



To: TennCare Managed Care Organizations and Public Consulting Group (PPL)  
From: Jamie O’Neal, Assistant Deputy Chief of LTSS  
CC: Patti Killingsworth, Assistant Commissioner and Chief of LTSS  
Date: July 21, 2020  
RE: **Accommodations in Consumer Direction during the Public Health Emergency**

As you know, the 1115 waiver authorizing the CHOICES and Employment and Community First CHOICES programs provides broad authority to deliver HCBS in the home using a Consumer Direction model. This allows the person receiving these services or a representative for Consumer Direction to select and employ the workers who deliver these services. This authority also permits a person enrolled in these programs to opt into Consumer Direction at any time for some or all HCBS eligible for Consumer Direction.

Pursuant to TennCare Rules (1200-13-01-.05 and 1200-13-01-.31), workers hired to provide HCBS through Consumer Direction may include friends and family members, with the caveat that a person who resides in the home with the Member cannot be paid to provide services. This helps to ensure that we do not supplant caregiving that family members would have otherwise been able and willing to provide at no cost, and keeps the cost of Medicaid HCBS more affordable, allowing more people to be served.

Always—but particularly during the Public Health Emergency (PHE), MCOs should be ready to assist any person who wants to transition to a Consumer Direction model—either temporarily during the PHE or on an ongoing basis.

PPL should also move quickly to assist people that want to enroll in Consumer Direction—due to concerns regarding COVID exposure or if they are experiencing difficulties with consistency in staffing.

In addition, as an accommodation during the PHE, and in alignment with Executive Order 50, a worker who is living in the home temporarily due to COVID-related circumstances—either because the worker has been displaced or in order to avoid additional exposure of infection risk to the person receiving HCBS—shall not be deemed as “residing with the Member” only during the period of the PHE. This will allow persons that would have otherwise qualified to provide these services to continue doing so, while minimizing risk of COVID exposure. These flexibilities will continue as determined to be needed only during the PHE.

This does not mean that *any* family member residing with the Member during the PHE can qualify as a worker—only a family member who is doing so temporarily during the PHE (for the reasons described above).

Except as described in this memo, all other applicable consumer direction policies shall remain in effect. If you have any questions, please contact Jamie O’Neal at [Jamie.O’Neal@tn.gov](mailto:Jamie.O’Neal@tn.gov).