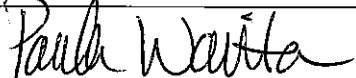


Catholic Charities Disabilities Services	
Agency Standard	
Standard Category	Individualized Community Services
Standard Title	Self-Directed Services - Fiscal Intermediary
Regulations	1) 19-ADM-07 2) 21-ADM-03R 3) OPWDD Audit Protocol for Fiscal Intermediary (FI) Services 4) Self-Direction Guidance for Providers 3.10.2022
Original Issue Date	11/16/2022
Latest Revision Date	11/12/2024 2/17/2026
Number of Pages	3
Attachments	MOU for the Provision of Fiscal Intermediary Services
Approved by: Paula Warika, Executive Director	

Standard:

The agency provides Fiscal Intermediary services for OPWDD approved participants of Self Directed Supports and Services. Documentation will be prepared and presented to the Fiscal Department in a timely and appropriate manner.

Definitions:

1. **Fiscal Intermediary (FI):** the co-employer and employer of record. The FI provides supports to individuals who choose to self-direct their services.
2. **Service documentation:** Documentation by the staff delivering service should be written within 3 business days of the time that the service is delivered; however, subsequently, the Director of Individualized Community Services or designee can determine if an amendment to the documentation is warranted. Contemporaneous is defined in the Agency Written Instructions Standard.

Procedure:

1. **Fiscal intermediary (FI) Role:** The FI responsibilities include implementing Human Resource activities to complete billing and payment of services including but not limited to:
 - a) Train the self-hired staff, review daily documentation, and monthly summaries to ensure compliance with ADMs and self-direction program guidance.
 - b) Review and process invoices for reimbursement to individuals/families.
 - c) Track and ensure they have the current documentation including: the individual's Life Plan (LP), most current budget, Staff Action Plan (SAP), Level of Care Determinations (LCED).
 - d) Attend participant's LP meeting and may attend the semiannual meeting or Circle of Support meetings (if requested).
 - e) Review the LP document to ensure accuracy and have a copy of the active plan.
 - f) Ensure expenditure reports that are generated in eVero are approved and distributed by the end of the following month.
 - g) Prepare reports for finance to bill Medicaid for services provided. FI will make any notations necessary for appropriate billing including, when applicable, need for

procedure code and modifier for a claim associated with a service that was delivered using remote technology.

- h) Process payroll for any self-hired staffing.
- i) Attend the quarterly FI meeting hosted by OPWDD (required).

2. Review of daily documentation:

- a) FI duties include oversight of daily documentation notes completed by Self Directed Support Professionals (SDSP).
- b) Oversight of this documentation include ensuring notes contain the following elements: the note addresses Staff encouraging goals and mentions the individual's response to the goal.
- c) The FI will check to see if participant signed off on the note, check the time stamp of the note, electronic verification visit (EVV) versus manual visit verification status (MVV), and review the mileage submitted by the staff to validate activities mentioned in the note. If the individual is unable to review the note, the FI will work with the broker to assist the individual and/or family.
- d) FI will address discrepancies and once the above are met, will approve the notes in order to process payroll which occurs biweekly.
- e) Once all notes are approved from the FI's caseload, the FI will approve each SDSP time card in eVero, and compare to ADP (once the eVero file has been uploaded by HR). The FI will then sign off on the employee time card in ADP.

3. Invoices/reimbursements:

- a) FI's are responsible for reviewing the various reimbursements individual's and their families may submit and ensure they meet criteria listed in ADMs and the self-direction provider guidance. These reviews will take place on an ongoing basis and completed each week by the end of business day Wednesday for distribution the following Friday unless otherwise specified.
- b) The FI reviews and verifies the FI billing level to ensure it meets all billing requirements. The FI then pushes this billing through to finance.
- c) The FI is also responsible for reviewing and processing all SDSP mileage and staff activity fees to ensure appropriate expenses based on the criteria in the ADM and Self-Direction Guidance. When reviewing mileage it is important to evaluate the trip start/ end time in addition to the start/ end address and compare with the service note for the day to ensure consistency. Once verified by the FI, the Director or designee will generate the mileage report to provide to HR. The director or designee will generate the invoices so the staff mileage is deducted from the individuals budget using the payroll Monday date.

4. Training & Credentials:

- a) FI's train all SDSPs on the electronic platform eVero/ Electronic Visit Verification (EVV) during orientation, annually, and as needed. If a FI determines a SDSP needs addition training to ensure they are meeting all program requirements they will provide additional training.
- b) FI must ensure that staff maintain up to date trainings and credentials within the services they provide (e.g. SEMP would include managers, supervisors, directors and any other staff providing and billing).

- c) QA will track these service specific required trainings for SEMP or other services. The FI must keep QA aware of any changes in programs offered or services provided (added or removed service or program areas).

