



MARYLAND Department of Health

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary
Bernard Simons, Deputy Secretary of Developmental Disabilities Administration

Developmental Disabilities Administration

Bernard Simons, Deputy Secretary
201 West Preston Street, 4th floor
Baltimore, MD 21201

MEMORANDUM

To:

All DDA Providers

Deputy Secretary, Developmental Disabilities Administration

From: Bernard Simons

Subject: Minimum requirements of relatives, neighbors, or friends providing respite services

Date: November 27, 2018

CC: Patricia Sastoque, Director of Programs
Adrienne Hollimon, Director of Nursing
DDA Regional Directors

The Developmental Disabilities Administration (DDA) appreciates the commitment and support you have been providing to families when they need respite. We have become aware of some issues that may affect providers offering the model when families select relatives, neighbors, or friends to provide respite. Some providers were not aware that the 2018 waiver clarifies that the training requirements apply to persons chosen by the family to provide paid respite, including the requirement that unlicensed staff paid to administer medication and/or perform treatments must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians; and therefore, also require nursing delegation.

This memo serves to clarify training requirements designated by the DDA for respite services. Training requirement pertains to both respite staff paid, by the provider, directly to the person providing respite, as well as funds being paid to (or “passed through”) the family, with the family paying the person providing respite. ***Regardless of whether the funding is provided through stateonly dollars or using Medicaid funds, the respite service must meet the basic qualification as noted on the following pages as detailed in the approved 2018 DDA Waivers (Reference: Community Pathways Waiver Appendix C pages 102-107).***

Minimum Qualification Requirements:

Relatives, neighbors, or friends providing respite must:

1. Be at least 18 years old;
2. Have a GED or high school diploma;
3. Possess current First Aid and CPR certification;
4. Receive training by person's family on the person's specific health and safety needs including preferences, positive behavior supports, and disability-specific information. (The family must sign an attestation form created by the provider that they have provided the required trainings);
5. Successfully pass a criminal background check. (In the event there is disagreement between the family and the provider about whether or not the criminal history "indicate[s] behavior potentially harmful" to the person receiving services, we ask that the provider contact their regional office for further guidance);
6. Possess a valid driver's license, if the operation of a vehicle is necessary to provide services;
7. Have automobile insurance for vehicle used to provide transportation; and
8. Must be certified by the Maryland Board of Nursing (MBON) as Medication Technicians if they are unlicensed staff **paid** to administer medication and/or perform treatments.

For some people you support, there may be additional requirements based on the person's preferences (e.g. male versus female supports, fluent in their primary language), level of service need (e.g. administer medication and/or perform treatments), or pre/in-service training (e.g. behavioral plan) based on the person-centered plan (PCP).

Staff employed by your agency providing respite services must also meet additional requirements as stated in COMAR 10.22.02.11.

The DDA will be meeting with the MBON regarding the requirements for the Medication Technician/Nurse Delegation requirements for unlicensed staff paid to administer medication and/or perform treatments when service is provided by relatives, neighbors, or friends. Based on this meeting, the DDA will share any addition guidance as applicable.

In addition, the DDA is considering removing the requirements for relatives, neighbors, or friends to be 18 years old and have a GED or high school diploma in the upcoming amendment.

To avoid any respite disruption when families hire relatives, neighbors, or friends provide respite services during the holiday season, providers should review each respite request to ensure that your agency can provide the respite consistent with the standards included in the 2018 approved waiver applications. The guidance below should be considered when evaluating the respite requests to ensure continuity of respite.

Medication Technicians Requirement:

If no medications, routine and/or when necessary (p.r.n.), are to be administered during the time of respite, then the MBON Medication Technicians requirements are not applicable.

If medications are needed during the respite hours, then:

(1) the person being paid to provide respite must meet the Medication Technician requirements;

OR

(2) a family member or friend (if available), *outside of the person being paid to provide respite*, can administer the medication.

Driver's License and Insurance Requirements:

The 2018 approved waiver applications indicates respite staff must possess a valid driver's license, *if the operation of a vehicle is necessary to provide services*; and the respite staff must have automobile insurance for all automobiles that are owned, leased, and/or hired and used in the provision of services.

If no transportation is provided during the time of respite, then the requirements to possess a valid driver's license and automobile insurance are not applicable;

If transportation is provided during the time of respite the requirements to possess a valid driver's license and automobile insurance are required.

If transportation is needed and the respite provider does not meet the requirements, other transportation modes, such as Lyft, Uber or taxi, can be explored for the required transportation.

Please email Tonia Ferguson, DDA Chief of Staff, at Tonia.ferguson@maryland.gov if you have a specific question about this communication.

If you have specific respite situations that you would like additional guidance, please contact your regional director.

Thank you in advance for your commitment to families and people with intellectual and/or developmental disabilities.