



**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**DEPARTMENT ON DISABILITY SERVICES**

<b>POLICY</b>	
Department on Disability Services	Subject: Participant-Directed Services
Responsible Program or Office: Developmental Disabilities Administration	Procedure No.: 2024-DDA-POL-003
Date of Approval by the Director: 12/17/2024	Number of Pages: 7
Effective Date: 12/17/2024	Expiration date, if any: N/A
Supersedes: N/A	
Cross References, Related Policies and Procedures, and Related Documents: 2017-DDA-POL001, Person Centered Planning Process and Individual Support Plans Policy	

**1. PURPOSE**

The purpose of this policy is to establish the standards by which the Department on Disability Services (“DDS”) will support and administer the *My Life, My Way* program to enable program participants to self-direct certain services under the Medicaid Home and Community-Based Services Waiver for Individual and Family Supports (“IFS Waiver”).

**2. APPLICABILITY**

This policy applies to people seeking or approved to self-direct IFS Waiver services, to people providing participant-directed services (“PDS”), and to authorized representatives supporting people self-directing IFS Waiver services. The policy also applies to DDS Service Coordination and Medicaid Waiver staff, as well as to entities contracted by DDS to support the administration of PDS.

**3. AUTHORITY**

The authority for this policy is established in the Department on Disability Services (“DDS”) as set forth in D.C. Law 16-264, the “Department on Disability Services Establishment Act of 2006,” effective March 14, 2007 (D.C. Official Code § 7-761.01 *et seq.*); and D.C. Law 2-137, the “Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978,” effective March 3, 1979 (D.C. Official Code § 7-1301.01 *et seq.*).

**4. DEFINITIONS**

**Authorized Representative:** An individual who willingly accepts responsibility for performing employer and PDS budget management that a participant is unable to perform without the assistance of a representative, and who has been designated by the participant in writing by executing a Designation of Authorized Representative form.



**Budget Authority:** The authority granted to *My Life, My Way* program participants and their authorized representatives, as applicable, to develop and manage their own PDS budget with the assistance of the Support Broker and the approval of DDS. This authority allows participants to set the wage rate for their own participant-directed workers within the range prescribed by the Department of Health Care Finance (“DHCF”) and to allocate funds in their own PDS budget to Individual-Directed Goods and Services (“IDGS”).

**Common Law Employer:** A participant for whom services are being performed who has the right to direct and control the actions of the individual who performs the services, not only as to the result to be accomplished by the work, but also as to the details and the means by which the result is accomplished, and who is responsible for approving the payment of wages to the participant’s employees and the payment of employment taxes to all relevant federal, state, and local government agencies, with the assistance of a Fiscal Management Agency.

**Employer Authority:** The authority granted to *My Life, My Way* program participants and their authorized representatives, as applicable, to recruit, hire, supervise, and discharge their own qualified participant-directed workers who provide participant-directed community support services to program participants, with the assistance of the Vendor Fiscal/Employer Agent (“VF/EA”) Financial Management Services (“FMS”) -Support Broker entity.

**Individual-Directed Goods and Services or IDGS:** Services, equipment or supplies not otherwise provided through the IFS Waiver or the Medicaid State Plan that address an identified need in the participant’s Individual Support Plan (“ISP”), including improving and maintaining the participant’s opportunities for full membership in the community, that meet the requirements of 29 DCMR § 11110.3.

**Natural Home:** A private residence located in the District of Columbia where a person lives in an independent environment on their own, or with family or friends, and is distinguished from a residence where the person has been placed by DDS.

**Participant-Directed Workers or PDW:** A staff person who works directly with people with intellectual and other developmental disabilities with the aim of assisting participants to become integrated into his or her community or the least restrictive environment who is hired by the participant or their authorized representative to provide Participant-Directed Services (PDS).

**Self-Direction:** The ability of program participants, or their representatives, if applicable, to exercise decision-making authority over certain services and take direct responsibility to manage their services with the assistance of a system of available supports.