5. Billing for Fiscal Intermediary (FI) Services:

- a) The FI will ensure reports are ready for finance to bill for services. They will troubleshoot with the director and ensure billing is ready by the end of the following month.
- b) To bill FI Level 1:
 - i. Have a copy of the monthly expenditure report that was sent to the participant.
 - ii. Documentation showing that the FI verified and processed requests for payments & tracked and dispersed funds. This document can be the same as the expenditure report.
 - iii. There must be another SD service billed during the same month OTPS, FRR, FSS, etc.
- c) To bill FI Level 3:
 - i. All requirements of FI Level 1 billing plus,
 - ii. the participant's budget must include a plan for self-hired staff & FI must be employer of record, and
 - iii. two tiers based on PRA.

6. Other FI Responsibilities:

Oversight or monitoring of the following items to ensure timeliness and compliance with ADM and Self-Direction Manual:

- a) **Staff Action plans:** The broker submits SAPs through eVero. The FI will review them and compares them to the LP.
- b) **Life Plan meeting:** The FI attends the annual LP Meeting and any additional meetings, as needed or requested.
- c) **Broker Billing:**
 - i. The FI approves broker billing on a monthly basis. FI will make any notations necessary for a claim that was delivered using remote technology according to 21-ADM-03R or any guidance that supersedes it.
 - ii. The FI will verify that a Broker is on the OPWDD Broker Authorization List each month prior to submitting billing for that month.
 - iii. The FI ensures compliance with circle of support meetings.
- d) **Memorandum of Understanding (MOU):** The FI will have a MOU with the participant which describes the person's authority to hire staff, train staff regarding their interests, monitor and provide feedback to staff, and end the employee's services if they are not consistent with the person's expectations.
- e) **LCED:** All eligibility forms are uploaded by the FI or care manager via eVero. This must be verified by FI annually.
- f) **Monthly Summaries:**
 - i. Monthly Summaries are to be completed by the SDSP no later than the last day of the following month.
 - ii. These summaries are reviewed by the FI and must provide an overview of the previous month activities.
- g) **Expenditure reports:** The FI will ensure billing for the previous month is complete by the end of the following month. Once billing is concluded expenditure reports will be approved by the FI on or before the last day of the following month.

Memorandum of Understanding for the Provision of: Fiscal Intermediary Services

This memorandum of understanding (MOU) is an agreement between _____, [Self-Direction (SD) Participant/Designee] and _____ [Fiscal Intermediary (FI) agency].

It is understood that the SD Participant/Designee chooses this agency to provide services required of an FI as described in the attached Administrative Memorandum **#2019-07** and this agreement is based on an approved Self-Direction Budget.

The responsibilities of the SD Participant/Designee and the Fiscal Intermediary are defined in the attached SD Participant Checklist (attachment #1) and the FI Checklist (attachment #2) which are included as part of this agreement.

For self-hired and agency-supported staff, it is understood and agreed the FI is the employer of record, and the SD Participant/Designee is the supervising and managing employer. A copy of the agency's Employee Handbook will be provided to the Participant/Designee at the time this agreement is signed.

The FI will provide the SD Participant/Designee with a contact and telephone number that the SD Participant/Designee may call at any time with questions about the services the FI will be providing to the SD Participant. Messages left on the answering machine will be returned within 24 hours.

By signing this MOU both the SD Participant/Designee and the FI acknowledge that they understand that **submitting false information and billing Medicaid for a service that was not provided may be considered Medicaid fraud.**

FI Contact Name	Function	Email	Phone

The FI and SD Participant/Designee have read and agree to the responsibilities outlined in this MOU. In addition, the FI and SD Participant/Designee agree to meet with the Circle of Support to resolve any issues that may arise. Failure to comply with these responsibilities may result in termination of this agreement and all SD supports and services.

Signed:

_____ Dated: _____
Fiscal Intermediary Services agency

_____ Dated: _____
Self Direction Participant/Designee

Self-Direction Participant Designee Signature Page

Participant's Designees:

