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Aged & Disabled Waiver & Traumatic Brain Injury Legally Responsible Individuals Transition Update

FSSA is sharing the following information to guide Aged & Disabled (A&D) Waiver & Traumatic Brain Injury (TBI) Waiver recipients and families who are transitioning away from attendant care provided by a legally responsible individual (LRI). As previously [announced](#), legally responsible individuals (LRI) currently providing attendant care may no longer provide paid attendant care beginning July 1, 2024.

As you consider this transition, the following information and guidance should be helpful in clarifying expectations and supporting you in making decisions.

- FSSA has been meeting regularly with care managers to provide guidance and equip them to support you through this process. Those meetings will continue during the transition.
- FSSA kicked off a series of Family Webinars today that are intended to provide individuals and families with updates, information, and resources to support you, as well.
- Below, we've outlined things you should expect in May and June. In addition, we are sharing that, in response to feedback from families during the waiver public comment period, FSSA requested approval from the Centers for Medicare and Medicaid Services (CMS) for eligible individuals to be able to receive skilled respite while receiving structured family caregiving (SFC). This is in addition to the 15 days per calendar year of unskilled respite available within SFC. Also, foster parents will be able to provide SFC. Both changes are pending CMS approval. More information on these updates is available in the FAQ.

What to expect in May and June 2024:

1. You should be in active conversations with your care manager planning for your transition. If you are not actively engaged with your care manager, you should contact your care manager. If your care manager is not responsive, you should contact your



Area Agency on Aging or care management company. If after following these steps you are not receiving a response from your care manager, you may email DAresponseteam@fssa.in.gov.

2. Your care manager will work with you to update your service plan according to your needs. Your care manager must submit your updated service plan by **June 15, 2024**.
3. As previously announced, eligible individuals have several options:
 - a. You may work with your care manager to receive attendant care from an individual who is not an LRI.

or

- b. You may continue to receive paid support from an LRI through Structured Family Caregiving

Please see the table below for more details.

Transition Period: Now-July 1, 2024 – A&D Waiver and TBI Waiver

Adults (Age 18+)

If you select Structured Family Caregiving, care managers will work with you to select an SFC provider. Care managers will use the SFC assessment to determine the appropriate SFC level. This should occur during May 2024.

If you select Attendant Care, care managers will work with you and your attendant care provider to help you select an attendant who is not an LRI. Your service plan will be reviewed to determine if the requested units of service are consistent with need. This should occur during May 2024.

Children (Age birth-17)

If you choose SFC, care managers will work with you to select an SFC provider. The SFC level will be determined based upon the authorized attendant care hours as of May 1, 2024:

- SFC Level One: 1-20 hours/week
- SFC Level Two: 21-40 hours/week
- SFC Level Three: 41+ hours/week

If you choose Attendant Care, care managers will work with you and your attendant care provider to help you select an attendant who is not an LRI. Your service plan will be reviewed to determine if the requested units of service are consistent with need. This should occur during May 2024.

What is happening after July 1, 2024?

FSSA will continue to refine how SFC levels are determined for the pediatric population in the coming months in accordance with the CMS-approved waivers. After June 30, 2024, you can expect the following:

July 1, 2024 – June 30, 2025 - Health & Wellness (H&W) Waiver (formerly A&D Waiver), TBI Waiver, & Indiana PathWays for Aging Waiver

Adults (Age 18+)
No change to SFC assessment process.
Children (Age birth-17) - H&W Waiver & TBI Waivers Only
FSSA will be training care managers to use the SFC assessment tool for assessing a child and their needs. <ul style="list-style-type: none">• New waiver recipients and any eligible individuals who newly select SFC after July 1, 2024, will be assessed using this tool.• Eligible individuals receiving SFC as of July 1, 2024, will continue to receive their current SFC level until July 1, 2025 unless they request a service plan change with their care manager.

July 1, 2025 & Forward - H&W Waiver (formerly A&D Waiver), TBI Waiver, & PathWays Waiver

Adults (Age 18+)
Likely no change to SFC assessment process.
Children (Age birth-17) - H&W Waiver & TBI Waivers Only
FSSA will develop and implement a pediatric assessment for SFC alongside pediatric eligibility (level of care) improvements. Both the assessment and level of care updates will be applied at the annual review or when an eligible individual requests a change to their service plan.

Structured Family Caregiving Frequently Asked Questions are located by [clicking here](#).