

**Implementation Plan for the  
Consumer Directed Supports  
Service Category in CIP-1 and CSLA**

Dane County  
Department of Human Services

Adult Community Services

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## Introduction

This implementation plan for consumer directed supports under the CIP 1 and CSLA waivers is submitted for review to the Wisconsin Department of Health and Family Services by the Dane County Department of Human Services. While Dane County does not specifically use the term *Consumer Directed Supports* in describing the manner in which people will utilize individual budgets to help compose the lives they want, we will use that term throughout the document for the purpose of consistency with state guidelines for this service category within the CIP 1 and CSLA waivers.

There are occasional references to requirements which apply to all people we serve utilizing CIP, COP or CSLA funding. **As suggested to us by BDDS staff, our response to such items will be simply to note that current CIP, COP, CSLA or other state requirements are being followed, and that separate procedures have not been developed for consumer directed supports.**

Frequently, we will refer to the people we serve in terms of their roles, responsibilities and opportunities. Many of the individuals we serve have legal representatives or other allies who assist and support them in a variety of ways. Unless otherwise noted, our references to the people we support should be typically understood to mean “the individuals who we support and those who may assist and support them as legal representatives or invited allies.”

### 1.1.1 Guiding Principles

*Provide a copy of guiding principles for implementation of consumer-directed supports, and a description of how they will be disseminated and applied.*

Please see Attachment A, the January, 2000, update of *Forging a Partnership, Individualizing Funding and Increasing Choices for People with Developmental Disabilities in Dane County*. The first three pages of that document describe our purpose and the guiding principles based upon it. This document was disseminated within the county to adults receiving services, their families and legal representatives, and service providers. It is used in training and learning opportunities. Page four of the document describes the primary organizational practices by which the principles are applied.

### 1.1.2 Outreach/Public information

*Describe how the county will arrange for provision of information about Consumer Directed Supports options to consumers, families and other natural supports, guardians, and providers.*

For the past three years Dane County has been sharing information across all parts of the system and obtaining input to design Consumer Directed Services. Information about implementation has been shared through written documents (*Forging a Partnership: 10/98; Implementing Choice, A Guide for Understanding Self-Directed Services: March, 1999*; and the January, 2000, *Forging a Partnership* update referenced above) sent to all

adults with developmental disabilities in our system, their families and guardians, and providers; and through countywide and neighborhood meetings. It is also provided as part of the ongoing intake and assessment process for each new person who enters the developmental disabilities adult services system; for each person who expresses an interest in changing service providers; and through individual contacts by county staff with any individual who expresses an interest in using their individual funding allocation to get the life they want.

The *Source*, a compilation of services and supports available to people with developmental disabilities, has gone through a massive update, adding generic resources in addition to current information on available providers. It was redesigned with the intent of being a valuable resource to the people we serve and their families as they think about composing their lives with the support of public funding. Additional documents designed specifically for people receiving services were created through a contract with Access to Independence and have been distributed widely.

*All documents cited above are found as Attachment A or Attachment B.*

### **1.1.3 Participant education**

*Describe how participating consumers and their families, guardians and other natural supports will be supported: to know their rights as citizens and consumers; to learn about options available to take greater control of decision-making; to develop skills to be more effective in identifying and implementing personal goals; and to know about available independent advocacy resources and grievance and appeal processes.*

Ongoing CIP, CSLA and HSS 94 requirements regarding citizen and consumer rights apply to all people we serve and are not implemented differently for people who receive consumer directed services.

We have and will continue to assist people to become more skilled decisions-makers in areas in which they have had little previous experience. Dane County has a purchase of service contract with Access to Independence to: 1) conduct ongoing Empowerment Courses; 2) provide ongoing peer mentoring; and 3) offer the support of a self advocate who has made the transition from contracted services to individualized budgeting, to other individuals and small groups. This contract is a primary source of education and information to individuals with disabilities. Access is also available to provide independent information to people about all parts of the process, including the availability of independent advocacy. As individuals contact the county to initiate the consumer directed supports process, they are informed of the roles Access can play.

