



**DRAFT Rite @ Home Shared Living Certification Standards - Response to Public Comments**

Posted for Public Comment on 4/23/2024

Comment Period Ended on 5/5/2024

Response to Comments posted on 7/23/2024

	<b>Respondent</b>	<b>Nature of the Comments</b>	<b>EOHHS' Response</b>
1.	Amie Adams BHDDH 4/23/2024	Recommend a system for identifying Shared Living providers/caregivers who have founded abuse/neglect allegations through DCYF.	Thank you for your comment. Shared living caregivers are required to undergo fingerprinting, which includes screening for convictions of child abuse. There is also a Judiciary Portal check for other adults living in the home. EOHHS will consider additional screenings as part of future program redesign efforts.
2.	Joanne Malise Living Innovations 4/24/2024	What are caregiver stipend rates, respite rates, and administrative rates?	Shared living provider agency and caregiver rate information can be located by utilizing the provider billing manual and fee schedule. This information is also summarized here: <a href="https://eohhs.ri.gov/sites/g/files/xkgbur226/files/2021-08/Rite%20at%20Home%20Program%20standards%20-%20Appendices%20FINAL.pdf">https://eohhs.ri.gov/sites/g/files/xkgbur226/files/2021-08/Rite%20at%20Home%20Program%20standards%20-%20Appendices%20FINAL.pdf</a>
3.	Ken Smith Freedom Care 4/25/2024	Under the Organization and Administration section (III), there is not guidance for Caregiver pay rate. Is it a daily stipend? Is there guidance around a recommended pay rate?	The certification standards do not specify rates, as the standards describe the requirements for provider agencies to deliver the service. The caregiver receives a daily stipend at a rate set by the state. EOHHS provides funding for caregiver stipends. Shared living provider agency and caregiver rate information can be located by utilizing the provider billing manual and fee schedule. This information is also summarized here: <a href="https://eohhs.ri.gov/sites/g/files/xkgbur226/files/2021-08/Rite%20at%20Home%20Program%20standards%20-%20Appendices%20FINAL.pdf">https://eohhs.ri.gov/sites/g/files/xkgbur226/files/2021-08/Rite%20at%20Home%20Program%20standards%20-%20Appendices%20FINAL.pdf</a>
		There is not a section that describes the clinical eligibility and assessment process for the Participant. Is this completed by the RI Medicaid agency? By the Area Agency on Aging? Or by another resource?	The certification standards do not specify clinical eligibility and assessment processes as this is not a responsibility of the provider agency. Eligibility is coordinated through <a href="#">DHS</a> , with BHDDH determining clinical eligibility for participants with I/DD. Conflict-free case management agencies are responsible for reassessments for the EAD population.



	Respondent	Nature of the Comments	EOHHS' Response
4.	Joseph Ngaruiya A Better Life Homecare 4/26/2024	Please consider revising Policies and Procedures item #6, regarding two (2) unrelated Participants, to include related/family members such as Husband & Wife or any other relative as long the participants are LTSS-eligible. We often see many generational families living together under the same caregiver. E.g Husband and Wife participants with Caregiver as family member (Son, daughter etc.). Additionally, MA and CT have made it clear that the caregiver can be a family member or friend, and they make it clear that a spouse cannot serve as the caregiver.	Under federal authority, the state is limited to two (2) participants in a shared living home. This is not a limit on the total number of people who can live in the home. Regardless of the total number of people living in the home, only two (2) people in the home can be actively participating in the Shared Living program at the same time.  EOHHS revised the language to remove the word "unrelated" as the limit applies regardless of the relationship between the participants. EOHHS has also added language to clarify that some family members cannot be paid as caregivers.
5.	Joanne Malise Living Innovations 5/2/2024	<p>The state has at least two shared living programs, administered by two different Departments/Divisions, (but both under EOHHS) with overlap of the populations served. One allows parents to be care providers, one does not. Please explain why this is so.</p> <p>The EOHHS shared living program allows a Caregiver to live in the home of the person in need of care and to collect a stipend.</p> <ol style="list-style-type: none"> <li>a. Is this stipend tax exempt?</li> <li>b. If it is tax exempt, how does it meet the IRS Code 131, Difficulty of care payment, section (c),(1),(A), (ii) that care must be "provided in the home of the foster care provider."</li> </ol> <p>The draft states, "Policies and procedures for qualifications, selection, screening, orientation, training (including any training required by EOHHS), evaluation, ongoing supervision and coaching of Caregivers, and ongoing monitoring of quality and home safety, including frequency and method of contact."</p> <ol style="list-style-type: none"> <li>a. Where are the training requirements for caregivers?</li> </ol>	<p>EOHHS and BHDDH shared living programs operate under separate budgeting processes, rate structures, and legislative requirements. The target populations and scope of services are also different. BHDDH is delegated the authority to operate HCBS program for the I/DD population, with some administrative flexibility to operate such programs. EOHHS is working to streamline programs as much as possible to achieve parity. At this time, parents are permitted to be caregivers under the Rite @ Home shared living program only.</p> <p>EOHHS does not offer tax advice and is not positioned to advise on the applicability of IRS Code 131.</p> <ol style="list-style-type: none"> <li>a. There are minimum training requirements. Please see revised language in the certification standards.</li> <li>b. There are minimum home safety requirements overseen by the Shared Living Agency. Please see revised language in the certification standards.</li> <li>c. Home visits are required at least monthly. Please see revised language in the certification standards.</li> </ol>



