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2 **46 AGENCY WITH CHOICE**

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

5 REVIEW DATE: 10/27/2023

6 EFFECTIVE DATE: April 1, 2015

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

9 **PURPOSE**

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11 ~~The purpose of this This policy outlines is to outline the requirements when~~  
12 ~~using the Agency With Choice (AWC) Member directed service delivery~~  
13 ~~model. for Qualified Vendors when providing Agency With Choice services for~~  
14 ~~Division Members who are eligible for ALTCS.~~

15 **DEFINITIONS**

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17 1. "Agency with Choice" or "AWC" means a Member-directed  
18 ~~member-directed~~ service delivery model option offered to  
19 Members eligible for ALTCS who reside in their own home in  
20 which the provider agency and the Member or Responsible  
21 Person enter into a partnership agreement wherein the provider  
22 agency serves as the legal employer of the Direct Care Worker  
23 and the Member or Responsible Person serves as the day-to-day  
24 managing employer of the Direct Care Worker.

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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" 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 Individual Representative may be appointed to assist the Member in directing their care. The role of an Individual Representative is to act on the Member's behalf in choosing and directing care, including representing the Member during the

45  
46 service planning process and approving the service plan. A.A.C  
47 R928-509 and Section 1915 (k) of the Social Security Act,  
48 prohibit an Individual Representative from serving as a Member's  
49 paid DCW.

50 5. "Member" means the same as "client" as defined in A.R.S. §  
51 36-551. 5.

52 6. "Qualified Vendor" means a provider of community  
53 developmental disability services that has applied for Qualified  
54 Vendor status, meets the criteria for Qualified Vendor status, and  
55 has entered into a Qualified Vendor Agreement with the Division.

56 7. "Qualified Vendor Agreement" or "QVA" means a contract that  
57 consists of the combination of the Request for Qualified Vendor  
58 Agreement, the terms and conditions, the specifications, the  
59 schedules, the exhibits, the attachments, and any RFQVA  
60 amendments.

61 8. "Request for Qualified Vendor Agreement" means the application  
62 a vendor submits to the Division to become a Qualified Vendor.

63 **POLICY**

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**A. QUALIFIED VENDOR ROLES AND RESPONSIBILITIES**

1. Qualified Vendors shall have policies and procedures pertaining to AWC that include the following: ~~The Qualified Vendor and Member or Responsible Person may agree to opt-in anytime for any or all of the following AWC services:~~

a. The Partnership Agreement Habilitation;

i. A timeline for when the Agency with Choice: Partnership Agreement (Form DDD-1659A) is to 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:

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86 Partnership Agreement (Form DDD-1659A).
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88 b. Agency Communication Homemaker;
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90 i. Guidelines for ensuring Members have a point of  
91 contact for support and defined protocols for  
92 requesting support including informing the Qualified  
93 Vendor of concerns regarding the care provided by a  
94 DCW, and
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96 ii. A process for ensuring that the timeframes for  
97 regular contact specified in the Agency with Choice:  
98 Partnership Agreement (Form DDD-1659A) are  
99 adhered to.
- 100 c. Member and Individual Representative support, if  
101 applicable Individually Designed Living Hourly;
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103 i. Guidelines for identifying and ensuring a Member's  
104 support needs, pertaining to the Members roles and  
105 responsibilities, are addressed either by the Qualified  
Vendor or referred to the Support Coordinator;
- ii. Protocol for the Member to report instances where

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107                   they have changed the DCW schedule; and
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109                   iii.       Supporting the Member in understanding how to  
110                   develop and implement a back-up plan in the event  
111                   the DCW does not show up or cannot provide  
112                   services that day.
- 113                   d.       DCW Support Attendant Care;
- 114                   i.       Informing the DCWs about the AWC option; and
- 115                   ii.       How the interaction between the Member, DCW and  
116                   the provider agency may be different than  
117                   interaction under the traditional service model.
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- 120                   e.       Habilitation Hourly Support.
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- 122                   2.       The Qualified Vendor, as the legal employer of the DCW, shall  
123                   carry out the following responsibilities:
- 124                   a.       Reviewing and completing the Agency with Choice:  
125                   Partnership Agreement (Form DDD-1659A) with the  
126                   Member, including supporting the Member to identify their  
127                   respective roles and responsibilities.

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129           b.     Hiring and Firing the DCW(s)
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131                 i.     Ensure the DCW meets the minimum qualifications  
132                         for AHCCCS, the Division, and the Qualified Vendor;
- 133                 ii.    Hire and fire the DCW, including completing and  
134                         maintaining documentation verifying the DCW is  
135                         legally eligible to work; and
- 136                 iii.   Support the Member to dismiss a DCW and develop a  
137                         transition plan to ensure there are no interruptions in  
138                         the provision of care.
- 139           c.     Training the DCW(s)
- 140                 i.     In addition to required training, a Member may  
141                         identify and request additional training for the DCW  
142                         to meet their unique needs;
- 143                 ii.    Additional training is not mandatory;
- 144                 iii.   Training is to be provided by an AHCCCS registered  
145                         provider and arranged by the Qualified Vendor.
- 146                 iv.    Training requires prior authorization from the  
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- 150 Supported Coordinator.
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- 152 v. Additional DCW training requested by the Member
- 153 needs to meet the following conditions:
- 154 1. The training is outside the scope of training
- 155 required by the following entities:
- 156 a. AHCCCS as specified in AMPM Policy
- 157 1240-A;
- 158 b. The Division; and
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- 160 c. The Qualified Vendor.
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- 162 2. The training is individualized for the Member
- 163 and not a standardized training already
- 164 available.
- 165 3. An AHCCCS-registered provider provides the
- 166 training;
- 167 4. The Member cannot provide the training;
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- 169 5. The training is to be goal driven and support
- 170 the implementation of the Service Plan;