**Support Broker:** An employee of the VF/EA FMS-Support Broker entity who provides information and assistance services to *My Life, My Way* participants to enable participants and authorized representatives, as appropriate, to independently direct and manage their PDS.



**VF/EA FMS-Support Broker entity:** A Vendor Fiscal/Employer Agent Financial Management Services-Support Broker entity is an entity operating in accordance with 26 USC § 3504 and Rev. Proc. 70-6, as modified by REG-137036 and Rev. Proc. 2013-39, which provides financial management services, information, and assistance to *My Life, My Way* participants and their authorized representatives, as appropriate.

## 5. POLICY

It is the policy of DDS to:

- A. Provide information and training on self-direction opportunities for IFS Waiver participants through the *My Life, My Way* program;
- B. Include a combination of hands-on care, habilitative supports, skill development and building, community integration and inclusion, supervision, non-medical care, assistance with activities of daily living, and/or access to goods and services (as described at 29 DCMR § 11110 *et seq.*) in the *My Life, My Way* program; and
- C. Provide financial management and administrative supports, through the *My Life, My Way* program, in order to afford IFS Waiver participants, and/or their authorized representatives, self-directed opportunities to:
  1. Exercise “employer authority” to recruit, hire, supervise and discharge qualified participant-directed workers (“PDW”) who provide PDS to them;
  2. Exercise “budget authority” to purchase allowable and IDGS using a PDS budget; and
  3. Ensure the financial integrity of PDS by detecting and preventing fraud, waste, and abuse.

## 6. RESPONSIBILITY

The responsibility for this policy is vested in the Director, while the implementation of this policy is the responsibility of the Deputy Director for the Developmental Disabilities Administration and the Chief of Staff.

## 7. STANDARDS

The following standards apply:

### A. Eligibility

1. To participate in the *My Life, My Way* program, a person must be enrolled in the IFS Waiver and live in their natural home.



2. Participation in the *My Life, My Way* program is conditional upon compliance with program rules and the terms of the Participant/Representative-Employer Agreement.
3. Each participant shall have an emergency back-up plan.

## **B. Included Services and Limitations**

1. Participant direction through the *My Life, My Way* program is limited to the following IFS Waiver services:
  - a. Companion Services (1:1);
  - b. Individualized Day Supports (“IDS”) Services (1:1);
  - c. In-Home Supports Services;
  - d. Respite Daily Services (out-of-home); and
  - e. Individual- Directed Goods and Services (IDGS).
2. As set forth more fully in the approved IFS Waiver and the implementing regulations at 29 DCMR Chapter 111 (*My Life, My Way* Program), participants shall not receive agency-based companion, individualized day supports, in-home supports, and/or respite daily services while the participant is receiving the same services through PDS, but can combine other, provider-managed services, including the services listed in the previous section (7)(B)(1) with PDS services to the extent that provider-managed services do not duplicate any PDS services the participant is receiving.

## **C. Information and Outreach**

DDA Continuing Service Coordinators shall provide the *My Life, My Way* Fact Sheet to all IFS Waiver participants who are not enrolled in *My Life, My Way* and to all participants in the HCBS Waiver for People with Intellectual and Developmental Disabilities (“IDD”) program when:

- a. The participant is assessed or reassessed for IFS or IDD Waiver services;
- b. The participant’s ISP is updated; or
- c. The participant requests information on self-direction generally or the *My Life, My Way* program specifically.

## **D. Training**

1. The *My Life, My Way* Program Coordinator shall be responsible for providing an overview (*i.e.* information session) for all participants who express interest in the *My Life, My Way* program.



2. Service Coordinators shall complete DDS training on self-direction and the *My Life, My Way* program prior to enrolling participants into the *My Life, My Way* program, as well as all ongoing PDS-related training required by DDS.

