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Fact Sheet: Proposed Changes to the Family Supports Waiver
(FSW)
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The Bureau of Disabilities Services (BDS) is proposing a series of changes to the FSW waiver that, if approved by the Centers for Medicaid and Medicare Services (CMS), would go into effect at the end of 2025. Starting in mid-July, all interested members of the public will have 30 days to review these changes and provide feedback. This process is known as a public comment period.

This Fact Sheet provides an overview of the major changes that are being proposed as part of this waiver amendment. This list, although not comprehensive, outlines the types of changes that are included in this proposal and, in some instances, the reasons for these changes.

The full proposed waiver draft will be available for review soon. Be on the lookout for an announcement via [DDRS Updates](#) about when this and other BDS waivers are ready for public comment.

❖ **Service Changes**

- Extraordinary Care Allowance for Participant Assistance and Care (PAC)—Parents of minor children and spouses will be permitted to be paid staff up to a maximum of 40 hours per week of attendant care to their loved one if the individual meets the definition of “extraordinary care”. The approved hours of attendant care are determined by the individual’s assessed needs.
- Behavioral Support Services (BSS) Updates—Created subcomponents to provide flexibility and more person-centered delivery. Added hour limits to each subcomponent to support alignment with the goals and purpose of the service. Discontinue the rarely used Intensive Behavioral Intervention service in favor of this new more flexible model.



- Add Benefits Counseling— This service will allow people to better understand the benefits they receive (like Medicaid or food stamps) and help them understand how they can explore working without being at risk of losing services they rely on.
- Recreation Therapy and Music Therapy—Each service will have a monthly maximum of 6 hours to ensure the benefits of these services can be realized while making them accessible to more people on the waiver.
- Discontinue new enrollment in Facility-Based Prevocational Services—In preparation for the coming end of facility-based prevocational services, new enrollments will end and current users will be supported to find other waiver services or non-waiver supports to address their needs.
- Combine Home Modification and Home Modification Assessment—These two services are currently separate; however, CMS requested that they be combined into one service.

❖ **Service Definition and Qualification Changes**

- Add Home and Community Support Professional (HCSP) Registry and Training Requirements to service definitions—To comply with 2023’s House Bill 1342, HCSPs (also known as Direct Support Professionals) are required to be added to the DSP Registry if offering services under the FSW.
- Remove the Home Health Agency license requirement from Occupational Therapy, Physical Therapy, Speech/Language Therapy, and Specialized Medical Equipment and Supplies.
- Reorganize service definitions across all BDS waivers so they have the same look and feel to make them easier to understand.

❖ **Level of Care Tool Changes**

- The Level of Care Screening Instrument (LOCSI) will be replaced with age-appropriate tools from the interRAI suite to determine if a person has the functional support needs to qualify for BDS services related to their intellectual or developmental disability.
- Adults will be assessed using the ID tool, children age 4-17 will be assessed using the ChYMH-DD tool, and children 0-3 will be assessed using the Early Years (EY) tool
- Annual assessments will still be completed by a person’s case manager and initial assessments will still be completed by a BDS service coordinator.

❖ **Self-Direction Changes**

- A person who self-directs their services acts as the employer.

- Individuals will now be able to self-direct three waiver services— Participant Assistance and Care (PAC), Respite, and Workplace Assistance
- Individuals who self-direct will have the ability to decide how much their support workers are paid (within certain predetermined limits).
- Individuals can recruit, hire, train, and supervise their employees as they see fit, however, the parents of minors, spouses, and legal guardians cannot be paid for providing self-directed services.

❖ **Technical Changes to Improve Clarity**

- Move all case manager responsibilities to the case manager service definition, instead of adding them to each individual service.
- Add information to the waiver guidance on services that were previously only shared within the provider module.

❖ **Complete New Waiver Application Sections**

- CMS made changes to the waiver application template in early 2025. This is the first time BDS is completing these new sections. These sections include adding details about:
 - Required case management training
 - Services that can be delivered using telehealth
 - Home and Community-Based Services (HCBS) Settings requirements are being monitored and met. The HCBS Settings Rule is a federal rule that makes sure people who get long-term services and support have full access to the benefits of community living and can receive services in the most integrated setting possible.