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172 6. The training cannot be used for professional  
173 development for the DCW; and
- 174 7. The training cannot exceed a total of 16 units  
175 (four hours) of training for each DCW per the  
176 Member benefit year.
- 177 d. Managing the DCW(s)
- 178 i. Complete and file all required payroll documentation:  
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- 180 1. Payroll taxes, including withholding, deposit,  
181 and filing of required documentation.
- 182 2. Federal and State required year-end employer  
183 filing requirements.
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- 185 ii. Manage Electronic Visit Verification and billing for  
186 services.
- 187 e. Supervising the DCW(s)
- 188 i. Conduct regular supervision visitations for all direct  
189 care services specified in AMPM Policy 1240-A; and  
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- 191 ii. Support the Member to use conflict resolution;

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193 strategies in the event they are unsatisfied with a  
194 DCW's performance.

195 f. Supporting the execution of a back-up plan in the event  
196 the DCW does not show up or cannot provide services to a  
197 Member on any given day.

198 **B.** The Qualified Vendor shall either acknowledge or deny the service  
199 authorization within three business days upon receipt of a new service  
200 authorization. ~~The Qualified Vendor shall refer to Division Provider~~  
201 ~~Policy Manual Appendix A Qualified Vendor Application and Directory~~  
202 ~~System (QVADS) Provider Instructions—Agency with Choice Option for~~  
203 ~~guidance to “Opt In” as an AWC vendor.~~

204 **C.** The Qualified Vendor, upon acknowledgment of the service  
205 authorization using AWC, shall use a Healthcare Common Procedure  
206 Coding System U-7 modifier when submitting claims to the Division for  
207 services provided under the AWC service delivery option.

208 **D.** The Qualified Vendor shall refer to the Division Provider Policy Manual  
209 Appendix B DDD Agency with Choice User Guide – Focus Vendor  
210 instructions, for billing as an AWC vendor. ~~Once the Qualified Vendor~~  
211 ~~has opted in to AWC, the Qualified Vendor may opt out for any or all~~

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213 ~~AWC services only after closure of authorizations for Members who~~  
214 ~~selected AWC service delivery option.~~

215 **E.** The Qualified Vendor shall refer to the DDD FOCUS/CAS - Contract  
216 Administration System (CAS Online Application) User Manual located  
217 on the Division's website for guidance on how to "Opt-In" as an AWC  
218 vendor. ~~The Qualified Vendor shall refer to the Division Provider Policy~~  
219 ~~Manual Appendix B DDD Agency with Choice User Guide FOCUS~~  
220 ~~Vendor instructions, for billing as an AWC vendor.~~

221 **F.** The Qualified Vendor, once they have opted-in to AWC and only after  
222 closure of authorizations for Members who selected AWC service  
223 delivery option, may opt-out for any or all AWC services. ~~The Qualified~~  
224 ~~Vendor shall either acknowledge or deny the service authorization~~  
225 ~~within three business days upon receipt of a new service authorization.~~

226 **G. SUPPLEMENTAL INFORMATION**

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228 ~~Upon acknowledgement of the service authorization, the Qualified Vendor~~  
229 ~~shall use a Healthcare Common Procedure Coding System U-7 modifier when~~  
230 ~~submitting claims to the Division for services provided under the AWC~~  
231 ~~service delivery option.~~

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233 ~~For questions about Opting In to AWC in QVADS, the Qualified Vendor may~~  
234 ~~call 1-844-770-9500.~~

235 ~~For questions about AWC billing, the qualified vendor may contact~~  
236 ~~DDD-Claims@azdes.gov.~~

237 1. AWC is a Member-directed option which allows Members to have  
238 more control over how certain services are provided, including:

239 a. Attendant Care;

240 b. Habilitation, Hourly;

242 c. Homemaker; and

244 d. Supported Living

246 2. The Member-directed option is not a service, but rather defines  
247 the way in which services are delivered and are available to

248 ALTCS Members who live in their home.

250 3. The AWC option is not available to Members who live in an  
251 alternative residential setting or nursing facility.

252 4. The Division's DCW support includes:

253 a. The Support Coordinator assisting the Member to assess  
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256           the Member's own training needs as they relate to  
257           directing the Member's own care.
- 258           i.       There is no mandatory Member training for AWC  
259                   participation;
- 260           ii.       Training is available to assist the Member, if needed,  
261                   to succeed in directing their own care;
- 262           iii.       The training will be provided by an AHCCCS  
263                   registered provider and arranged by the Division;  
264                   and
- 265           iv.       Training requires prior authorization from the  
266                   Support Coordinator.
- 267           b.       If the Member wants the training to support them to fulfill  
268                   their roles and responsibilities, Member training on the  
269                   following topics will be available for Members who select  
270                   the AWC:
- 271                   i.       Recruiting and Selecting the DCW(s);  
272                   ii.       Dismissing the DCW(s);  
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275                   iii.       Training the DCW(s);  
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277                   iv.       Managing the DCW(s); and  
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279                   v.       Supervising the DCW(s),  
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281       5.       The roles and responsibilities of Members and Support  
282               Coordinators are outlined in Division Medical Policy 1301.

Draft Policy for Public Comment