

Reimbursing Legally Responsible Individuals (LRI) for Personal Care

Presented By:

***The Department of
Medical Assistance
Services (DMAS)***

***Office of Community
Living***



Agenda

Frequently Used Terms

Purpose

**Legally Responsible Individual (LRI)
Guidelines and Process**

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Frequently Used Terms

Member

The person receiving Medicaid waiver services/supports.

Personal Care Attendant/Aide

The person hired to provide direct care or supports.

Employer of Record (EOR)

The person who performs the function of the employer in the consumer-directed model.

Legally Responsible Individual (LRI)

The spouse of a Medicaid member or parent/stepparent/legal guardian of a Medicaid member under 18 years old.

Extraordinary Care

Care above and beyond what the parent/spouse would provide due to their role as a legally responsible individual. For individuals under 18, extraordinary care includes assistance with needs above and beyond what a child at the same age without a disability would require.

Purpose

As of November 10, 2023, the COVID-19 public health emergency flexibility that allows parents of children under age 18 and spouses to be reimbursed for providing personal care services will end.

This change means all paid LRI caregivers of Medicaid spouses and minors under the age of 18 will no longer receive payment from the Fiscal Employer Agents (F/EA) under this flexibility.

The purpose of this training is to assist Service Facilitators (SF)/Personal Care (PC) Agencies on the new process of reimbursing Legally Responsible Individuals who want to provide personal care services to Medicaid members.

Personal Care

Personal care services means a range of support services necessary to enable the waiver member to remain at or return home rather than enter a nursing facility and that includes, but is not limited to:

- Assistance with activities of daily living (ADLs)
- Access to the community
- Self-administration of medication or other medical needs
- Monitoring of health status and physical condition

LRI Extraordinary Care

In order to demonstrate and maintain person-centered care practices, all Medicaid services provided must be in the best interest of the Medicaid member. In addition, the member must be given the freedom of choice in their care.

The following guidelines apply to the new LRI program requirements.

- LRIs of Medicaid members may be reimbursed for providing personal care services when no one else is available.
- This applies only to the Community Living (CL), Family and Individual Supports (FIS), and CCC Plus Waivers. Children who receive personal care through EPSDT do not qualify.
- EORs will have to show their recent efforts to hire an attendant and demonstrate no one else is available.

Please note: *There are no program requirement changes for parents who are the paid aide/attendant for members who are over the age of 18.*

LRI Guidelines

In many cases, there are some other waiver services that may assist in supporting the individual outside of LRI caregivers. Some examples include alternate in-home services and community engagement from outside providers.

LRI Guidelines

Legally Responsible Individuals (LRIs):

- May be reimbursed for providing personal care services for up to 40 hours per week.
- Are exempt from using EVV if they live with the Medicaid member.
- May only perform Activities of Daily Living (ADLs).
- Must document the tasks performed during each shift using the DMAS 487 LRI form.
- May not be reimbursed for respite care services.

LRI Employers of Record:

- Cannot be another Legally Responsible Individual (LRI) of the minor.
- Must live within a 50-mile radius if the Medicaid member is a minor.

What is the LRI Process?

Members/Personal Care (PC) Agencies will need to search for the Attendant/Aide and the EOR.

Once it is determined and documented that no other option is available, the EOR and the LRI will fill out the LRI Extraordinary Care form. PC Agency will complete the form for AD services.

What is the LRI Process?

EOR will submit the form to the Service Facilitator for verification. SF/PC Agency will review the form for verification and revise the plan of care form (DMAS-97 A/B), if applicable.

In some instances, based on the member's care needs, two POCs may be required. One will be specific to the LRI. Service authorization revisions will not be required until the renewal date.

What is the LRI Process?

Continued

Service Facilitator/Personal Care Agency will submit the forms to MCO care coordinator, Community Services Board (CSB) support coordinator, or DMAS, as appropriate.

Representatives from MCO, Community Services Board (CSB), or DMAS must review documents for accuracy and attest this option is in the best interest of the member and meets their needs.

