Rhode Island Executive Office of Health and Human Services
3 West Road, Virks Building, Cranston, RI 02920
phone: 401.462.5274 fax: 401.462.3677

Name of Regulation: **210-RICR-50-10-2 (Self-Directed Care)**
Posted for Public Comment on **11/8/2023**
Public hearing held on **N/A**
Comment Period Ended on **12/8/2023**
Summary Response to Comments **1/x/2024**

	Respondent	Nature of the Comments	EOHHS' Response
	Beth Pinkham Associate Director, Ocean State Center for Independent Living 12/6/2023	Currently, the ISP designates a $125 Monthly Broker Support Fee and an additional $125.00 towards Financial Management. Now that participants are working with a Conflict-Free Case Management Agency alongside Service Advisement & Fiscal Intermediary Agencies, will the administrative fee deducted from the monthly increase reduce the available amount for participants' Goods & Services?	The Personal Choice program does not utilize supports brokerage. This is a feature of BHDDH self-directed programs which are not subject to this regulation. For the Personal Choice program, conflict-free case management will replace service advisement, and will be paid at the statewide CFCM rate outside of the participant's budget and will not impact the portion of the budget that is allocated for PCA supports or goods & services. Fiscal intermediary fees ($125 per month) are not changing at this time.

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		The personal needs allowance, which allocates individuals 10% of their budget for therapeutic services, accessible activities, etc., is deducted from their personal care needs. With these itemized deductions, how can we ensure that Rhode Islanders have sufficient access to the services they need?	Goods & services are permitted at a maximum of 10% of the individual's budget, but may be (and often is) less than that amount. The exact allocation depends on individual circumstances, how much the individual chooses to pay their PCA, etc. and individuals must demonstrate that supports will promote health and welfare and will not take away from needed service hours and supports. The parameters for goods & services are described in the regulation.

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		Participants in this program must meet Medicaid eligibility requirements, consequently, they are low-income individuals. Therefore, the $45 National Criminal Background fee imposes an additional financial burden, resulting in a reduction in monthly budgets whenever a new PCA is hired or provided every five years per the regulations. In the case of the Independent Provider program, this fee may limit the potential PCA workforce, as many individuals may be hesitant to pay before commencing work, thereby complicating the search for quality employees.	The national criminal background check is an existing requirement which is not changing under the current amendment, besides clarifying that NCBCs are valid for a 5-year period. State law requires that PCAs must be fingerprinted prior to commencing work, and the PCA is responsible for the cost of the fingerprint under state law and existing regulations. The $45 fee is not paid out of the Personal Choice participant's budget.

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		Regarding PCAs interested in joining the registry, will the mandatory training consume the participant's time, or will it be conducted independently? Who bears the responsibility for covering the associated costs?	Mandatory training will occur the same way it does currently—the training must be conducted independently of the participant's time. The participant is only responsible for providing any direct training they wish to provide to their PCA related to their unique needs. The mandatory training required for joining the registry is provided at no cost.

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		An employee of our center had to reduce their service hours to accommodate salary increases for PCAs. The shortage in the workforce is compelling individuals with disabilities to make difficult choices between receiving adequate care and retaining staff.	With the passage of the FY2023 Budget, budgets were increased proportionately to accommodate salary increases and ensure that there was not a negative impact on needed service hours. Budgets for participants transitioning from Independent Provider to Personal Choice are also adjusted in this way. The PCA's rate of pay is the individual's choice, within state-set limits of $15-$21 per hour which is not changing under the current amendment.

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		It is important to clarify the exact role of conflict-free case management and service advisement: how is duplication of services monitored, and how are conflict-free services ensured to avoid conflicts of interest? Does Rhode Island have adequate agencies to meet the community's needs, ensuring both conflict-free case management and service advisement agencies provide essential services?	The amendment removes references to Service Advisement, as this will be the conflict-free case management role. Accordingly, these services will not be duplicated. EOHHS encourages interested parties to join ongoing CFCM stakeholder engagement efforts to express any specific concerns with the provider enrollment process and program design.

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		We recommend the state hosts additional open forums to educate the public about these changes and offer them a voice in this critical process.	EOHHS encourages interested parties to join ongoing CFCM stakeholder engagement efforts, which includes monthly calls and small group meetings with providers, participants, and family members, as well as regular opportunities to provide verbal and written feedback on LTSS redesign efforts.

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