#### **E. Financial Management and Administrative Supports**

1. Financial management services and financial information and assistance services shall be provided to *My Life, My Way* participants through a VF/EA FMS-Support Broker entity selected by DHCF through a competitive procurement process.
2. The *My Life, My Way* participant or their designated authorized representative shall serve as a “common law employer” of all PDWs hired by the participant and will be supported by the VF/EA FMS-Support Broker entity.
3. The VF/EA FMS-Support Broker entity will assign a Support Broker to each *My Life, My Way* participant to support the participant and/or the participant’s authorized representative as specified in 29 DCMR § 11112.4 and 11112.6, including but not limited to:
  - a. Utilizing the financial management, information, and assistance services provided by the VF/EA FMS-Support Broker entity;
  - b. Managing the PDS budget; and
  - c. Understanding and complying with the responsibilities of acting as a common law employer;
  - d. Collecting PDW documentation;
  - e. Developing, implementing, and revising, as needed, emergency back-up and natural support plans;
  - f. The calculation and payment of employment-related taxes; and
  - g. Otherwise facilitating the participant’s and/or the participant’s authorized representative’s lawful functioning as a common law employer.

#### **F. Authorized Representatives**

1. A *My Life, My Way* participant may designate an authorized representative to exercise employer-related responsibilities in the *My Life, My Way* program and may change this designation at any time by notifying the support broker.
2. The authorized representative shall not receive any monetary compensation for acting as an authorized representative for a *My Life, My Way* participant and shall not serve as a PDW for that participant.
3. All authorized representatives shall be responsible for working collaboratively with *My Life, My Way* participants to ensure that:
  - a. The participant receives all needed PDS from qualified PDWs; and



- b. PDS and IDGS are provided in accordance with the participant's ISP and PDS budget.
4. DDS may determine that a participant requires an authorized representative to continue participation in the *My Life, My Way* program if the participant has demonstrated an inability to self-direct their services after additional counseling, information, training or assistance. If DDS makes such a determination, and (a) the participant indicates that they do not wish to have an authorized representative, or (b) the participant cannot identify someone willing and able to serve as an authorized representative, then DDS shall issue written notice of termination from the program to the participant, support broker and Service Coordinator. Such notice shall include the information in 29 DCMR § 11115.11 and participant's right to appeal the determination by filing a notice of appeal with the Office of Administrative Hearings.

#### **G. Termination of Participant Directed Services**

1. *My Life, My Way* participants may decide at any time to voluntarily terminate their participation in the *My Life, My Way* program.
2. Non-compliance with program rules or the terms of the Participant/ Representative-Employer Agreement shall result in referral of the participant to the Remediation, Training, and Termination Protocol established by DDS, and may ultimately result in involuntary termination from the *My Life, My Way* program.
3. When *My Life, My Way* program participation is voluntarily or involuntarily terminated for any reason, the Service Coordinator shall assist the participant in transitioning to agency-based IFS Waiver services.

#### **H. Expenditure Safeguards**

1. DDS shall implement all safeguards described in 29 DCMR § 11119 to prevent premature depletion of *My Life, My Way* participants' PDS budgets and address potential service delivery issues associated with budget underutilization.
2. If the Financial Management Services Division of the VF/EA FMS-Support Broker entity discovers over-utilization of PDS, the participant/representative-employer shall be referred to the Remediation, Training, and Termination Protocol in accordance with 29 DCMR § 11118.2.
3. If the Financial Management Services Division of the VF/EA FMS-Support Broker entity discovers under-utilization of PDS, the Support Broker shall address the issue with the participant or the participant's authorized representative and



develop a corrective action plan to remedy the issue.

4. Nothing in this policy shall be construed to limit the District's authority to investigate and prosecute a *My Life, My Way* program participant or a participant's authorized representative for criminal acts, including, but not limited to, theft and fraud.

  
\_\_\_\_\_  
Andrew P. Reese, Director

December 17, 2024  
Date