	Respondent	Nature of the Comments	EOHHS' Response
		b. Are there Standards for the caregiver's home (physical environment)? c. Who determines the frequency of visits? d. Are guns allowed in the homes and if so, are there any requirements?	d. Guns must be safely stored. Please see revised language in the certification standards.
		If the person goes to an adult day program is the stipend reduced?	Yes. Stipends vary based on level of care (LOC) and whether the participant attends adult day. Please see: <a href="https://eohhs.ri.gov/sites/g/files/xkgbur226/files/2021-08/Rite%20at%20Home%20Program%20standards%20-%20Appendices%20FINAL.pdf">https://eohhs.ri.gov/sites/g/files/xkgbur226/files/2021-08/Rite%20at%20Home%20Program%20standards%20-%20Appendices%20FINAL.pdf</a>
		What is the room and board payment?	EOHHS does not mandate a room and board rate for shared living. Room and board agreements are between the participant and the caregiver. However, all HCBS participants living in the community receive a maintenance of needs allowance to cover living expenses in the community. Room and board rates cannot exceed this amount. Please see revised language in the certification standards.
		Does EOHHS provide the nursing oversight/care, or is the agency staff this position?	The Shared Living Agency is required to staff a nurse to oversee the Services Implementation Plan. Please see revised language in the certification standards.
		Are there standards about guardianship, Power of Attorney or Representative payee?	EOHHS understands this question to be asking whether guardians, POAs, and rep payees can be paid caregivers under the EOHHS Shared Living program. These representatives cannot be paid as caregivers. Please see revised language in the certification standards.
1.	Jenn Crosbie Careforth 5/5/2024	Recommend adding a requirement that all Shared Living provider applicants demonstrate accreditation, from a nationally recognized accreditation organization, upon initial application or evidence that the applicant is in the process of securing national accreditation and expects to achieve accreditation within 6 months of the date of their application for Shared Living Certification.	EOHHS will consider adding an accreditation requirement as part of future program redesign efforts.
		Recommend ensuring that Shared Living provider agencies have appropriate competencies to deliver personalized caregiver support. Applicants should be	Applicants are required to submit a wide array of policies and procedures to demonstrate competency to administer



Respondent	Nature of the Comments	EOHHS' Response
	<p>able to demonstrate, including through experience in Rhode Island or other states, that they are able to conduct comprehensive caregiver assessments, develop and deliver content and resources specifically designed for informal caregivers, and assess caregiver satisfaction with the support provided.</p>	<p>shared living services, which includes demonstrated capacity to complete caregiver assessments and provide essential support to participants and caregivers.</p>
	<p>Recommended edit to Sec. I, time off should be framed as time away from full-time care.</p>	<p>EOHHS changed "time off" to "time away."</p>
	<p>Recommended edit to Sec. II, require agencies to provide information to participants and caregivers about agency practices regarding interruption of services and account for scenarios where interruption of services may be beyond the agency's and participant's control.</p>	<p>EOHHS made the requested edit.</p>
	<p>Recommended edit to Sec. III, suggest removing the requirement for automobile coverage because agency staff do not transport participants or caregivers; request that approval of out-of-state administrative functions not be overly burdensome.</p>	<p>The requirement for insurance coverage is a RI Purchasing requirement. EOHHS recognizes that agency staff are not expected to transport participants or caregivers. However, if there are agency-owned vehicles, these must be insured.</p> <p>The certification standards do not alter the current process for EOHHS approval of out-of-state administrative functions. EOHHS must ensure that providers are performing essential functions in-state to be considered an in-state provider. The former standards required EOHHS approval and included the same criteria. The new standards formalize the process by requiring review and confirmation in writing for consistent application. EOHHS recognizes that existing provider agencies have successfully delivered services while performing some administrative functions out of state.</p>
	<p>Recommended edit to Sec. V, suggest changing 90 day notice to 30 day notice for certain triggering events such as change in name; certificates should only be void if there is a change in direct ownership.</p>	<p>The 90-day notice period allows EOHHS sufficient time to ensure that administrative and provider enrollment processes can be completed to reflect changes in a provider's name, ownership, and/or location.</p> <p>EOHHS reserves the right to void a certificate if there is a significant change in ownership, whether direct or indirect.</p>