Once reviewed, signed documents will be returned to SF/PC Agency. MCOs and CSBs must send completed LRI Extraordinary Care forms to the DMAS CDLRI email box. (CDLRI@dmass.virginia.gov)

What is the LRI Process?

Continued

The SF/PC Agency will notify the EOR/member that the LRI may become the paid caregiver.

Services must align with the goals and needs identified in the Plan of Care (POC).

If the provider does not agree with the care model, they will work with the families to locate care options that are in the best interest of the member.

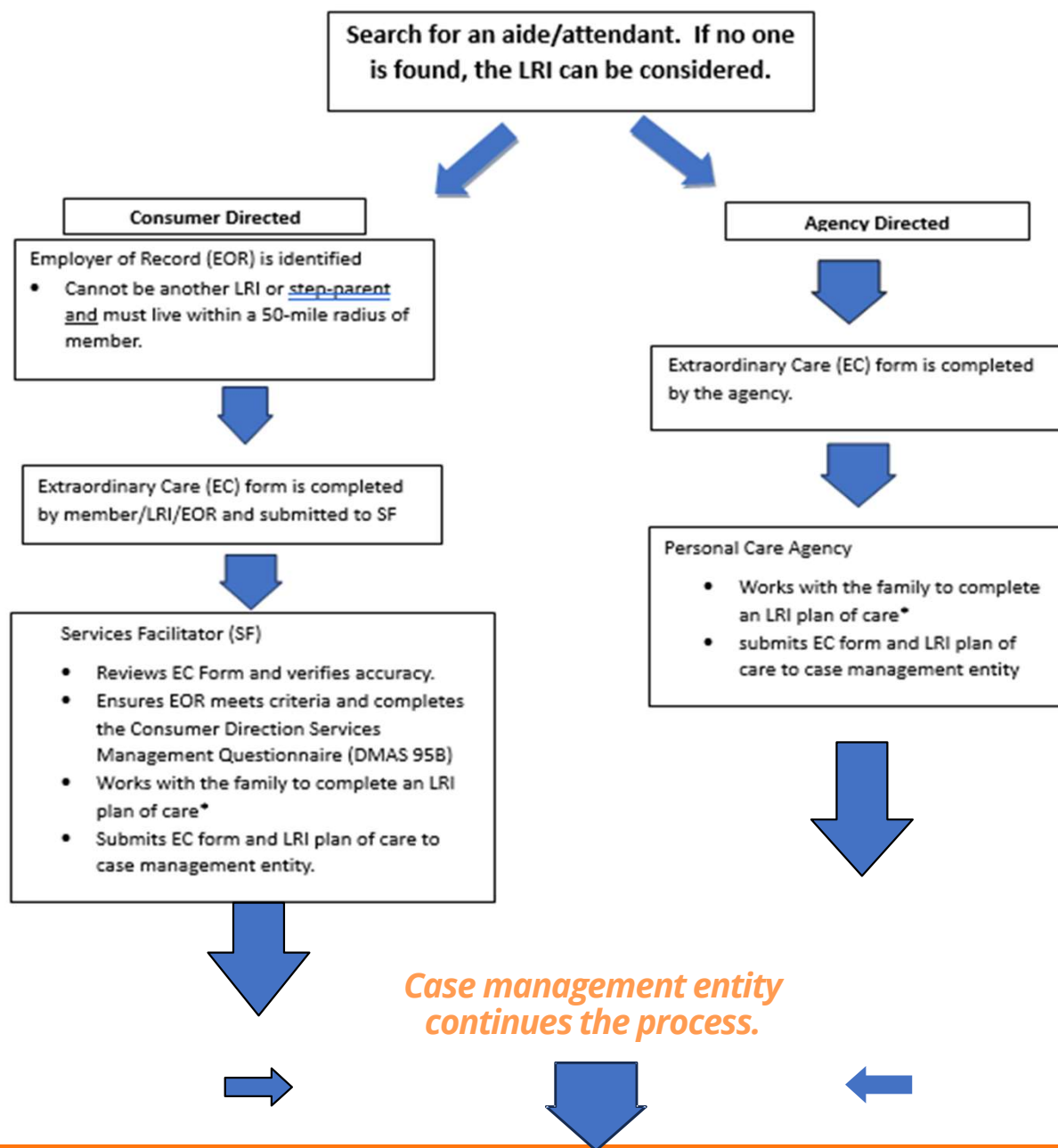
A copy of all POCs (including the LRI POC) must remain in the home.

