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# LIMITED SUPPORTS WAIVER INDIVIDUAL GOODS AND SERVICES

*Service Codes: GNS & GN1*

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## Directive 1.57

Authorizing Code: [26B-6-403](#)

Rule: n/a

Version Date: August 2023

Next Review: August 2025

Forms: 295 CAPS

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### Purpose

This directive establishes policy and procedures for DSPD staff to follow when making determinations of eligibility and approval for Individual Goods and Services in the Limited Supports Waiver.

### Definitions

**CAPS** - means the Contract Approvals and Payments System.

**Community Integration** - means providing the opportunity for persons to fully participate and live in a community setting alongside people of all abilities, and to be valued to the same extent as people without disabilities.

**Consumables** - means disposable, single use household products.

**Division** - means the Division of Services for People with Disabilities (DSPD).

**Division Contract Specialist** - means the DSPD contract specialist; their e-signature is required on the CAPS form as part of payment approval.

**DSPD Cost Standards** - means the procurement standards that DSPD must follow. Cost restrictions are determined at either the state or departmental level.

**GN1** - means the service code for IGS reimbursed to a family member.

**GNS** - means the service code for IGS reimbursed through a provider.

**Individual Goods and Services (IGS)** - means services, equipment or supplies that will provide direct remedial benefit to the person, and support specific outcomes that are identified in the PCSP.

**Notice of Agency Action (NOAA):** - means a legal disclosure issued whenever there is an initial or subsequent state eligibility determination; an implementation grievance; or a budget neutral change. Whenever a person receives a NOAA, they also simultaneously receive a Hearing Request Form 490S. (See Directive 1.11).

**Person-** means an individual who is eligible, and in services with DSPD.

**Person-Centered Support Plan (PCSP)** - is a plan developed by the person and their Person-Centered Planning Team that includes the services provided to the person, details of how services will be provided, if applicable, and the person's goals and outcomes expected from the services provided.

**Request for Approval (RFA)** - means the procedure for an SC submitting a request for a one-time payment through USTEPS.

**Rights Restriction** - means a limitation to the rights of a person due to a specific assessed need in order to support the health, safety, and well-being of the person.

**Support Coordinator (SC)** - means a division employee that provides case management services to assist persons and their families to develop plans to find the most appropriate services and to select the most appropriate service delivery model based on the individual needs of the person.

**Utah System for Tracking Eligibility, Planning, and Services (USTEPS)** - means the system for case management used by SCs and DSPD staff.

**Waiver Manager (WM)** - means the DSPD manager responsible for the LSW waiver, or their designee.

**Waiver Services (HCBS)** - means Home and Community Based Services Waivers (HCBS Waivers). These are federal and state approved programs developed to meet the needs of persons who prefer to get long-term care services and support in their home and community as an alternative to an institutional setting.

## Policy

- 1) **Eligibility Criteria** - these are the minimum requirements for an RFA to be submitted; it is also the criteria that is used for evaluation and approval of an RFA by the WM:
  - a) IGS provides services, equipment or supplies that directly benefit and support specific outcomes identified in a person's PCSP. In order to be considered for an RFA, an IGS request must meet at least one of the following eligibility criteria:
    - i) Promote integrated community involvement and engagement; or,
    - ii) Provide resources to expand opportunities for self-advocacy; or,
    - iii) Decrease the need for other Medicaid services; or,
    - iv) Reduce reliance on paid supports; or,
    - v) Be directly related to the health and safety of the person in their home or community.
  - b) In addition, IGS may only be requested when all of the following conditions are met:
    - i) The person is an LSW participant; and,
    - ii) The person does not have the resources to purchase the item or service through any other source; and,
    - iii) The IGS will not be provided through any other waiver services, the Medicaid State Plan, or by any other federal, state, or local source; and,
    - iv) It has been reasonably demonstrated that other equivalent supports have been used, or attempted, and that they failed to be sufficient for the person.
      - (1) The SC will document what other supports and funding sources have already been attempted, the result, and why these did not meet the need that is contained in the current RFA.
      - (2) This information is recorded in USTEPS in response to the question "Have other funding sources or supports been exhausted?"
      - (3) The WM will evaluate that information and determine whether it meets eligibility criteria.
- 2) **Further Restrictions** - the following restrictions always apply:
  - a) IGS requests are limited to \$2000 or less;
    - i) The budget for IGS is capped at \$2000 per plan year, so no single request can exceed that cap, and cumulative requests may also not exceed the cap.
    - ii) The \$2000 budget is restricted to each plan year; so no unspent funds carry forward to the next year.