The process of developing better skills to identify and implement personal goals is also an emphasis within the individual planning process that each person engages in with the assistance of their support broker. That process is described in more detail in section 1.1.5 below.

All individuals receiving CIP and CSLA funding are informed of their grievance and appeal rights and opportunities. Those opportunities have been augmented by the creation of a Quality Assurance Board (QAB). One QAB responsibility is to offer, on a voluntary

basis, an informal opportunity for discussion or mediation of issues which may then be resolved without the need for a more formal appeal or grievance.

#### **1.1.4 Case management/Support coordination**

*Describe:*

- a) *The assigned responsibilities of case managers in assisting individuals to plan and implement Consumer Directed Supports.*

The primary difference between the traditional role of case manager and the current role of support broker is the clarity that the support broker is hired by and works on behalf of the person. All Medicaid HCBS waiver responsibilities of case managers are responsibilities of support brokers.

- b) *How the county will ensure that case managers have the knowledge and skills needed to assist individuals to plan and implement Consumer Directed Supports.*

Support brokers are required to complete DHFS required CIP case management training on top of DCDHS required support broker training. DCDHS support broker training currently consists of 6 required half-day modules, beginning with a focus on issues related to quality. Additional optional trainings are conducted regularly and well attended. Current training materials are found as Attachment C.

- c) *How the county will provide for a meaningful choice of case manager, including availability of case management from sources other than the county.*

As people begin the process of using an individual funding allocation to obtain support and services, the choice of support broker is discussed with them by the Dane County Self Directed Support and Services Coordinator. This discussion includes clarifying who can and cannot be a support broker, information about current support brokers and how to contact them, information on interviewing and choosing support brokers, and information about other sources of information about choosing support brokers (e.g., Access to Independence).

People are informed they may also choose support brokers who may not yet meet support broker requirements noted above. Family members and friends may fit into this category. Under such circumstances, the potential support broker must still complete required training, but may be linked with a “mentor” from DCDHS or from other current support brokers to assist with those elements of case management/support brokering that typical human beings would not wish to learn (e.g., completing the latest state or county required forms that keep the money flowing and the auditors happy, but have no direct relation to the quality of a person’s life).

- d) *Any limitations, beyond CIP and CSLA requirements, on who may act as case manager.*

To reduce real or potential conflict of interest, support brokers may not be hired by an individual if they themselves provide or work for an agency that provides other paid assistance to that person. Guardians may not function as support brokers for individuals for whom they are guardians.

- e) *How planning assistance beyond mandated case management requirements will be funded through Consumer Directed Support:*

Such assistance is simply part of the funding available to each person.

- i) *Any restrictions on who may provide paid planning assistance, including any training requirements;*

There are no restrictions beyond who may be paid through HCBS funding. This is one of several areas in which we have used HCBS restrictions as a standard, since nearly all people we serve receive or may in the future receive HCBS funding. The County maintains a list of individuals who have completed formal training programs in various planning approaches, and makes the list available to individuals, families and brokers.

- ii) *How assignment of planning assistance functions will be planned and documented.*

The individual and those who support her or him will decide what planning assistance will be required. Payment for specific planning assistance would be documented within the Individual Financial Plan.

### **1.1.5 Individual assessment and service plan**

*Describe the assessment and service planning process, with particular attention to:*

- a) *The person-centered planning process(es) that will be used.*

One of the six required support broker training modules is specifically on different models of person-centered planning. No one particular method of planning is required. The training (see Attachment C) provides an overview of various methods. Support brokers are encouraged to use one another's expertise in planning, and are provided information about other individuals in the area who have expertise in particular types of planning.

