

DEVELOPMENTAL DISABILITIES ADMINISTRATION
Olympia, Washington

TITLE:	TELESERVICE	POLICY 4.27
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>

PURPOSE

This policy establishes requirements for authorizing and delivering waiver services through teleservice.

SCOPE

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

- Contracted with 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 with 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 people with disabilities, improve safety, or increase social engagement in the community.

Assistive technology services are services that directly assist a person 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 service delivery model that uses a HIPAA-compliant technology system through a trusted network approved by DDA in which a contracted provider can support a person. Similar to a “telehealth” appointment with a physician, teleservice uses technology to facilitate the interaction between a contracted provider and the client receiving a waiver service.
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. Residential habilitation;
 - k. Specialized evaluation and consultation;
 - l. Specialized habilitation;
 - m. Speech, hearing, and language services;
 - n. Stabilization—crisis diversion bed;
 - o. Stabilization—specialized habilitation;
 - p. Stabilization—staff and family consultation;
 - q. Staff and family consultation; and
 - r. Supported parenting.
3. A waiver service may be delivered through teleservice if:
 - a. The client selects to receive the support through this 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 specific to each service; and
 - f. The service is delivered in-person at least one time per plan year.
- 4. Teleservice must not be approved if requested by the client's caregiver or provider solely for their preference or own convenience.
 - 5. Intermittent, supplemental client contact using telephones is permissible, but cannot be the only way of delivering a service through teleservice delivery.

B. Provider Qualifications

- 1. To provide teleservice, a provider must hold a signed DDA contract for each service they plan to provide that includes the teleservice subcode language and follow all contractual obligations.
- 2. If a provider currently holds a contract that includes a "Data Security Requirements Exhibit," the provider does not need to have the "Teleservice subcode" taxonomy selected in their contract.
- 3. 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.
- 4. Before agreeing to provide a service through teleservice delivery, the contracted waiver service provider must confirm that the client is able and willing to use the platform utilized by that provider.
- 5. The contracted waiver service 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, the CRM must review the client's support needs to determine if the service delivery method is:
 - 1. Requested by the client and not requested solely for a caregiver or provider's convenience; and
 - 2. A safe and appropriate service delivery method for the requested service.
- B. The CRM must complete the teleservice workflow in the client's PCSP, documenting for each service whether the client has requested to receive it via teleservice, and the requested teleservice frequency.
- C. Teleservice Delivery and Stabilization
 - 1. Stabilization services are available to a person on any of DDA's HCBS waivers per [WAC 388-845-1150](#).

2. If a client requests stabilization services via teleservice delivery, the following must be met:
 - a. The client's support needs for stabilization can be addressed sufficiently and appropriately through teleservice delivery.
 - b. 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 PCSP, such as supervision and physical assistance.
 - c. The client has the technology necessary to receive stabilization through teleservice delivery, can operate the technology, and can engage in stabilization through this delivery method.
 - d. The client's PCSP indicates the type of stabilization that will be provided through teleservice and the frequency of teleservice delivery for each service.
 - e. The provider must deliver the service in-person at least one time during the stabilization period of up to 90 days.

D. Teleservice Delivery and Residential Habilitation

1. Residential habilitation is a waiver service offered in various settings to help an individual with personal care and supervision and to learn, improve, or retain social and adaptive skills necessary for living in the community.
2. If a client requests residential habilitation support via teleservice delivery, the CRM must:
 - a. Indicate that the client initiated the request and not the agency or provider supporting the client.
 - b. Document whether the teleservice delivery of residential habilitation puts the client's health or safety at risk. Risk is initially determined by the CRM's evaluation of support needs documented in the person-centered service plan (PCSP), such as supervision and physical assistance.
 - c. Document whether the client has the technology necessary to receive residential habilitation via teleservice delivery, can operate the technology, and can engage in services through this delivery method.

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- i. If the client does not have the technology necessary for receiving services via teleservice delivery, the CRM must identify what is needed for teleservice delivery to be successful for the client, including:
 - A) Technology the client needs for teleservice delivery;
 - B) Technology currently available to the client; and
 - C) Whether the client needs support to learn how to use the equipment and technology.
 - ii. The CRM must assist the client to obtain the technology needed through the waiver service of assistive technology.
 - d. Update the DDA assessment to include support needs for residential habilitation and how frequently it will be provided through teleservice delivery.
 - i. The CRM must complete the workflow in the PCSP for documenting amount of time a client requests teleservice delivery.
 - ii. The CRM must document task-specific components of the residential habilitation service the client chooses to receive via teleservice delivery in the client's individual service plan and update the PCSP when changes occur.
 - 3. For a client receiving residential habilitation from a companion home provider, the CRM must:
 - a. Complete the Teleservice workflow in the client's PCSP;
 - b. Document task-specific components of residential habilitation the client requests to be provided through teleservice; and
 - c. Support the client to obtain the technology needed to receive their waiver services via teleservice.
- E. Troubleshooting
- 1. If the client requests a service be provided via teleservice delivery, and challenges arise regarding the client's ability to participate and attend scheduled sessions
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with the provider, the CRM must:

- a. Connect with the client and their legal representative (if applicable) to discuss whether teleservice delivery method is appropriate for the client to meet their unmet needs; and
- b. Discuss other opportunities or services available to help support the client to access their service through teleservice. This discussion might include:
 - i. Whether changes in circumstance have occurred that suggest it is no longer in the client's best interest to receive a service through teleservice (e.g., a change in the client's health and safety);
 - ii. Supporting the client to understand how to use the necessary technology needed for use in the teleservice delivery method;
 - iii. Exploring other technology equipment needed to support the provision of teleservice delivery; or
 - iv. Offering other waiver services that can provide the support and oversight to the client that is more appropriate to the need(s) the client has.
2. If there changes in the client's ability to receive services via teleservice delivery, the provider can report concerns to the CRM.
3. The CRM must document any challenges, conversations, and updates to the request for teleservice delivery in a service episode record.

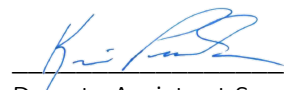
EXCEPTION

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

SUPERSESSION

4.27, *Teleservice*
Issued May 1, 2023

Approved:



Deputy Assistant Secretary
Developmental Disabilities Administration

Date: September 15, 2024