additionally, for a member who has two EVV services in his/her plan, the member may be able to have Personal Assistance services scheduled using a window of time while Respite services must be scheduled for exact start times (no window of time) or using an open schedule.

Considerations Related to Providers of ECF Services:

Flexibility in the authorization processes can allow providers to be responsive to a member's need or preference for flexibility or a specific change in service schedule with no negative implications to their agency in the billing process. It is important to note however, that while ECF CHOICES services should allow for flexibility and spontaneity that reflects member needs and preferences, the MCO Support Coordinator should emphasize to the member and the member's family the advantages of maintaining a regular schedule for service, once set with the provider, in order to ensure provider staff availability to deliver the authorized services without delay or interruption. There is a careful balance to be struck that requires cooperation between members, their families and providers. MCO Support Coordinators may be called upon to help members and their families negotiate schedules with providers and it is expected that MCO Support Coordinators will assist when their assistance is needed. Sometimes, providers will be able to accommodate changes in schedule with enough notice from the member. Other times, this may not be possible. It will always be important for members, their families, and their selected ECF providers to maintain good communication regarding scheduling of services. **As a rule of thumb, changes to agreed schedules, not otherwise prescribed in the PCSP, should be because of member need or preference that can be accommodated by the provider. Changes in agreed schedules should not occur purely for provider convenience, and should never be imposed on a member and his/her family by a provider.**