While there are a number of individuals in Dane County versed in Personal Futures Planning and PATH, few people have been trained in the use of Essential Lifestyles Planning. Thus DCDHS has recently completed the process of training 18 local facilitators of Essential Lifestyle Planning. In return for receiving facilitation training, these individuals have agreed to help facilitate Essential Lifestyle Plans for others, as well as to become teachers/trainers of others who wish to learn Essential Lifestyles Planning. We believe the person-centered thinking that is taught as part of Essential

Lifestyles Planning will become a more integral part of our system as the result of this training and the learning that will spread throughout the system as a result of it.

*b) Determination of who will be involved in the process and what areas will be assessed.*

The person receiving support and services will determine who will be involved in the planning process. At minimum the areas that will be addressed are:

- how the person wants to live (where; with what type and amount of support; doing and learning what they choose during the day, evenings, week-ends);
- those elements of a person's life which are "non-negotiable;"
- how support will be provided (both paid and unpaid);
- identification of what goods, support and services will be purchased;
- identification of and response to health care needs;
- identification of existing and potential issues of risk, and
- a brief description of the planning process and the role of the individual receiving support and services within that process.

*c) How the assessment and plan will address the need of the individual for support and training in decision-making, the availability of natural supports to provide that support, and the need for individualized methods for determining preferences where individuals have communication limitations or lack an experiential base for decision-making.*

The potential need for assistance and support in decision making is typically addressed prior to the assessment and planning process. As each begins the process of planning to use an individual funding allocation, county staff look at this issue. For those individuals who do not have a guardian, but for whom there is a potential need for support or training in decision making, a referral is made to Access to Independence for participation in training on empowerment and on creating supports and services. The person-centered planning module of support broker training also includes a focus on helping support people who have limited experience in decision-making and/or have communication limitations to express their dreams, desires and preferences; and to help those in a person's life know and hear that person.

We are painfully aware that our use of guardianship in Wisconsin has been overly intrusive in the lives of many individuals, and that at the same time many people we serve could benefit from additional support in making decisions, which may or may not include some form of guardianship. This issue is the primary focus of a current work group within Dane County funded in part by a guardianship grant through DHFS. This work group has the ambitious and exciting charge of reinventing a means by which all people we serve with significant disabilities in Dane County may have assistance in decision making tailored to their individual needs and particular situation.

### 1.1.6 Individual budgeting

*Describe how the county will establish a mechanism for allocating resources to individuals for the purpose of purchasing consumer-directed community support services based upon identified factors, including the person's functional skills, his/her environment, the supports available to the person, and the specialized support needs of the person.*

Wisconsin counties, including Dane County, have more than 15 years experience in creating individual budgets for people with developmental disabilities through the Community Integration Program. Like most counties, Dane County has used a process rather than a tool to determine individual budgets. That process has required getting to know each person and that person's situation, creating a plan in response to the interaction of needs and available supports, and developing a budget based upon that plan. More than 800 adults with developmental disabilities in Dane County now have individual CIP plans developed in that manner.

As we have moved to consumer-directed services we have attempted to become more precise in identifying those costs for each person, particularly for individuals new to the system; however, it still appears that this is a person-centered art more than an actuarial science, and it remains a fluid and flexible process based upon the idiosyncrasies of every person and their situation.

*Address the following questions:*

- a) *Will a budget amount or budget range be provided to the consumer for planning purposes? If not, what criteria will the county use to approve individual plan budgets?*

Each person is provided an individual budget with which to plan. For people currently receiving services, the current budget is typically the starting point, although for some individuals whose circumstances are changing, the initial individual budget allocation may be higher or lower than the current budget. Individual budgets are approved if they do not exceed the amount provided to the individual and meet planning and support requirements.

- b) *To what extent will the consumer retain access to the budgeted funds in the current and future years if he or she spends less than the budget amount?*

Individuals will retain access of up to 10% of unspent budgeted funds on an ongoing basis.

