



Relative as Provider
NC Innovations Waiver
Presentation to Public Guardianship
Subcommittee Meeting
March 5, 2014

Background on the Policy

- CMS gives states the ability to choose whether relatives or legal guardians can provide services and under what conditions this may occur
- No federal or state entitlement that relatives or legal guardians must be employed
- North Carolina has chosen to allow relatives and legal guardians who live in the same home as the adult NC Innovations Waiver participant to provide services under specific conditions

Definitions within the Policy

- Clinical Coverage Policy No: 8P defines **Relative** as individuals related by blood or marriage to the waiver participant
- Applies only to relatives/legal guardians who:
 - Live in the same home as the waiver participant
 - Are employed by a Provider Agency
- Does not apply to
 - Relatives/legal guardians of minors
 - Spouses of waiver participants

MCO requirements

- Ensure compliance with the conditions of this policy through a prior approval process
- Provide an increased level of monthly monitoring **by the assigned I/DD Care Coordinator** for serviced delivered by relatives/legal guardians

Service Provision Under this Policy

- In-Home Skill Building
- In-home intensive supports
- Residential Supports*
- Personal Care

**exclusion*

Criteria for approval

Employment-based criteria must be met:

- No other non-relative staff is available to provide the service OR
- A qualified staff is only willing to provide the service at an extraordinarily higher cost than the fee or charge negotiated with the qualified family member or legal guardian

Relative as Provider

- Recommended that no more than 40 hours/week
- The relative or legal guardian will not be reimbursed for any activity that they would ordinarily perform or are responsible to perform
- Provider agencies employing relatives/legal guardians as paid staff must monitor this person on-site a minimum of once per month

Provider Considerations

- Is this about the participant's wishes, desires and needs or about supplementing a family member's income?
- As an adult, is it appropriate or best for the individual to still have mom and dad with the participant throughout the day?
- Is the individual missing the opportunity to adapt to different people and increase his/her flexibility and independence?

Provider Considerations

- What happens when the caregiver becomes unable, through age, disability or death, to care for the participant? Who else knows how to interact with and care for the participant?
- Can a family member be a barrier to increased community integration or friendship development?
- Does having a family member as direct support staff expand the participant's circle of support or risk shrinking it?

Advantages to Relative Provider



- Can ensure that the waiver participant receives services when they otherwise might not (i.e. families that live in rural areas)
- Can allow a waiver participant to remain in the family home longer.
- Often times having a relative as provider prevents the need for back-up staffing.

Disadvantages



- Family income can become a factor-families come dependent on the income creating a conflict of interest between income and the waiver participant's best interest.
- It can be harder to ensure that the waiver participant has a wide network of social connections and activities.
- The lines are blurred as to when a relative is acting in the capacity of a natural support and when they are paid staff.
- Once a relative as provider is approved as the direct care staff, it is hard to go back in the other direction.

Conclusion



- Each circumstance is unique and considered individually.
- The goal is to assure participants are offered as full and inclusive life as possible.
- The relative as provider really should be used as a last resort in situations where a non-relative staff truly cannot be found.