- b) IGS is only available to persons who self-direct their own supports;
  - c) Requests for IGS will come in the form of RFAs (described below) and must be approved by DSPD; and,
    - i) Comply with DSPD Cost Standards;
    - ii) DSPD Cost Standards are state or departmental restrictions that ensure that DSPD applies consistent criteria. These are with respect to the appropriateness of the services or items to be approved in this service definition, and to their cost.
  - d) Purchases for any items and services that may result in a rights restriction will require a rights restriction review by the SC and heightened review by the WM.
    - i) A rights restriction limits the individual rights of a person due to a specific assessed need. The restriction exists in order to support the health, safety, and well-being of the person. Any right restriction must be documented in the PCSP. The restriction must be implemented in the least restrictive alternative manner necessary to protect the person and provide support to reduce or eliminate the need for the restriction in the most integrated setting and inclusive manner.
- 3) Exclusions - these items and services may NOT be purchased:
- a) Any IGS that does not provide a direct support or remedial benefit to the person;
  - b) Costs for items or services that are otherwise available to the participant through private insurance, state Medicaid plan, a contracted provider, or through another state agency;
  - c) Vacations costs: including but not limited to:
    - i) Travel;
    - ii) Lodging;
    - iii) Food; or,
    - iv) Entertainment.
  - d) Consumables including, but not limited to:
    - i) Food;
    - ii) Personal hygiene items;
    - iii) Cigarettes and alcohol.
  - e) Fees or memberships to access establishments that serve alcohol;
  - f) Alternative medicines and experimental or prohibited medical treatments;
  - g) Purchases of IGS that are primarily or exclusively for entertainment or recreational purposes;
    - i) The WM will make the determination of whether a request meets the threshold for approval: that it is NOT primarily or exclusively for entertainment or recreational purposes. That determination is based upon evaluation of the supporting documentation.
    - ii) Documentation must demonstrate that the IGS request meets one or more of the eligibility criteria from Section 1, above.
  - h) Fees and costs associated with telecommunications devices and services;
  - i) Any IGS that is illegal or otherwise prohibited by either state or federal law;
  - j) Recurring housing-related expenses, including but not limited to:
    - i) Room and board;
    - ii) Utilities;
    - iii) Other housing costs;
    - iv) Any other recurring expenses.
  - k) Cost for personal clothing and wardrobe that is not directly related to the person's disability;
  - l) Discretionary cash including, but not limited to payments for:
    - i) Gratuities;
    - ii) Fines;
    - iii) Debts;
    - iv) Donations or contributions;
    - v) Or, for the purchase of gifts, gift certificates, or gift cards, for any purpose;
    - vi) Legal fees or Advocate fees.
  - m) Cost for any items or services that are of general utility to the members of a household;
  - n) Any household appliances that can otherwise be accessed within the community, either with or without

## Procedure

- 1) All IGS requests are submitted through the RFA process and must be approved by the WM prior to service delivery. This approval process occurs through the RFA procedure described below;
- 2) The person must request an IGS through their SC. The SC will collect the required information from the person or their representative in order to submit an RFA.
  - a) This must include the name of the supplier/vendor and their identifying information; this includes:
    - i) The name of the vendor;
    - ii) The location where the service will take place; or,
    - iii) The website link to where the item will be purchased.
  - b) The RFA must also include a vendor bid of the cost of the service/goods.
- 3) Authorization for IGS requires supporting documentation from the SC that explains and justifies in detail how the IGS meets the eligibility criteria for these services.
- 4) Review and approval of the request by DSPD will be contingent upon the strength and clarity of this supporting documentation.

## RFA Process for IGS

- 5) When a need arises for an IGS to be purchased, a discussion takes place between the person, their representative, if applicable, and their SC about the appropriateness of a request for an IGS;
  - a) The SC, person, and support team will gather documentation and costs; and then,
  - b) Provide a bid that has the name of the vendor, the cost, and the unit;
    - i) This will include a link to where the item can be purchased;
- 6) The SC next submits an RFA for the IGS in USTEPS;
- 7) The request is reviewed by the WM:
  - a) The request and supporting documentation are reviewed in accordance with the eligibility criteria, restrictions, and exclusions listed above.
- 8) If the request is approved by the WM:
  - a) The SC will communicate the approval to the person and vendor, which gives the vendor authorization to render the services.
    - i) SC will check CAPS to verify that the vendor is in the CAPS system and to ensure the vendor mailing address is correct.
    - ii) If the vendor is not in the system, or does not have a state contract, a W-9 with current address and tax identification must be completed and signed within the previous six months;
    - iii) A W-9 must be completed and signed by the representative if they are being reimbursed;
  - b) Once the services are rendered, the vendor must send the final invoice to the SC: a receipt or document showing that the purchase or project is complete;
    - i) Amazon products are exempt from this.
- 9) A paid invoice or receipts that provide clear evidence of the purchase must be on file in the person's records in USTEPS to support all IGS purchases:
  - a) The SC will email the WM the final invoice and completed W-9 (if applicable).
  - b) The WM will then use eSign to send the 295 CAPS form to the vendor and the division contract specialist for their required signatures.
  - c) The division contracts specialist will create the approval in CAPS. They will email the SC with instructions on how to input the payment into USTEPS.
  - d) The SC will enter the payment into the person's plan.
  - e) The SC checks whether payment was received and taken out of budget.

10) If the request is denied by the WM:

a) Denials will be processed as a NOAA in USTEPS.

11) The WM can defer the request;

a) If deferred, the request is returned to the SC for additional information or edits.

b) The request will remain open and deferred until a decision of approval or denial is made.