

# Participant Guide for Self-Direction

## How to work with independent providers

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## Purpose

This Guide for Self-Direction is written for participants who want to self-direct Medicaid Home and Community-based Services (HCBS) Developmental Disabilities (DD) Waiver services. This guide should be read when deciding if you want to self-direct your services. Your team should also read and understand the information in this guide, as it will help them support you as you self-direct.

The Guide for Self-Direction includes:

- General information about how self-direction works;
- Rights and responsibilities of participants who self-direct services;
- Information on how to find, hire, supervise and dismiss independent providers; and
- How billing and payment occurs.

## Provider Resources

When you have a person who you would like to become your independent provider, direct him/her to the [resources](#) on the DDD website. A good place to start is the handout [How to Become an Independent Provider for Developmental Disabilities Services](#).

Your Service Coordinator (SC) can give you a paper copy of any resource you want for your provider.

All links given in this document are listed at the end.

## Introduction to Self-Direction

### What is self-direction?

Self-direction is how you manage your Medicaid HCBS DD waiver services when you choose to work with an independent provider. Self-direction gives you the responsibility to manage all aspects of service delivery. You are in charge of your person-centered planning process. Self-direction is not a service, but allows you to have control over which services you receive.

It is up to you to determine the services you need to be as independent as possible. You have the right and responsibility to participate to the greatest extent possible in the development and implementation of your plan.

Self-directed services are based on self-advocacy and self-determination:

- Self-advocacy means speaking or acting on your own behalf.
- Self-determination means you have the amount of control you want over the areas of your life which are important to you.

Some of the benefits you may experience when you self-direct your services:

- Increased independence and self-esteem;
- Choosing who comes into your home to work;
- Increased community access;
- Increased support to maintain your personal lifestyle and preferences; and
- Increased satisfaction with services.

### What is different about self-direction?

You are responsible for self-directing your Medicaid HCBS DD Waiver services when you choose to work with an independent provider.

An **independent provider** is a person or vendor enrolled as a Medicaid provider and employed by you.

- You are responsible for hiring, training, scheduling, supervising and dismissing your independent provider.
- An independent provider can be any qualified person you select.
- You can choose anyone who is not legally responsible for you and meets the requirements of the service you choose. People who are legally responsible for you, and therefore **cannot** be hired to provide your services:
  - Your parent when you are under age 19;
  - Your guardian;
  - Your spouse;
  - Your conservator; or
  - Your power of attorney.
- You **can** choose a neighbor, friend, or family member.
- Independent providers are not certified by DHHS-Public Health.

When you self-direct services, you may choose to use only independent providers or use multiple kinds of providers. Others who can provide DD services:

- A **developmental disabilities agency provider** is a company enrolled as a Medicaid provider and is certified by DDD Central Office to provide developmental disabilities services. The agency provider is responsible for hiring, or contracting, and supervising employees and contractors who work with you, and other administrative functions.
- A **vendor** is a company or agency enrolled as a Medicaid provider, but not certified as a DD service provider.

## Can I self-direct services?

You may self-direct services when you:

- Are eligible for services from DDD;
- Are age 19 or older (your parents can self-direct for you when you are under age 19);
- Meet the institutional level of care for home and community-based waiver services;
- Are eligible for and receive Medicaid;
- Have an individual support plan (ISP) which says you want to self-direct; and
- Are willing and able to accept increased responsibility for managing your services.

When you are deciding if you want to self-direct your waiver services, you may want to answer the following questions with your team to decide if self-direction is right for you:

- Can your medical, behavioral and safety needs be met by an independent provider?
- Can you tell when you are receiving adequate support?
- Will you be more isolated and vulnerable to abuse/neglect?
- Do you understand what abuse and neglect are, and are you capable of reporting abuse or neglect?
- Would you be afraid to report abuse, neglect, exploitation or fraud because you do not want to lose an independent provider or damage a relationship?
- How will you find and hire independent providers to help in your home or the community?
- How do you plan to train and supervise the independent providers who work with you?
- When your regularly scheduled independent provider calls in sick, how will your needs get met?
- Do you know how to make changes to your plan or services?
- Do you understand money, including your benefits and your budget to purchase services?
- Can you tell your independent provider what you like or do not like about their work?

- Do you understand the risk when you choose not to share all medical information with your independent provider?
- Will you be afraid to dismiss an independent provider because you do not want to lose a provider or damage a relationship?
- What do you do when you are home alone and there is an emergency?
- Are you willing to accept help from your SC?
- Do you want to ask someone to help with self-direction?

## What services can be self-directed?

The following Medicaid HCBS Waiver services may be self-directed:

- Assistive Technology
- Consultative Assessment
- Environmental Modification Assessment
- Habilitative Community Inclusion\*
- Home Modifications
- *Homemaker*
- *Independent Living*\*
- *Respite*
- Supported Employment – Follow-Along\*
- Supported Employment – Individual\*
- *Supported Family Living*\*
- Transitional
- Transportation

Services with a star (\*) are habilitative and include teaching.