- c) *What mechanism and criteria will be used to adjust budgets if the individual disagrees with budget limits or if individual needs change?*

Individuals may at any time ask for an informal review of their individual budgets, and in fact many have done so. The process is as simple as requesting a change in writing to DCDHS, noting the reason for the request. DCDHS also has

created an opportunity each Friday morning for individuals and/or their support brokers to meet with county staff to request a “rate adjustment.” DCDHS may also request such a face to face meeting in circumstances where the need for the request is not clear, or where other alternatives may be suggested which would allow a person to obtain what is requested without additional funding.

If the informal request is not satisfactorily resolved, the individual may request assistance from the Quality Assurance Board (see 1.1.11c) or use the County Grievance procedure.

### **1.1.7 Financial management assistance**

*Describe how the county will:*

- a) *Provide for financial management assistance to assist consumers in implementing support plans, including fiscal intermediary services.*
- b) *Track expenditures and keep consumers informed of budget status.*

Once a person's individual support and services plan has been approved, funding is moved to a Fiscal Management Agency whose only function is to pay for goods, support and services authorized by the individual through a voucher system. This function, currently located at United Cerebral Palsy of Dane County, allows for prompt payment of bills from informal support providers or typical merchants, as well as reimbursement of provider agencies. The agency also provides monthly printouts to the individual and to the county of itemized spending to date, compared to the authorized budget, allowing the individual to track spending, and maintaining a simple process for reporting and audit purposes.

People who hire their own staff have fiscal intermediary services available to them from two different sources, either from Wegner and Associates which simply handles tax and related withholding expenses or from Goodwill Industries, which offers a "coemployment" option with maximum flexibility to the individual in terms of paying taxes and related withholding expenses and a variety of employee benefits as well (the description of co-employment is described in more detail as Attachment D).

### **1.1.8 Use of informal supports**

*Describe how the county will promote use of informal and generic sources of support that promote community connections and maintenance or development of strong personal relationships.*

Like many other locales, Dane County is experiencing a critical shortage of human resources, making it all the more important that people maintain and strengthen connections with people who care about them and are able to provide a variety of support which might otherwise require "paid staff." At the same time,

we are well aware that the primary unpaid resource for most of the people we support is their family, and do not wish family members to feel obligated to provide support to their adult sons and daughters with disabilities that they would not provide if a disability were not present. This is an interesting challenge.

As related to consumer directed services, our primary response to date to this issue has been through education and training events, both those open to all stakeholders in the system, and particularly through support broker training. Support broker knowledge and expertise in this area is a primary resource to people, and we hope to strengthen the capacity of all support brokers in this regard through additional training and emphasis to be offered initially this spring by Michael Smull.

We are also planning to initiate a Dane County Developmental Disabilities Services Network this year, modeled after the state DD Network. The first training event will focus on the issue of community connections, particularly connections with individuals and organizations which are not typically part of the "disabilities field." This training will also be a learning event, intended to help us create future responses to this issue.

We would welcome advice from DHFS on what you have learned is effective in promoting the use of informal and generic resources and promoting community connections.

### **1.1.9 Service availability and development**

*Describe how the county will:*

- a) *Promote availability of a flexible array of services to meet identified needs and provide consumer choice.*

Consumer directed services is by its very nature designed to promote the development and availability of a variety of resources and responses by providing support to each individual to think about different ways of obtaining support beyond the current menu of services. This option builds upon a historic and intentional strength of Dane County's system, that being the proliferation of service agencies within the county is arguably greater than any other locale in the country.

To date, two new small residential providers and three specialized vocational providers have been established as a result of consumer demand.

- b) *Assist consumers with obtaining necessary emergency back-up services.*

Dane County DHS has developed an extensive crisis response system for people with developmental disabilities, which has been augmented as we have moved to a system based upon greater direction by the people we support. Please see Attachment E for the description of this system.

