



Agency Supported Self-Directed Respite Information

Introduction:

Respite is a service designed to provide relief to those persons who normally provide care for an individual with developmental disabilities. Respite is not furnished or provided for the purpose of compensating relief or substitute staff.

Respite has the option for delivery in a self directed manner thus affording the individual, or those who help them, the opportunity for the maximum amount of control over how and when and by whom they are supported. NYS OPWDD expects providers of the respite service to facilitate opportunities for self direction.

Below are frequently asked questions and answers about respite and self-direction.

1) What is self-direction?

Self-direction provides individuals the opportunity to make decisions about what supports and services they need to help themselves. Self-direction means that an individual accepts responsibility for helping to manage (co-manage) their supports and services. Self-direction of services includes the individual or their family/advocate exercising either employer authority, budget authority or both.

This includes opportunities to make decisions about:

- Having meaningful relationships with friends, family and others in their lives;
- Experiencing personal health and growth;
- Living in the home and community they choose; and
- Working, volunteering, or doing recreational activities they enjoy with others in their neighborhood.

Through offering self-direction of their respite service, providers empower individuals who chose self-direction to have greater authority over how and when they are supported.

2) What does it mean if an individual/family member has Agency Supported Self-Directed Respite services?

When an individual has Agency Supported Self-Directed Respite, it means that the individual is choosing to exercise employer authority. Employer authority is when:

- The individual makes decisions about who works for him/her;
- He/She can recruit people to work for him/her;

- The individual and people he/she knows and trust can decide what he/she needs staff to do to help him/her, and what hours the help is needed; and
- The individual supervises their staff, and if they don't do a good job, the individual can change staff. The individual provides training specific to their needs in partnership with the agency who ensures that required training, consistent with regulation and established core competencies, is completed.

The level of assistance that an individual receives from the agency is based on a discussion between the agency and the individual.

Once both agree on how the agency will assist the individual, an agreement is put in place so that both are clear on each of their responsibilities.

The agency remains the employer of record, meaning that the agency retains the final decision on hiring and firing a staff person, on ensuring training is completed that is required by regulations, labor laws, and for maintaining payroll and personnel activities.

3) Is Agency Supported Self-Directed Respite the same as if the person has a self-hired respite staff?

Agency Supported Self-Directed Respite is different from a self-hired respite staff. In Agency Supported Self-Directed Respite, the individual does not manage the staff's wages or benefits. For a self-hired respite staff, the individual has responsibility in developing and managing a budget that includes the respite staff's wages and indirect costs.

4) Is respite the same as community habilitation?

No. Community habilitation requires a habilitation plan and is goal oriented.

5) Who can have Agency Supported Self-Directed Respite?

Individuals who can make informed choices and are willing to manage a self-directed service, or

Individuals can also select a representative to help make choices and co-manage their supports and services.

Individuals who have trouble making informed choices can still self-direct by having a representative who is willing to make informed choices and co-manage services on their behalf.

6) What are the roles of the agency and an individual/family member while self-directing their respite services?

When an individual self-directs his/her respite services, they have employer authority, which means:

- The individual makes decisions about who works for him/her;

- He/She can recruit people to work for him/her;
- The individual and people he/she knows and trust can decide what he/she needs staff to do to help him/her, and what hours the help is needed;
- The individual supervises the staff, and if they don't do a good job, the individual can change staff.

The agency remains the employer of record, meaning that:

- The agency retains the final decision on hiring and firing a staff person;
- The agency ensures training is completed by the staff that is required by regulations;
- The agency implements practices that are consistent with pertinent labor laws;
- The agency is responsible for maintaining payroll and personnel activities; and
- The agency reviews service documentation and submits claims for payment based on the documentation.

The level of assistance that an individual receives from an agency is based on a discussion between that agency and the individual.

Once both agree on how the agency will assist the individual, an agreement is put in place so that both are clear on each of their responsibilities.

7) What is the purpose of a Memorandum of Understanding (MOU) between the agency and the individual/family member?

The purpose of the Memorandum of Understanding (MOU) is to ensure that the agency and the individual have had a discussion about their responsibilities and that each party understands them. The MOU creates a record of the discussion and the agreement creates accountability regarding the expectations agreed to by both parties.

OPWDD has drafted a standard MOU for use by individuals and agencies. The MOU can be revised to reflect the specific agreement between the parties if there is a need for a more unique arrangement.

8) What effect does Agency Supported Self-Directed Respite have on documentation?

The documentation required to support the delivery of appropriate supports to achieve the desired outcomes of the person remain a requirement; self direction does not change the responsibility of the support staff for required documentation.

9) How does an agency oversee the health and safety of an individual who has Agency Supported Self-Directed Respite?

An agency's responsibility for health and safety oversight of an individual who is self-directing does not change. Agencies maintain the final decision in hiring and firing staff. If there is a need for clinical input to ensure safety or effectiveness then the agency works with the individual and/or those who help him/her to develop a way to do this.

10) How does an individual/family get Agency Supported Self-Directed Respite?

An individual who is interested in Agency Supported Self-Directed Respite should talk to his/her service coordinator. If the person or family is already receiving respite services but would like to take a more active role and self-direct, they should work with the provider to establish the MOU defining the agreement that is reached.

An individual may also reach out directly to the OPWDD DDRO to request Agency Supported Self-Directed Respite.

An individual with his/her service coordinator and any other people that the individual wants present should then talk to their respite provider about taking on the responsibilities associated with self-direction and work towards drafting an agreement that works for both parties.

11) How does an individual/family discontinue Agency Supported Self-Directed Respite?

The process for an individual to discontinue Agency Supported Self-Directed should be agreed upon between the agency and the individual prior to the start of self-directed respite. This process should then be outlined in the Memorandum of Understanding (MOU).

In the MOU template that OPWDD developed, the recommended process is that the individual gives a 30 day notice and the agency and individual work toward alternate arrangements.

A person who discontinues self-directing their respite remains eligible for respite services.