

Comments and Responses on ARC 1553C
Brain Injury Waiver Training
Received August 4, 2014

The following person/organization provided written comments, which are included in the summary below:

1. Angela Davis: Title: Attorney representing Frank and Jason Velinsky

COMMENT:

Iowa's brain injury training remains mandatory for direct care staff, but creates an exemption for self-directed personal care service workers and some other types of direct service workers under the current rule. The discrepancy in regulation between agencies and individuals will still be the same—agencies will be required to fulfill mandatory training while individuals transferred into the CCO will fall under the exemption. As an unintended consequence, the unbalanced application of this rule may create more barriers to agency service providers in Iowa who are held to the requirement. It was suggested that voluntary training for direct care staff patterned after states like Michigan and North Carolina which currently have voluntary training provisions. As an alternate suggestion, the exemption provisions could be eliminated so that all direct care workers are required to complete the training.

RESPONSE:

The discrepancy describe in the comment is comparing enrolled Medicaid providers to private individuals employed by Medicaid members through the Brain Injury Waiver Consumer Choices Option to provide identified services including; self-directed personal care services, self-directed community supports and employment, and individual-directed goods and services. To clarify, there is no relationship between Medicaid and the employee hired by the member to provide the self-directed services. The individual employee does not enroll in Medicaid nor does Medicaid have oversight of the services delivered by the employee. It is at the sole discretion of the member to hire and supervise employees that they feel are most qualified to provide needed services.

In conclusion, the department may suggest voluntary training of employees providing services under the CCO but will not supersede the member's employer authority by requiring training. Anyone who wishes to complete the DHS BI training may do so at any time and the waiver members utilizing CCO may choose to require their employees to complete the training. Therefore the Department will not be amending the Notice of Intended Action as it was published in the Iowa Administrative Bulletin at this time.