



Reminder of Individual Support Plan (ISP) Team Roles & Responsibilities for Individuals Utilizing the Vendor Fiscal/Employer Agent Financial Management Service (VF/EA FMS)

ODP Announcement 24-088

AUDIENCE:

- Individuals who self-direct through the VF/EA FMS
- Common Law Employers (CLEs)
- Administrative Entities (AEs)
- Supports Coordinators (SCs)
- Supports Brokers (SBs)
- All Interested Stakeholders

PURPOSE:

To remind the audience of their roles and responsibilities in the Participant Directed Services (PDS) model of service delivery using the Vendor Fiscal/Employer Agent (VF/EA) Financial Management Services (FMS) option.

DISCUSSION:

With the beginning of a new fiscal year, there are a number of responsibilities ODP would like to remind stakeholders of. These roles and responsibilities are outlined in, but not limited to, the following documents:

- The [Consolidated Waiver](#), [Community Living Waiver](#), and [Person/Family Directed Support Waiver](#)
- [ODP Bulletin 00-08-14 “Vendor Fiscal/Employment Agent Financial Management Services \(VF/EA FMS\)”](#)
- [ODP Bulletin 00-22-05 “Individual Support Plans for Individuals Receiving Targeted Support Management, Base-Funded Services, Consolidated, Community Living, or P/FDS Waiver Services, or Who Reside in an ICF/ID”](#)
- [ODP Announcement 24-051: “Updates To The Individual Support Plan \(ISP\) Bulletin”](#)
- [ODP Bulletin 00-22-03 “Technical Guidance for Claim and Service Documentation”](#)
- [ODP Announcement 23-055: “Updates to Technical Guidance for Claim and Service Documentation Attachments”](#)
- [ODP Communication 068-16: “Scheduling Support Service Workers to Work More than 40 hours per Week in the Consolidated and P/FDS Waivers”](#)
- [ODP Announcement 23-041: “Maximum Number of Hours per Week of In-Home and Community Support and/or Companion Services that Relatives and Legal Guardians May Provide \(the ‘40/60 Role’\)” Restored](#)

CLE responsibilities include but not limited to:

- Providing orientation and training to Support Service Professionals (SSPs);
- Developing a back-up plan for when an SSP fails to report for a shift for any reason;
- Ensuring that SSP timesheets are accurate and approve them in the VF/EA FMS's electronic visit verification (EVV) system within the required timeframe;
- Ensuring that participant-directed services are provided at the frequency (how often) and duration (the amount of time) that is authorized in the ISP; and
- Ensuring that all outcomes are documented by the SSP or employer as required.

SC responsibilities include but not limited to:

- Monitoring to verify that services were delivered and documenting this in the Individual Monitoring Tool;
- Reviewing progress and service notes to determine if services were provided at the frequency and duration that is authorized in the ISP;
- When services are not being delivered as authorized, meeting with the individual and/or CLE to determine barriers; and
- Address any service delivery issues with the individual and/or CLE, and if unresolved, escalate the concern to the County Program/AE.

AE responsibilities include but not limited to:

- Having written procedures to track, monitor, and provide corrective action as it relates to the CLE;

- Tracking the utilization and budget of each authorized ISP; and
- Sharing any concerns with the Supports Coordination Organization (SCO), VF/EA FMS, and/or ODP for follow-up and resolution.

SB responsibilities include but not limited to:

- Educating and supporting the CLE with employer-related functions. This is so the CLE can perform such tasks independently and without on-going assistance to the greatest extent possible. This can include, but is not limited to, education and support with:
 - Developing recruiting and hiring techniques;
 - Developing a method to determine pay rates for SSPs;
 - Developing a method to manage utilization tracking; and
 - Reviewing time sheets and details according to Federal, State, and Local Labor Laws as well as ODP Policy and Regulations.
- Working collaboratively with the VF/EA FMS, CLE, SC, and the ISP team.

Utilization:

ISPs include the services to be provided, the amount, duration, and frequency of each service, and the provider of each service. Services must be consistent with what the service definition describes. The AE shall not authorize services that are provided under the state plan, private insurances, or other third-party payers, unless evidence that all other payers/funding types have been exhausted and are not available. Waiver funds cannot be used to offset other funded services authorized but not being provided due to the lack of available staff.

ISPs are developed and updated to ensure authorized services are reflective of an individual's current, assessed needs. When there is disagreement among the team, ODP's "[DP 1022](#)"

[Waiver Service Request Form](#)” should be completed. All services must be approved and authorized in the ISP before services can be provided by qualified SSPs or vendors. Therefore, if a timesheet or invoice is submitted for more than authorized in the ISP, or for services not included in the ISP, the individual or surrogate will be responsible for payment per the *Common Law Employer Consent Form*. Those responsible for service implementation are accountable for the delivery of services as indicated in the ISP and are responsible for documentation to support the provision of services.

The 40/60 Rule

Any one relative and/or legal guardian may provide a maximum of 40 hours per week (combined) of In-Home and Community Support and Companion services. If multiple relatives and/or legal guardians provide the service(s), each individual may receive no more than 60 hours per week (combined) of In-Home and Community and Companion services. This is commonly referred to as the “40/60 Rule.” The CLE is responsible for tracking this usage. For further information, please refer to [ODP Announcement 23-041: “Maximum Number of Hours per Week of In-Home and Community Support and/or Companion Services that Relatives and Legal Guardians May Provide \(the “40/60 Rule”\) Restored.](#)

Emergencies and Unplanned Departures

Exceptions to the 40/60 Rule may be made in emergencies or due to unplanned departures of regularly scheduled workers at the discretion of the employer. Such situations include:

- Unexpected circumstances such as inclement weather, sudden illness, or an unplanned extension of medical leave that prevents a worker from arriving at the job site and where another worker/unpaid caregiver is not immediately available to work;
- The sudden loss of an unpaid caregiver which kept the provision of paid services by relatives and/or legal guardians at or below 40/60 rule; or

- A worker unexpectedly quits or is terminated from employment such that relatives and/or legal guardians must perform paid work in excess of the 40/60 rule.

When emergencies or an unplanned departure occurs, the CLE must document:

- The unexpected circumstances that occurred; and
- How often the exception occurred.

An exception for up to 90 calendar days in any fiscal year is allowed. When an emergency or unplanned departure occurs, and the maximum number of hours is exceeded, the entire work week in which the limit was exceeded will be counted towards the allowable 90 calendar days. In other words, there can be up to 13 work weeks where the 40/60 rule can be exceeded, if necessary, in any fiscal year. The CLE is responsible for providing the above information to the SC as soon as possible whenever this exception occurs.

CONTACT:

Questions about this announcement should be directed to the appropriate ODP Regional Program Office PDS Lead:

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