Services in *italics* require use of Electronic Visit Verification (EVV) and the provider will need a mobile device (a smart phone or tablet) to check in and out when delivering services.

## Participant Expectations for Self-Direction

Self-directing your services allows you to build on your strengths. You determine the services and supports you need to maximize your independence. You have the right and responsibility to participate as much as possible in developing and implementing your plan. You are responsible for hiring, training, scheduling, supervising and dismissing your independent providers.

## What are my rights?

You have the same rights as anyone receiving developmental disabilities services including the right to:

- Be safe;
- Be treated with courtesy, consideration and respect;
- Trust your instincts;
- Agree or disagree with others;
- Make decisions about your services and providers, within the limits of services;
- Ask questions until you understand;
- Change services at any time;
- Appeal a DHHS-decision which affects you; and
- Be free from neglect and abuse.

## What are my responsibilities?

You must actively direct your ISP process and communicate with your team when you need help with self-direction. When your guardian or family helps you self-direct, your team will monitor any possible conflicts of interest to make sure your best interests are prioritized in decision making.

You accept all employer responsibilities. This includes finding, interviewing, hiring, training, scheduling, supervising, monitoring and dismissing your independent providers.

You are responsible for managing the use of your annual individual budget amount (IBA):

- You negotiate the hourly rate each independent provider is paid, up to the maximum rate;
- You must monitor services billed;
- You must report any billing concerns to your SC; and
- When Medicaid is paying for a community based waiver service, you cannot pay additional money for your developmental disabilities waiver services.

## How do I choose services and supports?

You should identify your needs by thinking about what you want in life. What will it take to make those things happen? What natural supports do you have? Natural supports include family, friends, neighbors, co-workers and community services which are available for free or for an affordable charge. You should consider what needs are not being met by your natural supports.

Your ISP team will discuss and document a plan to address your needs. Health and safety needs should be identified and discussed. When health and safety needs cannot be met, you may not be able to self-direct.

Once you identify your needs, your SC will review the DD services available. Your SC may also recommend services available from other resources. You will decide which services can help you meet your goals. You may identify more services than your budget allows. When you cannot meet all your goals, you will need to decide what goals are most important to and for you.

Once you identify the services you need, your SC can help you decide how and when those services will be provided. You must estimate how many hours of service you need per day, week and month.

## What are the risks of self-direction?

To be successful, you must recognize potential risks. You must decide how to meet your needs when things do not go as planned. Service Coordinators are trained on self-directed services and can help you when change is needed.

## Health and Safety Risks

Consider your needs for health and safety. You may have a need best met by someone with medical knowledge or training. You may be able to train your independent provider on your health and safety needs, or your provider may need training from a professional. When you self-direct your services, you are responsible for your health and safety.

## Abuse and Neglect

When you receive services in your home, you may be isolated and vulnerable to abuse or neglect. Do not hesitate to report a complaint or an allegation. You may not recognize abuse. Do not worry about losing an independent provider or be afraid someone will be mad at you. You need to tell someone you trust when you think someone may be abusing or neglecting you.

## Provider Reliability

You might have a hard time finding an independent provider who meets your needs in the way you want. Your independent provider may quit or not show up. It is important to have a back-up plan for when your independent provider does not arrive to work as scheduled. Your back-up plan should include:

- What happens when my independent provider does not show up?
- Can I use a phone to notify someone? Who will I call or text?
- Do I need a personal emergency response system (PERS) to get help?
- Who will be available when I need to call for help? Do I have a list of others to call in case the first person I try does not answer?
- Do I have family or friends who can help me when none of my independent providers are available?

When you work with independent providers, there is not a “pool” of workers to fall back on when your independent provider is unavailable. It is your responsibility to resolve any issues about how services are scheduled and provided. When you are unable to resolve an issue, you may stop using an independent provider at any time, but it is up to you to find a new provider.

You can ask your SC to help. Your SC may know of another independent provider who is looking for hours. When your SC gives you the name of an independent provider, you can contact them and interview them to see if they are going to be able to meet your needs. Just because someone is an independent provider for another participant does not mean they are right for you.

## What if I think I am being abused or neglected?

When your provider makes you uncomfortable, talk to someone about why.

Abuse and neglect may result in physical injury, unreasonable confinement, cruel punishment, sexual abuse, exploitation or denial of essential services. Abuse or neglect can be intentional or as the result of carelessness.

When you think you might be the victim of abuse or neglect, tell someone right away. Do not wait until you are injured or ill. When you are not sure, talk to your SC, a trusted friend, or a family member.

Your SC will monitor your Medicaid HCBS DD waiver services and report any abuse or neglect they witness. Your SC may ask you if you feel uncomfortable or if your needs are not being met. Be honest and talk about any concerns you have.

You never have to wait on someone else to make a report. You can call the Abuse/Neglect Hotline or your local police when you think you may be the victim of abuse or neglect.

## Examples of Abuse and Neglect

The following are examples of different types of abuse and neglect. These examples are not all-inclusive, which means someone can abuse or neglect you without doing something listed here. Whenever you are uncomfortable with how you are treated, talk to someone you trust.

