

State of Vermont

Department of Disabilities, Aging and Independent Living
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Agency of Human Services

MEMO

TO: Choices for Care and Brain Injury Service Providers

FROM: Angela Smith-Dieng, Adult Services Division Director

DATE: July 17, 2023

RE: COVID-19 Emergency Program Flexibilities Ending

The purpose of this memo is to inform Choices for Care (CFC) and Brain Injury Program (BIP) providers of upcoming policy changes stemming from the end of the Public Health Emergency.

During the COVID-19 pandemic, the DAIL Adult Services Division was able to quickly modify or suspend Home and Community-Based Services (HCBS) program policies, rules, and processes to help stabilize services to Vermonters. As the Public Health Emergency ended on May 11, 2023, states must evaluate HCBS program flexibilities to determine which will continue and which will end. HCBS flexibilities that will end must be phased down within six months of the end of the Public Health Emergency, or November 11, 2023.

The following table outlines the flexibilities that were in place during the pandemic and if they will end or continue after 11/11/23.

Temporary Measure	Start Date	End Date	Comments
Granted a temporary <u>blanket</u> variance to allow CFC and BIP consumers or their surrogates to hire workers who would not be typically allowed as paid workers without a variance from DAIL. This includes legal guardians and 16–17-year-old workers.	3/13/2020	11/11/2023	The <u>blanket</u> variance will end and revert to the previous case-by-case individual variance process to assure adequate oversight.
Expanded the allowable CFC care categories in which spouses can be paid, including companionship, respite, and those for Instrumental Activities of Daily Living (IADL) such as housekeeping and shopping. Temporarily allowed	3/13/2020	11/11/2023	This was an emergency need only and is not supported long-term due to inherent conflicts that could affect quality of care and program integrity. Spouses continue to be paid to provide personal

surrogate employers to be paid caregivers in emergency situations.			care for Activities of Daily Living (ADL).
Increased the CFC funding cap to \$2,000 per year for the use of Assistive Device/Home Modification funds.	3/13/2020	Continue	
Expanded type and volume of CFC HCBS respite services and allowed higher use of respite above caps due to Adult Day closures. This is technically allowable under current program rules and standards.	3/13/2020	Continue	Higher use of respite will be reviewed on an individual basis using the variance request process.

The DAIL Adult Services Division encourages providers to work with participants to plan ahead regarding care needs that may be impacted by the above changes and make any necessary changes to care plans and employees hired before 11/11/23.

If you have any questions about the information outlined in this memo, please reach out to your local Long-Term Care Clinical Coordinator.