

46 AGENCY WITH CHOICE

REVISION DATE: 11/13/2024, 5/10/2023, 4/3/2019

REVIEW DATE: 8/15/2024, 10/27/2023

EFFECTIVE DATE: April 1, 2015

REFERENCES: Social Security Act; A.A.C. R9-28-509; AMPM 1310-A, Division Medical Policy 1301

PURPOSE

This policy outlines the requirements for Qualified Vendors when using the Agency With Choice Member directed service delivery model.

DEFINITIONS

1. "Agency with Choice" or "AWC" means a Member-directed service delivery model option offered to Members eligible for ALTCS who reside in their own home in which the provider agency and the Member or Responsible Person enter into a partnership agreement wherein the provider agency serves as the legal employer of the Direct Care Worker and the Member or Responsible Person serves as the day-to-day managing employer of the Direct Care Worker.
2. "Direct Care Worker Agency" means an agency registered with

AHCCCS as a service provider of Attendant Care, Personal Care, Homemaker or Habilitation. The agency, by registering with AHCCCS, warrants that it has a workforce (employees or contractors) with the abilities, skills, expertise, and capacity to perform the services as specified in AHCCCS policy.

3. "Direct Care Worker" or "DCW" means an individual employed by a Direct Care Worker Agency, who assists an individual with a disability with activities necessary to allow them to reside in their home.
4. "Individual Representative" means, for AWC only, a parent, family Member, guardian, advocate, or other individual authorized by the individual to serve as a representative in connection with the provision of services and supports, as specified in A.A.C. R9-28-509. If a Member is unable to fulfill the co-employment roles and responsibilities on their own, an IR may be appointed to assist the Member in directing their care. The role of an IR is to act on the Member's behalf in choosing and directing care, including representing the Member during the

service planning process and approving the service plan. A.A.C R928-509 and Section 1915 (k) of the Social Security Act, prohibit an IR from serving as a Member's paid DCW.

5. "Member" means the same as "client" as defined in A.R.S. § 36-551. 5.
6. "Qualified Vendor" means a provider of community developmental disability services that has applied for Qualified Vendor status, meets the criteria for Qualified Vendor status, and has entered into a Qualified Vendor Agreement with the Division.
7. "Qualified Vendor Agreement" means a contract that consists of the combination of the Request for Qualified Vendor Agreement, the terms and conditions, the specifications, the schedules, the exhibits, the attachments, and any RFQVA amendments.
8. "Request for Qualified Vendor Agreement" or "RFQVA" means the application a vendor submits to the Division to become a Qualified Vendor.

POLICY

A. QUALIFIED VENDOR ROLES AND RESPONSIBILITIES

1. Qualified Vendors shall have policies and procedures pertaining to AWC that include the following:
 - a. The Partnership Agreement
 - i. A timeline for when the Agency with Choice: Partnership Agreement (Form DDD-1659A) shall be signed by the DCW Agency representative and the Member after the Qualified Vendor has been informed of the Member's election of the option by the Support Coordinator.
 - ii. A process for ensuring the Agency with Choice: Partnership Agreement (Form DDD-1659A) is reviewed, at a minimum, annually or within the timeframe noted on the completed and signed form.
 - iii. A process for ensuring Support Coordinators receive a copy of the current Agency with Choice: Partnership Agreement (Form DDD-1659A).

- b. Agency Communication
 - i. Guidelines for ensuring Members have a point of contact for support and defined protocols for requesting support including informing the Qualified Vendor of concerns regarding the care provided by a DCW, and
 - ii. A process for ensuring that the timeframes for regular contact specified in the Agency with Choice: Partnership Agreement (Form DDD-1659A) are adhered to.
- c. Member and Individual Representative Support, if applicable;
 - i. Guidelines for identifying and ensuring a Member's support needs, pertaining to the Members roles and responsibilities, are addressed either by the Qualified Vendor or referred to the Support Coordinator.
 - ii. Protocol for the Member to report instances where they have changed the DCW schedule.
 - iii. Supporting the Member in understanding how to

develop and implement a back-up plan in the event the DCW does not show up or cannot provide services that day.

d. DCW Support

- i. Informing the DCWs about the AWC option; and
- ii. How the interaction between the Member, DCW and the provider agency may be different than interaction under the traditional service model.