**Physical Abuse:** Hitting, pushing, hair-pulling, kicking, biting, overuse or improper use of medications, using restraints.

**REPORT ABUSE AND  
NEGLECT:  
Abuse/Neglect  
Hotline  
24-hour - Toll Free  
1-800-652-1999  
Or contact local law  
enforcement**

**Sexual Abuse:** Touching you in ways which make you feel uncomfortable, talking sexually or showing sexual material or body parts you do not want to see, making you touch or talk in a way which makes you uncomfortable, taking nude pictures or asking you to take pictures which make you uncomfortable.

**Emotional/Verbal Abuse:** Threats, name-calling, denying the right to express wants and needs, cyberbullying, isolating from friends or family.

**Neglect:** Denial of food, clothing, shelter, or transportation; not providing supervision; not providing medical treatment.

**Exploitation:** Taking money or personal belongings, charging more hours than worked, not completing job duties.

## What are my ISP team's responsibilities?

Your ISP team should support you throughout the person-centered planning process. Team members can assist you with most parts of self-direction; you just need to ask.

Members of your team should be talking to you about your services regularly to make sure your needs are being met. The team may question if your needs are being met when:

- Your health or skills decline;
- Services are not occurring as outlined in your ISP;
- You do not understand when actions by your independent provider may be abuse or neglect;
- You are refusing services, canceling services, or not allowing your independent provider in your home;
- You are not directing or supervising your independent provider, such as not telling your provider when you are not happy with services, not training your provider, or not making expectations clear; or
- You are not following your back-up plan when needed.

When a member of your team is concerned your needs are not being met, they will talk to you about the concerns. When you are not willing to talk about their concerns, the person will talk to your SC. When changes are needed to your plan, a team meeting will be held. You should be willing to accept feedback from your team and make changes as needed. Your team should have your best interest in mind.

## Finding an Independent Provider

You are responsible for finding your independent provider. Your SC can help you with the process. They may know of an independent provider looking for additional work. You can also ask for help from family or others. There is not a public list of independent providers.

Regardless of how you find your independent provider, you should interview them to see if they are going to be able to meet your needs. Just because you know someone well or they are an independent provider for another participant, does not mean they will meet your needs as your independent provider.

## What is important to me?

It is helpful to think about what is important to you before you select an independent provider:

- What do I need an independent provider to do for me?
- What kind of person do I trust to work with me?
- Does my independent provider need to have specific skills to meet my needs?
- How will I know if an independent provider has the skills needed to provide my services?
- Will I need different independent providers to meet different needs?
- What does my independent provider need to know about me in order to support me?

- Are there provider “musts” for me? For example, being fluent in sign language, being a non-smoker or having a driver’s license.

## Who can I hire?

You can hire any person as an independent provider when the person:

- Meets general Medicaid HCBS DD waiver provider requirements;
- Is not legally responsible for you; and
- Meets your expectations.

The best way to find an independent provider is to consider the people you know, including friends, neighbors and family. When you ask, someone may be able to be your independent provider. You do not have to choose a person who has worked in human services. Tell people you are looking for an independent provider and what you need. When a person cannot be your provider, they may know someone who could be.

An independent provider must:

- Meet general Medicaid HCBS DD waiver provider requirements;
- Complete all provider enrollment requirements, including background checks;
- Have training in the following areas and provide evidence of such when requested:
  - Abuse, neglect, and exploitation and state law reporting requirements and prevention;
  - Cardiopulmonary resuscitation (CPR); and
  - Basic first aid;
- Be age 19 or older and authorized to work in the United States;
- Not be legally responsible for you: In other words, not be your parent (natural or adoptive, when you are a minor), spouse, guardian, conservator, or power of attorney;
- Not live with you when providing respite, homemaker or home modifications;
- Accept a rate you choose;
- Enter into an agreement with DDD Central Office;
- Provide service(s) as specified in your ISP;
- Use Electronic Visit Verification for services that require it;
- Submit thorough and accurate billing claims electronically;
- Work drug-free; and
- Comply with HIPAA requirements.

To provide a habilitative service (training), your independent provider must have:

- A bachelor’s degree or education in: psychology, social work, sociology, human services, education or a related field;
- Four or more years of professional experience in providing habilitative services for people with developmental disabilities or in in habilitative program writing and program data collection/analysis;
- Four or more years of life experience supporting someone with developmental disabilities; **or**
- Any combination of education and experience identified above equaling four or more years.

To drive you, your independent provider must:

- Maintain the minimum vehicle insurance coverage required by state law;
- Not have had their driver/chauffeur's license revoked within the past three years; and
- Use their own personally registered vehicle to transport.

To provide a service requiring EVV, your independent provider must:

- Have a mobile device (a smart phone or tablet) to use the EVV mobile application to electronically check-in and out



- Have access to a computer to access the EVV portal for billing.

## Possible benefits and risks to hiring a friend or family member

### Benefits

It may be easier to find someone.  
The person already knows you.  
The person may know your likes and dislikes.

### Risks

It may be harder to dismiss someone.  
It may be hard to give criticism or report abuse/neglect.  
A personal relationship may be hurt.

