

Legally Responsible Individuals (LRI) Consumer Direction Guidelines

Purpose Statement: DMAS was asked to consider options allowing LRI to be reimbursed for personal care services through the Consumer Directed service delivery model.

When reimbursement is through consumer direction, the following applies:

Employer of Record (EOR) requirements

- The person acting as the EOR must not be another LRI (stepparent)
- The person acting as the EOR must reside in the family's local community within a 50-mile radius if the member is a minor. This ensures that the EOR will be able to manage the services adequately.
- An enhanced EOR participant agreement must be completed.
- A 'Questionnaire to Assess an Applicant's Ability to Independently Manage Consumer-Directed Services' form (DMAS 95 Addendum) must be completed and assessed.
- Services Facilitation services cannot be waived.

Personal Care Attendant Requirements

- Tasks must be documented daily on a form developed by DMAS. This will be implemented with all other attendants with the new F/EA procurement for 1/1/2025 as required by CMS in accordance with the corrective action plan from the 2019 Personal Care Audit.
- Reimbursed services must be within the scope of the personal care service – assistance with ADLs. Skilled tasks performed by LRIs not delegated by a Registered Nurse must not be included in the reimbursed time. This is a current requirement.
- LRIs shall continue to earn and qualify for sick leave, up to 40 hours per year.

Extraordinary Care Requirements

- CMS has asked the state to provide additional language regarding the methods to be used for determining that the care exceeds the ordinary care that would be provided to a person without a disability of the same age.
 - LRIs are responsible to meet the needs of a participant who is younger than 18 years of age, including the need for assistance and supervision typically required for children at various stages of growth and development. Instrumental activities of daily living, such as cleaning, cooking, laundry, etc. are not included as extraordinary care needs.