2. The Qualified Vendor, as the legal employer of the DCW, shall carry out the following responsibilities:

- a. Reviewing and completing the Agency with Choice: Partnership Agreement (Form DDD-1659A) with the Member, including supporting the Member to identify their respective roles and responsibilities,
- b. Hiring and Firing the DCW(s)
 - i. Ensure the DCW meets the minimum qualifications for AHCCCS, the Division and the Qualified Vendor
Hire and fire the DCW, including completing and maintaining documentation verifying the DCW is

- legally eligible to work;
- ii. Support the Member to dismiss a DCW and develop a transition plan to ensure there are no interruptions in the provision of care.
 - c. Training the DCW(s)
 - i. In addition to required training, a Member may identify and request additional training for the DCW to meet their unique needs.
 - ii. Additional training is not mandatory.
 - iii. The training shall be provided by an AHCCCS registered provider and arranged by the Division.
 - iv. Training requires prior authorization from the Supported Coordinator.
 - v. Additional DCW training requested by the Member shall meet the following conditions:
 - 1. The training shall be outside the scope of training required by the following entities:
 - a. AHCCCS as specified in AMPM Policy 1240-A,

- b. The Division,
 - c. The Qualified Vendor.
 - 2. The training shall be individualized for the Member and not a standardized training already available.
 - 3. An AHCCCS-registered provider shall provide the training. The Member shall not provide the training.
 - 4. The training shall be goal driven and support the implementation of the Service Plan;
 - 5. The training shall not be used for professional development for the DCW.
 - 6. The training shall not exceed a total of 16 units (four hours) of training for each DCW per the Member benefit year.
- d. Managing the DCW(s)
- i. Complete and file all required payroll documentation:
 - 1. Payroll taxes, including withholding, deposit, and filing of required documentation.

2. Federal and State required year-end employer filing requirements.
 - ii. Manage Electronic Visit verification and billing for services.
 - e. Supervising the DCW(s)
 - i. Conduct regular supervision visitations for all direct care services specified in AMPM Policy 1240-A, and
 - ii. Support the Member to use conflict resolution strategies in the event they are unsatisfied with a DCW's performance.
 - f. Supporting the execution of a back-up plan in the event the DCW does not show up or cannot provide services to a Member on any given day.
- B.** The Qualified Vendor shall either acknowledge or deny the service authorization within three business days upon receipt of a new service authorization.
- C.** The Qualified Vendor, upon acknowledgment of the service authorization using AWC, shall use a Healthcare Common Procedure

Coding System U-7 modifier when submitting claims to the Division for services provided under the AWC service delivery option.

- D.** The Qualified Vendor shall refer to the Division Provider Policy Manual Appendix B DDD Agency with Choice User Guide – Focus Vendor instructions, for billing as an AWC vendor.
- E.** The Qualified Vendor shall refer to the DDD FOCUS/CAS - Contract Administration System (CAS Online Application) User Manual located on the Division’s website for guidance on how to “Opt-In” as an AWC vendor.
- F.** The Qualified Vendor, once they have opted-in to AWC and only after closure of authorizations for Members who selected AWC service delivery option, may opt-out for any or all AWC services.
- G. SUPPLEMENTAL INFORMATION**

- 1. AWC is a Member-directed option which allows Members to have more control over how certain services are provided, including:
 - a. Attendant Care,
 - b. Habilitation, Hourly,
 - c. Homemaker

- d. Supported Living
- 2. The Member-directed option is not a service, but rather defines the way in which services are delivered and are available to ALTCS Members who live in their own home.
- 3. The AWC option is not available to Members who live in an alternative residential setting or nursing facility.
- 4. The Division's DCW Support:
 - a. The Support Coordinator assisting the Member to assess the Member's own training needs as they relate to directing the Member's own care.
 - i. There is no mandatory Member training for AWC participation;
 - ii. Training is available to assist the Member, if needed, to succeed in directing their own care;
 - iii. The training will be provided by an AHCCCS registered provider and arranged by the Division;
 - iv. Training requires prior authorization from the Support Coordinator.
 - b. Member training on the following topics will be available for

Members who select the AWC if the Member wants the training to support them to fulfill their roles and responsibilities:

- i. Recruiting and Selecting the DCW(s);
 - ii. Dismissing the DCW(s);
 - iii. Training the DCW(s);
 - iv. Managing the DCW(s); and
 - v. Supervising the DCW(s),
5. The roles and responsibilities of Members and Support Coordinators are outlined in Division Medical Policy 1301.