## How can I find an independent provider?

When you do not know someone who can be your independent provider, you may not know where to look. Begin with local advocacy groups. Talk with local schools, such as special education programs or local colleges. Your SC can direct you to resources in your community.

You can use statewide internet resources:

- [Nebraska Resources and Referral System \(NRRS\)](#) is a database of agencies and service providers.
- [Nebraska 211](#) lists information regarding Health and Human Services agencies and services providers.

You may choose to advertise in a local newspaper, job websites or help wanted sites. For example, “Seeking non-smoker to provide respite care for a person with a disability in the person’s family home one weekend per month. Call Sue between 5 and 9 pm at 123-555-4567.” Or, “Wanted: Female to teach a person with a disability personal care skills and house cleaning. Hours and days are flexible; about 20 hours/month. Call Mark at 123-555-3456.” You are responsible for any advertising costs.

Finding a person who wants to be your independent provider is only the first step. You are responsible to make sure they will be able to meet your needs and provide the Medicaid HCBS DD waiver services you choose.

## How do I choose an Independent provider?

It is important to meet and interview a potential independent provider before you ask to have them provide Medicaid HCBS DD waiver services. Only you will know when you are comfortable with a person. DDD Central Office is responsible for establishing an agreement with the independent provider, but you are responsible for deciding if the provider is right for you.

When you have not been responsible to hire someone, it can seem like a big task. It is an important task, so you can have someone you trust help with the process. Even when you have someone’s help, you are in charge and responsible.

## Creating a Job Description

Think about what you expect of your independent provider and be clear on these expectations. You need to describe the Medicaid HCBS DD waiver services you are choosing. You need to state the days of the week and hours you want. You need to say what you expect from your working relationship. You should put this information in a written job description to give your potential provider.

A job description should include your expectations, such as:

- The Medicaid HCBS DD waiver services, pay and schedule you want;
- Provider requirements for the services you choose;
- List of what you want to learn;
- List of what you need help with;
- Your expectations for your independent provider to show up and be on time for work;

- How much notice you need when your independent provider is not able to work due to illness or other commitments;
- Required physical activities, such as lifting;
- Rules you have in your home; and
- Your personal preferences, such as no smoking, no cell phone use or not bringing children or pets.

## Telephone Screening

Before meeting a potential independent provider in person, talk to them on the phone. Explain your needs, the requirements of the job, your expectations, the pay and the hours. Ask if there are tasks they cannot or will not do. Ask if they can meet all requirements. Based on the call, decide if you want to do an in-person interview.

## Scheduling the Interview

Decide where to do your in-person interview:

- You can have the person come to your home. You may be more comfortable doing the interview in your home and you can show the person any adaptive equipment. When the person will be working in your home, this will allow him/her to see the environment. When you interview in your home, the person will know where you live even when you do not hire them.
- You can meet in a public place so the person does not enter your home. When meeting in public, you should be aware of sharing private or confidential information in public. When meeting in a restaurant, consider if you would be more comfortable in a quiet corner or in the midst of loud tables.

Regardless of where you decide to do the interview, it may be a good idea to have a friend, family member or your SC attend. This can help you feel more safe and comfortable. When you have another person attend, they can give an outsider view on the interaction between you and the potential independent provider. The person can also give you a second opinion on if the person will be able to meet your needs.

Set a time and place for the interview and decide on a way to connect with each other when one of you cannot make the scheduled time. When you are scheduling interviews with more than one potential independent provider, allow enough time for each interview and time between interviews to make notes and think about what you heard and observed. Take your time and be organized.

## Preparing for the Interview

Have a list of questions to ask about the person's background and experience. Questions must be relevant to the job. Go over your questions with the person who is going to help you with the interview. You can ask the person to write down the potential independent provider's answers for you to help you remember and go back to. When you interview more than one potential independent provider, it can be hard to remember who said what.

Possible interview questions:

- What previous jobs have you had?
- How did your previous jobs prepare you for this job?
- What experience do you have working with people with disabilities?
- What other experiences have you had to prepare you for this job, such as volunteering or education?
- Are you certified in CPR and basic first aid?
- Do you understand what constitutes abuse, neglect and exploitation?
- Are you aware of your duties regarding abuse, neglect and exploitation prevention and reporting?
- Do you have any questions about the job duties or schedule?
- Is there any reason you cannot perform the job duties?

- Is there any reason you cannot meet my expectations or “must have” items?
- How would you resolve any problems or disagreements? Give examples of situations you from other jobs.
- Have there been times when you have been scheduled to work, but were not able to show up or were late?
  - Why could you not be there?
  - How did you let your boss know?
- Do you have dependable transportation to get to work? When your independent provider is going to drive you, discuss details.
- Why do you want to be my provider?

## Conducting the Interview

### Questions to Avoid & Suggested Alternatives

There are questions you cannot ask. These are discriminatory or otherwise inappropriate.

#### ➤ National Origin/Citizenship

- *Do not ask:* Are you a citizen? Where were you or your parents born? What is your native language?
- *Ask instead:* Are you authorized to work in the United States? Are you fluent in the language I use?