Existing LRI Information

- **Members using paid LRI caregivers will no longer receive respite care. If there is an existing authorization for respite, the Services Facilitator must send a request to end that authorization.**
- **The temporary Appendix K enrollment packets will be discontinued on October 20, 2023. Effective October 21, 2023, new enrollees must use the new packet for Legally Responsible Individuals (LRI).**
- **Current LRIs will not be paid after November 10, 2023. EORs, Members, and Attendants planning to use the new LRI submission process will have until December 31, 2023 to complete all enrollment and documentation to the Fiscal Employment Agent (F/EA).**
- **F/EA payments to newly enrolled LRI Attendants for eligible shifts worked will be retroactive.**

LRI Process

This chart details the new LRI process.



LRI Process

Continued

Case Management Entities:

1. DD Waivers- CSB Support Coordinator
2. CCC Plus MCO- Care manager
3. CCC Plus FFS- DMAS via email
CDLRI@dmas.virginia.gov



Case Management Entity

- Reviews EC form and LRI plan of care and attests using LRI is in the best interest of the member.
- Send EC form back to SF or agency to complete the SA process.
- Sends a copy to DMAS CDLRI@DMAS.virginia.gov



SF or agency must include EC form, along with other required SA documents to authorizing agent when new authorization is due.

*An LRI plan of care is developed to identify the tasks that will be completed. A member may have two plans of care when there is a paid LRI and another attendant/aide.

Susie's Scenario

Susie is 12 years old and lives at home with both of her parents. She is receiving services through the CCC Plus Waiver. She is authorized for 56 hours of CD attendant care. Mom is the paid LRI caregiver. Dad is the EOR. In order to comply with the new program changes, will the family need to make changes to the existing plan of care?



Susie's Scenario



YES. Susie's designee must:

- Search for a new non-LRI EOR to perform the employer services.
- Demonstrate there are no alternatives to having an LRI attendant by performing and documenting a search.
- Work with the SF to complete the LRI Extraordinary Care form.

Matthew's Scenario

Matthew likes the nickname Matt, he is on the CL Waiver, and is 22 years old. He loves living at home with his Dad, Step-Mother, and little Sister. His Dad is the paid LRI caregiver and his Step-Mother directs the services as the EOR. Under the new LRI requirements, will this family need to find another caregiver?



Matthew's Scenario

NO. Since Matt is over the age of 18, there will be no changes needed. The new LRI program rules do not apply to this family.



Required Legally Responsible Individual Forms

The following forms must be completed when the LRI is the paid caregiver:

- **LRI Extraordinary Care Form**
- **DMAS - 487 LRI Consumer-Directed Attendant Documentation Form (Personal Care)**
- **DMAS - 95B Consumer-Direction Services Management Questionnaire**

Providers should review all completed forms to ensure they align with the member's needs and goals identified in the Plan of Care (POC).

LRI Extraordinary Care Justification Form

This document is
used to
demonstrate the
extraordinary care
needs of members
using paid LRI
caregivers.



Legally Responsible Individuals (LRI) Extraordinary Care Justification Form

The purpose of this form is to determine extraordinary care needs for a Medicaid member under 18 or spouse receiving Consumer Directed (CD) or Agency Directed (AD) Personal Assistance/Attendant (PA) Care under the Commonwealth Coordinated Care Plus (CCC+), Family and Individual Supports (FIS) or Community Living (CL) waivers. This form is to be completed collaboratively by the Employer of Record (EOR) or agency with the LRI and member.

