

### **3003 SELECTION OF PROVIDERS**

REVISION DATES: 3/2/2022, 3/22/2021, 2/5/2018, 6/10/2016

REVIEW DATE: 1/27/2023

EFFECTIVE DATE: October 4, 2014

REFERENCES: A.A.C. R6-6-2101 through R6-6-2115

#### **PURPOSE**

To provide a person-centered approach for the Division of Developmental Disabilities (Division) members to select providers in a fair and equitable manner. The Division does not discriminate against Qualified Vendors/Independent Providers who serve high-risk populations or who specialize in conditions that result in costly treatment due to Division members selecting their own providers.

Division staff are not permitted to show favoritism toward any specific Qualified Vendor/Independent Provider. If staff are asked to make a recommendation regarding a Qualified Vendor/Independent Provider, staff must explain to the member/responsible person that they cannot make a specific recommendation. Staff will then review the methods that are available for the member to select a Qualified Vendor/Independent Provider. The Division may assist the member/responsible person to identify the criteria needed to make a selection based on the member's needs.

#### **I. POLICY**

##### **A. IDENTIFYING THE NEED FOR SELECTING A QUALIFIED VENDOR**

1. The selection of a Qualified Vendor is needed when:
  - a. A new service is approved by the Division, or
  - b. A member/responsible person requests a change of Qualified Vendor.
2. If the member/responsible person requests a new Qualified Vendor at the time of the annual planning meeting:
  - a. The request will be documented in the Planning Document.
  - b. The Division will accommodate the requests to the extent appropriate and practical.
3. If the member/responsible person requests a new Qualified Vendor outside of an annual planning meeting:
  - a. The request must be in writing or reported directly to the Division for incorporation into the member's record and include:
    - i. The rationale for changing Qualified Vendors, and
    - ii. A description of the opportunities given to the current Qualified Vendor to address the member's concerns.

4. If there is team agreement to make the change, the Division will accommodate the requests to the extent appropriate and practical.
5. If there is no team agreement, the Division shall schedule and convene a resolution meeting as soon as possible, document steps to resolve the concern(s), and monitor the plan for the following 21 days to determine if the concerns have been resolved. If the concerns have not been resolved, the Division will accommodate the requests to the extent appropriate and practical.

## **II. NON-RESIDENTIAL SERVICES**

### **A. METHODS FOR SELECTING A QUALIFIED VENDOR - NON-RESIDENTIAL SERVICES**

1. When a non-residential service is approved by the Division, or a change of Qualified Vendor for a non-residential service is needed, the member/responsible person may identify a Qualified Vendor in the following ways:
  - a. The member may identify a Qualified Vendor or contracted Independent Provider without assistance from the Division. The Division will issue a vendor call concurrently to ensure that services are put in place.
  - b. If requested by the member/responsible person, the Division may provide an electronic or printed copy of the Qualified Vendor or Independent Provider Directory, or direct the member/responsible person to use the online Provider Search option available on the Division's webpage, "Assistance for Individuals or Families."
  - c. The member/responsible person will confirm the potential Qualified Vendor's availability with the Division.
2. The member may select a Qualified Vendor through the use of a vendor call issued by the Division. A vendor call for non-residential services is a notice from the Division inviting Qualified Vendors to submit a response indicating their availability to provide services for a specific member or specific group of members, based on the requirements defined in the member's Planning Document.

### **B. SELECTING A QUALIFIED VENDOR USING A NON-RESIDENTIAL VENDOR CALL**

1. Vendor calls for non-residential services remain open and/or continuous until the service is assigned.
2. The Division provides the member/responsible person with responses that meet the criteria of the vendor call as they are received.

3. After receiving the first response to the vendor call from the Division, the member/responsible person must select a Qualified Vendor from the responses received within seven calendar days.
4. If a member/responsible person is not willing to, is unable to, or does or does not select a vendor, a Qualified Vendor may be auto assigned on their behalf by the Division. The member/responsible person will be notified of the auto-assignment.
5. The selection will be documented in the member's file and progress notes.