#### ➤ Age

- *Do not ask:* How old are you? What is your birthday? When did you graduate from high school or college?
- *Ask instead:* Are you age 19 or older? This is the minimum age required for an independent provider.

#### ➤ Marital/Family Status

- *Do not ask:* Are you married? Who do you live with? Do you plan to have a family? How many children do you have? What are your childcare arrangements?
- *Ask instead:* The schedule for this job may change and may not be the same from week to week. Would you be willing to work with a changing schedule? This question is acceptable as long as it is asked of all applicants.

#### ➤ Personal

- *Do not ask:* How tall are you? How much do you weigh?
- *Ask instead:* Are you able to lift “x” amount of weight? Can you assist with wheelchair transfers?

#### ➤ Disabilities

- *Do not ask:* Do you have any disabilities or medical conditions? What is your medical history? How is your family’s health?
- *Ask instead:* Are you able to perform the job duties? This question is okay when you thoroughly describe the requirements of the job.

#### ➤ Arrest Record

- *Do not ask:* Have you been arrested?
- You do not need to ask for this history. During the Medicaid provider enrollment process, abuse/neglect registries and criminal history checks are completed.

It is up to you to take the lead at the interview. The person is applying to work for you. You can have a family member, friend or SC with you to observe, help or just provide support.

Begin the interview by describing the position, schedule and duties. Give the person a written job description you made. Describe any physical activities you require, such as lifting. Review your expectations for attendance and arriving on time. Explain how much notice you need when your independent provider is not able to work due to illness or other commitments. Ask if the person is able and willing to do the job. When the answer is no, thank them and end the interview.

Ask the questions you prepared. You, or the person assisting you, should take notes on answers. This will be helpful later in deciding how the interview went.

At the end of the interview, ask for personal references or references from past jobs. References are optional, but recommended.

Do not promise a potential independent provider they will be hired. A final decision cannot be made until the enrollment process is complete. You should tell the person services cannot be provided until provider enrollment is complete and a service authorization is completed.

## Checking References

After the interview, check the references given to you. You may be surprised at what you learn.

- *You can ask past employers:* Would you hire this person again? Was the person reliable? Was the person on time and dependable in completing tasks? When necessary, was this person willing to be flexible about schedule or duties? On a scale of 1 to 10, how would you rate your trust of this person?
- *You can ask personal references:* How long have you known this person? What is your relationship to this person? Do you feel this person has the skills necessary for this job?

## Making a Decision

Trust your instincts. Do not choose a person who makes you uncomfortable. When you think someone is not right to work with you, there are probably good reasons for the way you are feeling.

You may want to hire more than one independent provider. You should be clear with each independent provider about your expectations and their schedule. You may want to identify a back-up independent provider. Ask if your independent provider is willing to work on-call or in an emergency. Do not let a good independent provider slip by. This can save you time searching for an independent provider later.

When you begin with a new independent provider, be sure to have a back-up plan until you are sure they are reliable. When your independent provider does not show up or call, hire someone else! This behavior does not usually change.

Do not get discouraged when you hire an independent provider and it is not a good match. You must trust your independent provider and feel comfortable. You may have to try several different independent providers before you find the right one. Be patient. You will find the right independent provider.

## How do I get my Independent provider approved to start?

When you want to hire a person, let them know you will be in touch. Ask when they are available to start. Tell the person that, if selected, you will set up an appointment to complete the necessary paperwork, background checks and provider agreement. Your SC will help you with the paperwork.

Tell your SC you want to hire an independent provider. Your SC will help you, and the person, with the process. DDD will help you and your independent provider understand how long the hiring process can take. You need a plan to have your needs met until your independent provider starts.

When your provider is not already enrolled to provide services, DDD sends you the independent provider enrollment packet. You give the packet to your potential independent provider. Your provider must complete the enrollment process. DDD will notify you when the process is complete and whether the provider is approved.

## Training My Independent Provider

### Does DHHS train my Independent provider?

DDD offers some training. You should encourage your independent provider to attend. Trainings are available to any interested people. You and your independent provider could go to training together! Many trainings are free. When there is a cost, your independent provider will need to pay. Training cannot be paid from your IBA and you cannot pay your independent provider to attend training. Check out the DDD [training page](#) for more information about training.

### Why do I need to train my Independent provider?

You are responsible for making sure your independent provider receives adequate training to meet your needs. Training makes sure your independent provider knows how you want things done. Just because someone has experience or knows you, does not mean they know how to work for you. You need to give clear expectations.

### What should training include?

You should make a checklist to keep track of when you train your independent provider and on what topics. Many problems between an employer and employee are due to lack of training or poor communication. Allow your independent provider opportunities to ask questions. You may want to ask if there is something you can help them do or learn. When you hire more than one independent provider, keep a checklist for each independent provider.

### Independent Provider Orientation

DDD conducts independent provider orientations every month. Orientation is intended for prospective, new, and current independent providers. It can also be attended by participants using independent providers and their guardians.