### 1.1.10 Health, safety and rights

*Describe how the county will assure that Consumer Directed Supports meet the consumer's health and safety needs and protect the consumer's rights. Describe:*

- a) *How health, safety and rights issues will be considered in individual planning, including identification of health, safety and rights requirements that must be in place regardless of system resource limits or consumer preference (“non-negotiables”).*

As discussed within section 1.1.5 , two required elements of the individual planning process are 1) identification and response to health care needs, and 2) identification of existing and potential issues of risk. All plans are submitted to Dane County DHS/ACS managers for review and approval. These areas must be addressed satisfactorily in order for DCDHS to approve the Individual Supports and Services Plan.

- b) *The role of the support coordinator in identifying and addressing risks to health, safety and rights and in ongoing monitoring of health, safety and rights issues.*

In addition to the key role in the planning function noted above, support brokers must meet all Medicaid HCBS case management requirements regarding health and safety oversight. Support brokers are designated as having the primary public responsibility for attending to these issues for each person they support. The Support Broker/Case Management Agreement between a support broker and DCDHS spells out this responsibility, particularly as items 3,6,8,9 & 12 (see Attachment F).

- c) *How consumers will have access to information about past performance by providers.*

At this time, word of mouth is the primary manner in which past performance by providers is available. DCDHS is in the process of developing an ongoing Quality Improvement process which will over time include all provider agencies and will accumulate information which we hope will provide a more formal sense of both past and current provider performance. This information will be gathered from the primary perspective of the people we support and their families.

We are also expanding our use of the Personal Quality of Life Protocols (known affectionately here as *the Conroys*) through a personal services contract which will enable us to obtain pre and post information on all people we are supporting in consumer directed services. Jim Conroy has indicated a willingness to help us summarize that information in a way that will enable us to obtain information about specific providers and types of support.

- d) *How back-up will be provided for consumers who choose support methods for essential needs which do not have internal back-up capacity.*

Any individual support and services plan which relies upon support methods for essential needs which do not have internal back up capacity must indicate how those essential needs will be met as part of the plan section addressing issues of potential risk for an individual. If planned back-up fails, people know to contact the Crisis Response System described above.

- e) *How the system required by Chapter IX of the MA Waivers Manual for prevention, reporting, and investigation of abuse, neglect, exploitation and rights violations and for responses to assure health, safety, rights and welfare of will be implemented for participants in Consumer Directed Supports.*

Required adherence to these procedures are no different in support of people who have their own individual budget and are using it to pay for services through vouchers and fiscal management or fiscal intermediary agencies than for people whose services are funded entirely through contracts between Dane County and service providers.

- f) *How disagreements over acceptable risk between the county and participants will be resolved.*

Support brokers receive specific training which focuses upon this thorny issue. Our hope, and our experience to date is that support brokers will be the first source of acceptable negotiation with an individual who may wish to take a risk the public system finds questionable. Disagreements not resolved by a support broker, or situations in which the county may disagree with both the individual and the support broker are encouraged to be discussed with county staff as part of weekly meetings opened for that purpose (as one of several purposes). Individuals are also encouraged to take such issues for informal discussion or mediation to a Quality Assurance Board, consisting of volunteer members with logistical support of the county. Some issues may ultimately warrant resolution through formal county and state grievance or hearing procedures.

- g) *How state policy on employee background checks, including sec. 9.07 of the MA Waivers Manual, will be implemented.*

Required adherence to these procedures is no different in support of people who have their own individual budget and are using it to pay for services through vouchers and fiscal management or fiscal intermediary agencies than for people whose services are funded entirely through contracts between Dane County and service providers.

Dane County will continue to have small administrative contracts with all current provider agencies and for any new agency that provides core support to more than 10 individuals. These contracts will continue to require background checks for support staff. The county will provide background checks on independent brokers. Goodwill Industries will provide background check on all individuals under co-employment and the brokers will use the county system to provide background check for individuals using the fiscal intermediary.

*h) The county grievance procedure available to consumers.*

Required adherence to these procedures are no different in support of people who have their own individual budget and are using it to pay for services through vouchers and fiscal management or fiscal intermediary agencies than for people whose services are funded entirely through contracts between Dane County and service providers.