**C. QUALIFIED VENDOR NOT IDENTIFIED – NON-RESIDENTIAL VENDOR CALLS**

1. When a non-residential vendor call does not receive any Qualified Vendor responses, the Division will use direct referral to individually contact one or more of the Qualified Vendors who provide services in the geographic area of the member. If necessary, the Division may extend the search to proximal areas or statewide.
2. Negotiated rate considerations and/or out-of-network providers may be utilized by the Division if a Qualified Vendor is not identified using the vendor call and direct referral process.
3. Alternative services will be offered, assessed, and documented in the member's file by the Division while a Qualified Vendor is being identified.

**III. RESIDENTIAL SERVICES**

**A. METHODS FOR SELECTING A QUALIFIED VENDOR - RESIDENTIAL SERVICES**

1. When a residential service is approved by the Division, or a change of Qualified Vendor for a residential service is needed, the member/responsible person may identify a Qualified Vendor in the following ways:
  - a. The member/responsible person may identify a currently contracted Qualified Vendor on their own; however, the Division must confirm that the selected Qualified Vendor has an existing/current funded capacity that can meet the member's needs prior to the authorization of services.
  - b. The member/responsible person may select a Qualified Vendor through the use of a vendor call issued by the Division. A vendor call for residential services is an invitation to Qualified Vendors to provide services for a specific member, based on the member's individual needs.

**B. SELECTING A QUALIFIED VENDOR USING A RESIDENTIAL VENDOR CALL**

1. Vendor calls for residential services close after five calendar days.
2. When Qualified Vendor responses to residential vendor calls are received, the Division provides the member/responsible person with the responses that met the criteria in the vendor call after it closes.
  - a. The member/responsible person must select a Qualified Vendor from the responses within five calendar days of receiving the response list from the Division. The member/responsible person may request an additional five calendar days to select a Qualified Vendor, if needed.
  - b. If a member/responsible person is not willing to, unable to, or does not select a vendor within the allotted time frame, a Qualified Vendor may be auto assigned on their behalf by the Division. The member/responsible person will be notified of the auto-assignment.
3. The selection will be documented in the member's file and progress notes.

**C. QUALIFIED VENDOR NOT IDENTIFIED - RESIDENTIAL VENDOR CALLS**

1. When a residential vendor call does not receive any responses, the Division will determine if the parameters of the vendor call need to be adjusted.
2. If the parameters of the vendor call are adjusted, a new vendor call will be issued.
3. If the parameters of the vendor call cannot be adjusted, the Division will use direct referral to individually contact one or more of the Qualified Vendors who provide services in the preferred geographic area of the member.
4. The Division may identify the need to expand the Network when there are no responses to vendor calls/direct referrals for two or more members.
5. Negotiated rate considerations may be utilized at the discretion of the Division.
6. Alternative services may be offered, assessed, and documented in the member's file by the Division while a Qualified Vendor is being identified.
7. Under rare circumstances the Division may consider the use of an out-of-network provider for emergent needs.

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#### **IV. INDEPENDENT PROVIDERS**

##### **A. SELECTING INDEPENDENT PROVIDERS**

1. Members may select to receive services from an existing independent provider who has an Independent Provider Agreement with the Division. Beginning in 2019, the Division stopped expanding the Independent Provider Program. Exceptions may be considered on a case-by-case basis and only if there is no network sufficiency to meet a specific member's needs.
2. A member/responsible person may change Independent Providers at any time.
3. Independent Providers are paid a rate based on member assessment.
4. The Division requires the use of a fiscal intermediary to manage the tax responsibilities and other employer obligations related to Independent Provider selection.
5. The fiscal intermediary is responsible for:
  - a. Paying claims submitted by Independent Providers, including tax obligations;
  - b. Tracking authorized service hours; and
  - c. Working with the member/responsible person and the Division to resolve any financial concerns.

##### **B. REQUIREMENTS FOR MEMBERS USING INDEPENDENT PROVIDERS**

1. When a member/responsible person selects an existing Independent Provider to provide the service, the member/responsible person shall:
  - a. Hire, orient, and train each Independent Provider to deliver the support as authorized in the Planning Documents;
  - b. Review and approve each Independent Provider timesheet;
  - c. Track the hours of service used compared to the hours of service authorized by the Division; and
  - d. Report any concerns about the Independent Provider or the Independent Provider program to the Division and work with the fiscal intermediary and Division staff toward resolution.

Signature of Network Administrator: *Megan Taylor*  
Megan Taylor (Jan 30, 2025 08:42 MST)  
Megan Taylor

Jan 30, 2025