Orientation covers:

- General Information and Core Requirements for Independent Providers;
- DD Services and Specific Requirements;
- Independent Provider Referral and Enrollment;
- Providing Services; and
- Participant Rights and Person-Centered Planning

The orientation is not required, but highly recommended and provides valuable information needed to perform the job.

### Job Requirements

You should provide a written job description of what you expect. Describe exactly what you want to happen on a daily or weekly basis. When services are provided in your home, give a tour and review house “rules.”

Discuss the importance of arriving for work on time. Let your independent provider know how and when they should notify you when they cannot make it or are running late.

When you want to spend time with your independent provider's family or friends, your provider must be with you. When you would like respite in your independent provider's home or will be alone with family or friends, adults need to have background checks before this happens. Your independent provider should not bring underage children when they are working; they cannot meet your needs while meeting the needs of others. Your SC can help you understand the differences between a paid provider and friend.

## Habilitation

An independent provider is required to know how to write habilitative plans in order to provide any habilitative service. Your provider may have experience in this. Training is not required before completing provider enrollment. When your independent provider needs habilitation training to write and run programs, it is available for free through DDD.

## Personal Preferences

Tell your independent provider what you think makes a good provider.

Tell your independent provider what "bugs you." For example, not being included in decisions, people talking about you instead of to you, or cell phone use. You can ask your independent provider not to talk, text or play on their cell phone while being paid to work.

When you and your independent provider will go places, discuss payment for meals and admission cost for events. When you want to go somewhere, such as a movie, and your independent provider would not normally go and cannot afford to pay their own way, you can pay for your independent provider's ticket. You cannot reimburse your independent provider for something they purchase. Your independent provider should not ask you to buy them things. When you think your independent provider is exploiting you, refer to the section on abuse and neglect.

## Emergency Situations

Hopefully an emergency situation will never happen, but it is important to be prepared so everyone can act quickly and calmly. It is your responsibility to make sure your independent provider is trained to handle an emergency. Emergencies include fire, flood and severe weather. You should discuss plans during the first week of work and review as needed. When your independent provider is not with you during an emergency, can you call them to assist?

When you have a fire extinguisher, smoke detector or other emergency equipment make sure the equipment is working and your independent provider knows its location and use. Show your independent provider evacuation routes in case of fire. When you live in an apartment building, show your independent provider where to find the fire alarms.

Talk about plans for severe weather and flooding. When you have a tornado kit, flashlights or other items you may need in an emergency, your independent provider should know their location and use. What do you expect your independent provider to do when with you during a weather emergency?

When you do not have emergency plans, a fire extinguisher, or tornado kit, perhaps this is something your independent provider can help you with. You are responsible for your plan, but your independent provider can help you decide what items you need for safety, where to keep them, and if you need to check items, such as batteries, on a schedule.

## Medical Needs

### Health And Safety

Review your medical needs, including medical conditions, medications you take, and allergies. Describe what a medical emergency looks like for you and how you expect your independent provider to react. Train your independent provider to react properly to any medical conditions which can lead to medical emergencies, such as diabetes or epilepsy/seizures. Make sure your independent provider knows how they should respond in a medical emergency.

Have a list of emergency phone numbers. Review them with your independent provider and make sure they know where to find them. When you and your independent provider will be in the community, it is a good idea to bring medical and emergency information in case an emergency arises.

When you choose not to share medical information, you cannot hold your independent provider accountable in a medical emergency. It is wise to talk to your independent provider about your medical information so they can react appropriately when a situation arises.

### Advance Directives

Advanced directives are legal documents to help you tell your family, friends, and providers about your wishes for end-of-life care. Advance directive services are not included within a Medicaid HCBS DD waiver, but you should give your independent provider information about any advance directives you have in place so they can act according to your wishes in these situations.

**Living Will:** A living will lets people know your wishes for end-of-life care when you are unable to communicate your decisions. You can choose if you want to start or continue life-sustaining treatments.

**Do-Not-Resuscitate (DNR) Declaration:** A do-not-resuscitate (DNR) tells others you do not want anyone to try to revive you when you stop breathing or when your heart stops. CPR will not be used when you have a DNR.

**Durable Power of Attorney for Health Care (DPOA-HC):** A durable power of attorney for health care names another person who will make health care decisions for you when you are not able to. There are different types of power of attorney, but this focuses on your need to receive help with medical decisions. You should choose someone who will follow your wishes.

## Supervising My Independent Provider

An independent provider who is happy will do a better job working with you. Being happy is not just about fair pay and working conditions. Encourage your independent provider to take pride in their work. This is easier when your independent provider believes you value them as a person.

Praise your independent provider when they are doing something well. Respect for each other is important when you work closely together. Positive feedback is one way to show respect.

Sometimes you will need to give feedback which is not positive. This is not negative feedback, but constructive feedback. Give feedback as soon as you see something you do not like. When you wait, your independent provider may develop habits. Be direct and specific, explaining exactly what needs to be done differently. Be respectful. Do not target the character of your independent provider. Ask your independent provider to help find a solution. Focus on how to fix the problem instead of what went wrong.