#### **1.1.11 Policies on limitations of consumer direction**

*Describe:*

*a) Circumstances when the county will consider taking back some control over supports and services.*

We expect that the county would be able to resolve all or nearly all issues of significant concern through discussion and negotiation with individuals who we serve. Should individuals insist on placing themselves at unacceptable risk or demand to use funding for items prohibited by county policy, DCDHS would assign a county case manager to assist the person to obtain support and services. In such circumstances the case manager would work with the individual and her or his allies on the problematical issues, with hopes that the person and her/his allies can maintain as much direction of their life in the short term, and more authority and control over time.

*b) The process that will be followed in negotiating changes to individual plans.*

Within the funding available to each person, changes in the individual support and services plan may be submitted at any time and will be approved so long as they meet the same requirements as in the original plan (i.e., acceptable health and safety).

*c) Consumer rights to notice and review of limitation on consumer direction.*

In circumstances in which the county resumes greater authority in determining how funding for an individual shall be used to obtain needed support and services, the individual will be advised on an ongoing basis of their opportunities for both informal and formal review of this decision through discussions with county staff

and administration, review or mediation of the circumstances by the Quality Assurance Board, formal review of the decision through county grievance procedures.

### **1.1.12 Quality assurance**

*Describe how the county will provide for:*

*a) Outcome-based quality assurance methods.*

The primary outcome-based quality assurance method is the authority by the people we serve and their allies to themselves decide what quality means to them and to judge whether or not they are receiving it. This process is augmented in several ways by the county:

- 1) through current county review and approval of the individual support and services plan;
- 2) through the current development of a process to create a quality improvement process for a sample of all individual support and services plans; and
- 3) through identification within the assessment and planning process of individuals who need additional assistance in decision-making; and
- 4) through use of the Personal Quality of Life Profile.

*b) Response to conflict-of-interest situations.*

The ability of the individuals we serve and their allies to freely choose both support broker and those who provide other goods and support is a primary factor reducing the potential for conflict of interest. Because of the importance and multiplicity of roles of the support broker, DCDHS has paid particular attention to ensuring that support brokers cannot also provide and get paid for providing additional services to an individual they support, or work for an agency that does so.

As part of the individual rate which people receive, prior year's case management costs are documented. This provides a good general indication to the person of what support broker costs are likely to be. County staff also monitor support broker costs to assure that support brokers are not unfairly using their relationship with a person for financial advantage.

*c) Use of information from quality assurance and grievance mechanisms in ongoing program review.*

As previously noted, DCDHS is currently using a Quality Assurance Board to augment its review and understanding of systemic issues related to both quality assurance and quality improvement. This effort will be expanded with the an

ongoing quality improvement process which is currently being developed by a work group of the Quality Assurance Board.

Further and overall formal feedback on systemic issues in the implementation and future development of consumer directed services will be provided through a Choices Council, which will be developed this year, and will be composed primarily of people receiving services and their families, with representation from provider agencies and other system stakeholders.

### **1.1.13 Consumer involvement in planning and quality assurance**

*Describe how consumers, family members, guardians and other natural supports:*

- a) *Were involved in developing the Consumer Directed Supports facilitation plan.*

There is not, per se, a Consumer Directed Supports facilitation plan. The option of people having an individual budget and support to purchase or create supports and services with that budget is a natural evolution of Dane County's system of support and services. As previously noted in this document, planning and implementation of this option has been gradual over the past 4 years, with ongoing input from the people we serve, their families, our current providers, elected officials, and other concerned citizens.

- b) *Will be involved in continuing program oversight and modification, including their role in reviewing and resolving grievances.*

In addition to the many formal and informal opportunities within this highly political county to discuss any and all changes in our various systems, both the Quality Assurance Board and the Choices Council which is being developed will provide particular attention to program oversight and individual or systemic grievances.