Extraordinary Care is defined as care above and beyond what the parent/spouse would provide due to their role as a legally responsible individual. For individuals under 18, extraordinary care includes assistance with needs above and beyond what a child at the same age without a disability would require.

Legally Responsible Individual (LRI) is defined as the spouse or parent, stepparent, or legal guardian of a Medicaid member under 18.

Employer of Record (EOR) The person who performs the function of the employer in the consumer- directed model (not applicable for agency directed services).

Medicaid Member Name:	
Member's Waiver Type:	Check one: <input type="checkbox"/> CCC+ <input type="checkbox"/> FIS or CL
Member's MCO or CSB:	
Name and relationship of the person Medicaid member wishes to hire:	

Section 1: Employer of Record/Agency

*When choosing the CD option and an LRI is hired to provide paid support, the (EOR) must not be another LRI or stepparent. This does not apply to adults hiring their spouse to be the paid attendant.

EOR/Agency Name:	
EOR Relationship to Medicaid Member:	
*Not applicable for ADPA	

DMAS-487LRI

Consumer-Directed Attendant Documentation Form (Personal Care)

This form is used to
document activities
performed by paid
LRI caregivers.

Virginia Department of Medical Assistance Services
Consumer-Directed Attendant Documentation Form (Personal Care)

Member's Name: _____ Member Medicaid Number: _____

Attendant's Name: _____

Place the date under the day of the week and place a ✓ next to the activities that the attendant assists the consumer with for that date. Refer to the attached list of definitions for the activities. Activities listed under "Special Maintenance Activities" must have written documentation in the "Notes" section below. Activities performed must be identified in the approved Plan of Care.

Day:	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Date: (Month/Date/Year):							
Activities of Daily Living (ADLs)							
Bathing							
Dressing/Undressing							
Toileting							
Transferring							
Eating							
Ambulation (Walking, Wheeling, Stair Climbing)							
Turning/Changing of Position							
Personal Grooming							
Supervision							
Special Maintenance Activities							
Bowel Bladder Program							
Wound Care							
Range of Motion (ROM) Activities							
Vital Signs							
Assist with Self-Administration of Medication							
Other: _____							

Notes: _____

Consumer/Employer of Record Signature
DMAS September 2023

_____ Date

Attendant's Signature

_____ Date

DMAS-95B

Consumer-Direction Services Management Questionnaire

This document is
used to demonstrate
whether the
designated EOR is
appropriate to
manage the services.

CONSUMER-DIRECTION SERVICES MANAGEMENT QUESTIONNAIRE (Questions to consider if you want to manage consumer directed (CD) services on behalf of a family member)

Recipient's Name (Print): _____ Medicaid ID #: _____

1. Do you and your family member who is going to receive CD services generally agree on how personal care will be provided?

2. How would you describe the concepts of personal care to the family member who needs personal care?

3. How will you be able to determine the quality of work the personal assistant/aide performs?

4. If an assistant/aide did not fulfill his/her job duties adequately, what would you do?

5. What are some examples of the assistant/aide not performing his/her job duties?

6. Who would you contact if your family member was injured or mistreated by the assistant/aide?

b. What type of action would you take if you were suspicious of mistreatment to your family member?

c. What actions would you take once that you have discovered that your family member was injured or mistreated by the assistant/aide, even if the aide is a family member?

b. Would you report an incident to Adult Protective Services, Child Protective Services, or another authority, even if the assistant/aide were a family member?

☐ Yes ☐ No

Where can I find resources?

Additional information including Frequently Asked Questions (FAQs) and LRI forms may be found on the DMAS website at:
<https://dmas.virginia.gov/providers/long-term-care/waivers>

For questions related to this LRI training, please feel free to email us at:
CDLRI@dmas.virginia.gov

***Thank you for your
participation and
continued support.***