When you are unable to resolve a problem by talking to your independent provider, talk to your SC. You may give your independent provider a warning that if things do not improve you will dismiss them. For example, “You have not been able to work the hours we agreed on. If this does not improve next month, I will find someone else.”

When your expectations for your independent provider change, make sure to let them know. You may decide you want something done differently and your provider will not know this unless you tell them. Do not assume your independent provider knows what you want.

## How do I schedule services?

You set your independent provider’s schedule for when they work with you. The schedule should be based on when you need services. You should create a calendar to help you keep track of when your services are provided, especially when you have more than one independent provider. Two providers cannot be paid for the same timeframe, so you need to make sure there is no overlap.

When you want to change your independent provider’s schedule, try to give the independent provider advanced notice. When you are unable to receive scheduled services, for example, when you are sick, let your independent provider know as soon as you can.

When your independent provider is not following the schedule you set, it is your responsibility to talk to them and resolve the problem. You should talk with your SC when your independent provider is not willing or able to work the schedule you want.

When your independent provider asks to change their schedule, you can work with them to do so as long as you are still receiving services to meet your needs. Your schedule should be what you want, not based on what your independent provider wants.

## Monitoring My Plan

### Who monitors my services and Independent providers?

You are responsible for knowing when services are scheduled and what can be paid as part of a service. You can review your independent provider’s schedule and billing in Therap to make sure time is reported correctly. You are expected to know your independent provider is billing correctly. Your independent provider should not bill when you have questions about the schedule or when it does not agree with your record. Differences must be resolved. It is important to make sure fraud is not committed.

Any time you have a concern, talk to your SC. They can help make sure your needs are met. You should notify your SC when you make adjustments to your independent provider’s schedule, as this may affect your budget.

Your SC monitors to make sure services are provided as written in your ISP. Your SC will talk with you and your independent provider about how things are going. Your Service Coordinator may watch your independent provider working with you.

## Paying for Self-Directed Services

### How much can I spend on services?

Your annual individual budget amount (IBA) is the same amount for self-direction as it is when you use all agency providers. Your IBA is decided by an objective assessment process. Your SC tells you your IBA and helps you plan how many hours your independent provider can work. You must stay within your budget. You



work with your SC to make sure you have money available for your entire year of Medicaid HCBS DD waiver services.

Each DD service has a maximum rate which you can pay your independent provider. Your SC will tell you these rates. You and your independent provider decide what you will pay. There is no automatic rate increase. You may not want to start your independent provider at the maximum rate, so you can give a raise after some time or when things are going well. To change an independent provider's rate, talk with your SC.

Family or friends can help you manage your budget, but you are responsible. You must keep track of your independent provider's time working with you and cost of services so you do not go over your annual budget. You must talk to your SC about any budget changes.

When your independent provider is doing a service in your home, your SC has you sign form FA-65 "Appointment of DHHS as Agent." The form makes DHHS responsible for paying employer taxes, state and federal employment taxes, and other tax withholding on your behalf. Your independent provider is responsible for taxes when they are not withheld.

You can decide to stop self-directing services at any time. When you make this decision, you can choose services from an agency provider with the remaining funds available in your current budget year.

## How are services authorized?

Your SC creates a service authorization when:

- Your independent provider has a current agreement with DHHS;
- Services and supports are documented in your ISP;
- Funding is available in your IBA; and
- Respite funding is only from one DHHS program source.

## How do I monitor my IBA?

You are responsible for budgeting your IBA. It is important you have a good system in place to monitor how much is spent on your DD services. Some weeks or months you may need more or fewer hours than what is projected in your budget. This is okay, but you need to adjust in future weeks and months to stay within your annual budget.

Do not hesitate to ask others to help you. Budgeting can seem complicated and overwhelming. It is okay when you do not want to do this on your own. A legal guardian, trusted family member or your SC can help.

Your SC monitors your budget on a monthly basis. They should know your independent provider's schedule of work with you. Your SC will look at it to determine if you are getting the services you need and if you are staying within your budget. When needed, your SC will help you change your plan.

## What if my IBA runs out before my year is over?

Your services and funding are authorized each year. You are responsible for making sure your annual budget lasts for the budget year. There may be months where your spending is higher, so you need to lower spending another month to stay within your budget. Additional funds are not available to you before your budget year ends.

An independent provider must accept Medicaid reimbursement as payment in full for services (payment from DHHS plus your share of cost, when applicable). As a participant on a Medicaid HCBS waiver you cannot suggest, endorse or agree to private pay arrangements. For example, you cannot pay your independent provider extra mileage.

## What if I do not spend all the money in my IBA?

Your budget is good for one year. When you do not spend all your annual individual budget amount (IBA) within the year, you cannot carry it over to the next year.

## What is Share of Cost?

You may have a share of cost to be eligible for Medicaid. DD services are paid for under Medicaid HCBS waivers, so you must keep Medicaid to receive services.

When you have a share of cost and it is assigned to an independent provider, the amount is deducted from their payment from DHHS. When you work with independent providers, you can choose which provider is assigned the share of cost. You are responsible to pay the share of cost amount to your independent provider.

