

DEVELOPMENTAL DISABILITIES ADMINISTRATION
Olympia, Washington

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| TITLE: | TELESERVICE | POLICY 4.27 |
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| Authority: | 42 C.F.R. 441.301(c)(2) 42 C.F.R. 441.301(c)(4) 42 C.F.R. 441.301(c)(5) 45 C.F.R. Part 164 Chapter 388-825 WAC WAC 388-834-0040 Chapter 388-845 WAC | <i>The Person-Centered Service Plan</i> <i>Home and Community-Based Settings</i> <i>Settings that are not Home and Community-Based.</i> <i>Security and Privacy</i> <i>Developmental Disabilities Administration Service Rules</i> <i>DDA Preadmission Screening and Resident Review</i> <i>DDA Home and Community Based Services Waiver</i> |
| Reference: | DDA Policy 4.06 DDA Policy 4.14 DDA Policy 4.19 DDA Policy 4.20 | <i>Children’s Intensive In-Home Behavioral Supports Program</i> <i>Community Engagement Services</i> <i>Staff and Family Consultation</i> <i>Specialized Habilitation</i> |

BACKGROUND

In March 2023, the Centers for Medicare and Medicaid Services (CMS) approved teleservice as a service delivery method for select waiver services when requested by the client. In-person service delivery remains an essential component of waiver services and the success of clients, even with the addition of teleservice.

PURPOSE

This policy establishes requirements for delivering waiver services through teleservice.

SCOPE

This policy applies to DDA field staff and to professional service providers:

- Contracted through DDA to deliver a paid waiver service under the Basic Plus, Core, Community Protection, Children’s Intensive In-Home Behavioral Supports, and Individual

and Family Services waivers, the Preadmission Screening and Resident Review (PASRR) program, and the Roads to Community Living (RCL) grant; or

- Contracted through a county to provide individualized supported employment or individualized technical assistance.

DEFINITIONS

Assistive technology is any item, piece of equipment, software program, or product system that is used to increase, maintain, or improve the functional capabilities of individuals with disabilities, improve safety, or increase social engagement in the community.

Assistive technology services are services that directly assist an individual with a disability in the selection, acquisition, or use of an assistive technology device.

Case resource manager or **CRM** means the DDA case manager or PASRR assessor assigned to a client.

Client means a person who has a developmental disability as defined in [RCW 71A.10.020](#) and has been determined DDA-eligible under [Chapter 388-823 WAC](#).

DDA assessment means the standardized assessment tool, as defined in [Chapter 388-828 WAC](#), used by DDA to measure the support needs of people with developmental disabilities.

HCBS waiver means federal Home and Community-Based Services (HCBS) approved by CMS under section 1915(c) of the Social Security Act as an alternative to an intermediate care facility for individuals with intellectual disabilities.

Health Insurance Portability and Accountability Act or **HIPAA** means a federal law that requires protection of sensitive client health information and limits its disclosure without a client's consent or knowledge.

Preadmission screening and resident review or **PASRR** means a process required by federal rule for clients who are referred to a Medicaid-certified nursing facility.

Person-centered service plan or **PCSP** means an individualized service plan that is a written plan for service delivery and identifies ways to meet a client's needs with the most appropriate services. The plan identifies formal and informal supports to meet the client's needs as described in Chapter 388-828 WAC and or a PASRR Level II or follow-up report.

Primary caregiver means the person who provides most of the client's care and supervision.

Teleservice is the use of electronic equipment and technology to support the provision of waiver services at a distance.

Trusted network means a network operated and maintained by the vendor, which includes security controls sufficient to protect DSHS data on that network. Controls would include a firewall between any other networks, access control lists on networking devices such as routers and switches, and other such mechanisms which protect the confidentiality, integrity, and availability of the Data.

POLICY

A. Teleservice Delivery

1. Teleservice is a remote service delivery method that uses a HIPAA-compliant technology system through a trusted network and is approved by DDA.
2. The following waiver services may be provided through teleservice delivery:
 - a. Assistive Technology Services;
 - b. Community Engagement;
 - c. Individualized Supported Employment;
 - d. Individualized Technical Assistance;
 - e. Music Therapy;
 - f. Occupational Therapy;
 - g. Peer Mentoring;
 - h. Person-Centered Plan Facilitation;
 - i. Physical Therapy;
 - j. Specialized Evaluation and Consultation;
 - k. Specialized Habilitation;
 - l. Speech, Hearing, and Language Services;
 - m. Staff and Family Consultation;
 - n. Supported Parenting.
3. A waiver service may be delivered through teleservice if:
 - a. The client selects the service delivery method.
 - b. The client's support needs can be addressed sufficiently through teleservice delivery.
 - c. Teleservice delivery does not put the client's health or safety at risk. Risk is determined by the evaluation of support needs documented in the

person-centered service plan (PCSP), such as supervision and physical assistance.

- d. The client has the technology necessary to receive a waiver service through teleservice delivery, can operate the technology, and can engage in the service through this delivery method.
 - e. The client's PCSP documents each waiver service that will be provided through teleservice and the frequency of teleservice delivery.
 - f. Each service is delivered in-person at least one time per plan year.
 - g. [DSHS 27-215](#), *Teleservice Agreement*, is completed and agreed upon by the client.
4. Teleservice must be requested by the client and must not be approved if requested by the client's primary caregiver or provider solely for their preference or own convenience.

B. Provider Qualifications

1. To provide teleservice, a provider must:
 - a. Hold a signed DDA contract for each service they plan to provide that includes the teleservice subcode;
 - b. Follow all contractual obligations; and
 - c. Annually obtain approval from DDA for the use of its HIPAA-compliant platform.
2. All video, audio, or other personally identifiable information must be treated consistently following all [HIPAA regulations](#) and providers must follow department data security including the implementation of:
 - a. A trusted network system requiring authentication, authorization, and encryption of data that complies with 45 C.F.R. Part 164 to ensure that access to computer, video, audio, sensor, and written information is limited to authorized people.

- b. The utilization of a HIPAA-compliant platform, including a business associate agreement when applicable. Eligible platforms include:
- i. Microsoft Teams;
 - ii. Updox;
 - iii. VSee;
 - iv. Zoom for Healthcare;
 - v. Doxy.me;
 - vi. Cisco Webex;
 - vii. Amazon Chime;
 - viii. GoToMeeting;
 - ix. Spruce Health; and
 - x. Other platform verified by DSHS and accepted by data security requirements.

Note: Intermittent, supplemental client contact using telephones is permissible.

3. Before agreeing to provide a service through teleservice delivery, the provider must confirm that the client is able and willing to use the platform utilized by the provider.
4. The provider must offer basic technical assistance as necessary during service delivery (verbal cues to move screen, volume control, etc.).

PROCEDURES

- A. If a client requests teleservice delivery, using a person-centered planning process, the CRM must review the client's support needs with the client to determine if the service delivery method is:
1. Requested by the client and not requested solely for a primary caregiver or provider's convenience; and
 2. A safe and appropriate mechanism for service delivery.
- B. The CRM must verify the teleservice agreement form has been completed and agreed to by the client. The CRM must document the following in the comments section of the client's PCSP for each service.

"[Client] has requested [amount %] of this service through teleservice delivery."

C. The CRM must:

1. Upload the form into the client file under “DDA Person-Centered Service and Assess”; and
2. Document receipt in a service episode record.

EXCEPTION

Any exception to this policy must have the prior written approval of the Deputy Assistant Secretary.

SUPERSESION

None.

Approved:



Deputy Assistant Secretary
Developmental Disabilities Administration

Date: May 1, 2023