Name

Signature

Role

Name

Signature

Role

Name

Signature

Role

Name

Signature

Role

Name

Signature

Role

RESPONSIBILITIES OF THE SELF DIRECTION (SD) PARTICIPANT AND/OR DESIGNEE

- Understand and participate in the development of your Life Plan and your SD services. You, with your designee will review the SD Budget and related service plans, minimally twice a year in accordance with the Life Plan reviews.
- Ensure that all appropriate parties are invited to your Life Plan review, including the FI, your Support Broker, and members of your Circle of Support (COS).
- Meet with your COS, including in-person with your Support Broker, at least 2 times a year to review your SD Budget and obtain additional, supports and services, if necessary. These meetings can overlap with the Life Plan reviews, but you can and should meet as often as needed.
- Ensure that your Support Broker Agreement is complete, up-to-date and sent to the Developmental Disabilities Regional Field Office (DDRFO) SD Liaison.
- Responsibly implement and manage your approved SD Budget. This includes contacting your COS, Care Manager, FI and DDRFO SD Liaison for assistance.
- Review the Monthly Expenditure Reports provided by your FI and work with your Circle of Support and Support Broker to use these reports to maintain spending within your budget.
- Ensure that all required service documentation (including, but not limited to, staff time sheets, monthly summary notes, invoices, travel logs and any other documentation required by SD Services) is completed by you or your designee, and by staff as needed, signed and dated by you or your designee as necessary, and transmitted to the FI as agreed upon in the Memorandum of Understanding within 30 days following the service month. Timeliness is necessary for reimbursement and to ensure Medicaid compliance.
- Comply with the FI's hiring practices, including required criminal background checks. The FI can assist you with advertising, interviewing, and hiring of potential staff.
- Ensure self-hired staff receive special trainings on your specific needs as needed. The Fiscal Intermediary is responsible to provide the staff with agency mandatory trainings, including Incident Reporting. The FI and DDRFO may be sources for additional staff trainings.
- If you want to make changes to your SD services, notify your Broker, COS, and Fiscal Intermediary to discuss why you want to make the change and initiate/assist in completing the appropriate form(s) required to make the change. You should retain copies of the completed forms.
- Keep your Care Manager regularly informed regarding your satisfaction with Self-Direction services and notify your Care Manager and the FI agency immediately if you experience any "reportable incidents," such as abuse, neglect, or injury.
- Notify your Broker, Fiscal Intermediary (FI) and assigned DDRFO Liaison if you have a change in Care Managers.
- Communicate to the FI who your designee is, if necessary. Also ensure your FI is aware of any changes to your designee.

FISCAL INTERMEDIARY (FI) AGENCY RESPONSIBILITIES

- ❑ Understand and comply with Administrative Memorandum 2019-07 (<https://opwdd.ny.gov/system/files/documents/2020/01/service-documentation-for-fiscal-intermediary-services.pdf>) and with all other applicable State and Federal requirements. This includes, but is not limited to, ADMs for Supported Employment (SEMP), Community Habilitation, Support Brokerage, Community Transition Services and Moving Assistance, Individual Directed Goods and Services, and Respite when the Fiscal Intermediary is the provider that is billing for such services. Technical assistance is available from OPWDD's website, [Self-Direction for Providers | Office for People with Developmental Disabilities \(ny.gov\)](https://www.opwdd.ny.gov/self-direction-for-providers)
- ❑ Set up financial accounting for each participant based on the approved SD Budget and service plans.
- ❑ Explain all fiscal procedures and required waiver documentation to the participant such as the hiring and training of staff. Provide the SD participant with copies of all written policies and procedures.
- ❑ Maintain documents for each SD participant including, but not limited to, a current signed Life Plan identifying the FI as the provider of service, current signed Staff Action Plans, service documentation, invoices, and time sheets. Medicaid documentation must be kept for a period of six years.
- ❑ Ensure staff time sheets and invoices have been approved and signed by the participant or designee, as necessary, and that requested payments are consistent with the participant's approved SD Budget and Staff Action Plans.
- ❑ Prior to billing the appropriate government entity (eMedNY or OPWDD), review service documentation to ensure that requirements for billing have been achieved.
- ❑ If the FI suspects that documents have been falsified, follow the FI agency's false claims reporting procedures.
- ❑ Send a Monthly Expenditure Report to the participant or his/her designee of record, the Support Broker and any other party designated by the participant or OPWDD.
- ❑ Work with the SD participant to ensure that any advertisements for self-hired staff comply with equal opportunity employment standards.
- ❑ Ensure that all self-hires and contracted staff, when required by OPWDD regulations, are fingerprinted, and receive a criminal background check prior to being hired. The results of the criminal background check must be maintained on file with the FI.
- ❑ Ensure that appropriate incident management procedures are followed. See The Part 624 Handbook and Part 624 Handbook FAQs, page 10, at [final-part-624-handbook-updated-with-memo-2_16_23.pdf \(ny.gov\)](https://www.opwdd.ny.gov/final-part-624-handbook-updated-with-memo-2-16-23.pdf)
- ❑ Ensure that all staff have received all OPWDD-approved basic agency mandatory training, including incident reporting, and assist with arranging or providing other staff training as agreed upon with the participant. Training may be offered through the FI or any other approved source.
- ❑ Ensure that paychecks to employees and reimbursements to the participant or vendors are provided in a timely manner and, when applicable, ensure that fringe benefits are provided to self-hired staff.
- ❑ Ensure that all staff paid through the FI receives appropriate wage and tax statements.