## My Independent Provider's Billing

In order for your independent provider to submit a billing claim for services, your provider must:

- Have a current service authorization for the services provided;
- Use Electronic Visit Verification (EVV) for services requiring it;
- Bill after services have been provided;
- Be with you during the time for which they are billing;
- Be the only provider working with you (two providers cannot bill for the same block of time);
- Record their time and attendance in Therap for non-EVV services;
- Record habilitative program data in Therap; and
- Bill within 180 days of providing services.

Billing is done on a computer program called Therap. You can find out more about billing in Therap's [Nebraska independent providers section](#). You can request to have access to Therap to look at your provider's billings and any other provider documentation. Therap has a [Nebraska participant/guardian section](#) with all kinds of information for you.

When you ask your independent provider for a copy of their attendance information from Therap, the provider must give it to you.

When you have any questions about the billing process, talk to your SC.

## Dismissing My Independent Provider

There is always the possibility an independent provider will not work out for you. When this happens, you need to end their employment.

When your independent provider puts your health or safety at risk, you should immediately dismiss them and tell your SC. When you suspect you have been abused or neglected, call the abuse/neglect hotline or your local police.

When you have a less-serious problem but do not want to continue working with your independent provider, you should plan how and when to dismiss them. When you dismiss an independent provider due to poor performance, it should not be a surprise to the provider. You should have talked to them about the problem before you decided to dismiss them. See *"Supervising my Provider"* section.

When possible, you should give your independent provider notice. This will give them time to look for another job. It will also give you time to find a new independent provider. With a back-up plan, you may have someone to fill in, but you will need to find a permanent independent provider.

It can be hard to tell your independent provider you no longer want their services. It is a good idea to have someone with you when you tell them. Stay calm even when they are upset. Stick to the facts about what did not work and give specific reasons and examples. Be firm, but kind. When your independent provider has keys to your home or other property of yours, make sure you get it back.

When you dismiss an independent provider, you need to tell your SC so they can update your service authorization. The independent provider will no longer be authorized to work with you. This person may still be an independent provider of Medicaid HCBS DD waiver services and work with other participants, when selected and authorized to do so. An independent provider who is not right for you may be right for someone else.

Again, when your independent provider puts your health or safety at risk, report to the proper authorities. An independent provider who has abuse/neglect substantiated will have their Medicaid provider agreement terminated by DDD and cannot provide Medicaid HCBS waiver services.

## When do I have to dismiss my Independent provider?

When a report of abuse or neglect is substantiated concerning your independent provider (or a member of the independent provider's household, when services are delivered in their home), DHHS policy requires the provider's agreement be terminated immediately. The same is true regarding convictions for certain crimes found in state regulation. When, at any time, you become aware of these issues related to your independent provider, you must tell your SC so appropriate action can be taken.

## Appeals

You may fill out a Request for Fair Hearing form (DA-6). You can get this form from your SC or online at: <http://Public-dhhs.ne.gov/Forms/DisplayPDF.aspx?item=232>.

The completed form can be emailed, mailed, or brought into any DHHS office. An appeal hearing is a formal proceeding where your case will be reviewed by a DHHS hearing officer. The appeal will be conducted according to the Administrative Procedure Act in a manner similar to a court proceeding. You may choose to be represented by anyone you choose.

At the hearing, both sides will present evidence for the hearing officer to consider. All witnesses who testify may be asked questions by the other side and the hearing officer. When the appeal hearing is over, the hearing officer will make a recommendation to the division director, who will make the final decision.

## Complaints

### Division of Developmental Disabilities

When you have a concern about the DD services you are receiving, you should first contact your assigned DDD SC.

Complaints about the provision of your Medicaid HCBS DD waiver services or service coordination can be made by calling the toll-free number 1-877-667-6266, emailing [dhhs.ddcbsqi@nebraska.gov](mailto:dhhs.ddcbsqi@nebraska.gov), or using the complaint form: <http://dhhs.ne.gov/DD%20Documents/Complaint%20Form.pdf>.

## Division of Medicaid and Long-Term Care

When you have a concern about your independent provider, you should first contact your assigned DHHS-DD Service Coordinator.

Complaints about the provision of your Medicaid HCBS AD or TBI waiver services or services coordination should be made by calling the toll-free number: 1-800-358-8802.

## Links

- How to Become an Independent Provider for Developmental Disabilities Services  
<http://dhhs.ne.gov/guidance%20docs/how%20to%20become%20an%20independent%20provider.pdf>
- Independent provider orientation  
<http://dhhs.ne.gov/Pages/DD-Independent-Providers.aspx>
- Nebraska 211 [www.ne211.org](http://www.ne211.org)
- Nebraska Resources and Referral System (NRRS) [www.nrrs.ne.gov](http://www.nrrs.ne.gov)
- Resources <http://dhhs.ne.gov/Pages/DD-Resources.aspx>
- Therap's Nebraska Independent provider section <https://help.therapservices.net/app/nebraska-independent-providers>
- Therap's Nebraska Participant/Guardian section <https://help.therapservices.net/app/nebraska-individuals-guardians>
- Training <http://dhhs.ne.gov/Pages/DD-Training.aspx>