



Missouri Department of Mental Health
DIVISION OF DEVELOPMENTAL DISABILITIES

January 30th 2026

**Proposed Amendments to the Code of
State Regulation for Self Directed
Supports**



**Title 9—DEPARTMENT OF MENTAL
HEALTH
45—Division of Developmental
Disabilities
Chapter 3—Services and Support**

9 CSR 45-3.080 Self-Directed Supports



9 CSR 45-3.080 Self-Directed Supports

PURPOSE: This rule establishes the scope of and requirements for the use of Self-Directed Supports, a service delivery option available under Home and Community Based waivers as created by section 1915(c) of the Social Security Act.



*Section 1 Definitions

Current

📍 (1) Definitions

(B) Back-up plan—an emergency plan developed to address situations when the employee providing essential supports is unavailable.

~~The individual support plan for all individuals receiving self- and family-directed supports must provide information about the back-up plan.~~

(D) Designated representative (DR)—a parent, relative, or other person designated by an adult individual or a guardian, who shall act in the best interest of the individual and serves at the discretion of the individual

Amended

📍 (1) Definitions.

📍(B) Back-up plan—an emergency plan developed to address situations when the employee providing essential supports is unavailable **and to address situations when an employer or designated representative is not capable or available to manage employees.**

📍(D) Designated representative (DR)—a parent, relative, or other person designated by an adult individual or a guardian, who shall act in the best interest of the individual and **fulfills the responsibilities of the Employer, at the discretion of the individual.**



Section 1 Definitions

Current

- (E) Employer—individual receiving services through self-directed supports ~~and/or~~ person with the power to act on such individual's behalf, such as: a ~~designated representative;~~ guardian; or parent, if the individual is a minor.

Amended

- (E) Employer—individual receiving services through self-directed supports **or** person with the power to act on such individual's behalf, such as **a guardian** or parent, if the individual is a minor.



Section 1 Definitions

Current

- 📍 (H) Fiscal management service (FMS)—a service to assist the employer with payroll related functions.
- 📍 (I) Home and community-based waivers (HCB waivers)—a set of long term community-based supports and services authorized by the Centers for Medicare and Medicaid Services which are provided as an alternative to care in institutions such as nursing facilities and intermediate care facilities for individuals with intellectual disabilities.
- 📍 (J) Improvement plan—a corrective action plan to address issues of non-compliance with program requirements. ~~The goal of the improvement plan is to focus on needed supports to ensure the employer succeeds when using self-directed supports~~

Amended

- 📍(H) Fiscal management service (FMS)—**an administrative** service to assist the employer with payroll-related functions.
- 📍(I) Home and Community-Based Waivers (HCB waivers)—a set of long term community-based supports and services authorized by the Centers for Medicare and Medicaid Services which are provided as an alternative to care in institutions such as nursing facilities and intermediate care facilities for individuals with intellectual **and/or developmental** disabilities.
- 📍(J) Improvement plan—a corrective action plan to address issues of non-compliance with **self-directed supports** program requirements.



*Section 1 Definitions

Current

- ❖ (L) **Individual Support Plan (ISP)**—a document that results from the person-centered planning process, which identifies the strengths, capacities, preferences, needs, and personal outcomes of the individual. The ISP includes a personalized mix of paid and nonpaid services and supports that will assist the person to achieve personally defined outcomes.
- ❖ (M) **Individual Support Plan team (ISP team)**—the individual, the individual’s designated representative(s), and the support coordinator. Providers of waiver-funded services may also participate in the **support plan team** if such participation is requested by the individual or guardian.
- ❖ (O) **Self-directed supports (SDS)**—a service delivery option available under the home and community-based waivers for ~~persons~~ with intellectual and developmental disabilities...

Amended

- ❖ (L) **Person Centered Support Plan (PCSP)**—a document that results from the **person-centered planning** process, which identifies the strengths, capacities, preferences, needs, and personal outcomes of the individual. The **PCSP** includes a personalized mix of paid and non-paid services and supports that will assist the **individual** to achieve defined outcomes.
- ❖ (M) **Person Centered Support Plan team (PCSP team)**—the individual, the individual’s designated representative, and the support coordinator. Providers of waiver-funded services may also participate in the **PCSP** plan team if such participation is requested by the individual or guardian.
- ❖ (O) **Self-directed supports (SDS)**—a service delivery option available under the Home and Community Based Waivers for **individuals with intellectual and/or developmental disabilities** and who wish to exercise more choice, control, and authority over their **supports**.



Section 2 Eligibility Criteria

- 📍 (2) Eligibility Criteria. Every individual who is ~~receiving~~ services through an HCB waiver shall have the opportunity to utilize SDS as his/her own employer as long as—
 - ⚖️ (A) The individual; designated representative; guardian; or a parent, if the individual is employer, assuming both budget and employment responsibilities while receiving HCB waiver services from the Division of Developmental Disabilities (DD); and
 - ⚖️ (B) The Division of DD does not find good cause to deny the use of ~~this service model~~ under the criteria stated in section (11) of this rule.

- 📍 (2) Eligibility Criteria. Every individual who is **approved for** services through an HCB waiver shall have the opportunity to utilize SDS as his/her own employer as long as—
 - ⚖️ (A) The individual; designated representative; guardian; or a parent, if the individual is a minor, is willing and able to act as the employer, assuming both budget and employment responsibilities while receiving HCB waiver services from the Division of Developmental Disabilities (DD); and
 - ⚖️ (B) The Division of DD does not find good cause to deny the use of **the SDS option** under the criteria stated in section (11) of this rule.



Section 4 Employer Rights and Responsibilities

Current

- ⦿ (B) The employer may choose to hire eligible persons in accordance with the HCB waiver services requirements and with the following exceptions:
- ⦿ 1. A spouse;
- ⦿ 2. A parent or stepparent of an individual under age eighteen (18);
- ⦿ 3. A legal guardian;

Amended

- ⦿ (B) The employer may choose to hire eligible persons in accordance with the HCB waiver services requirements and with the following exceptions:
- ⦿ 1. A spouse;
- ⦿ 2. A parent or stepparent of an individual under age eighteen (18);
- ⦿ 3. **Any person with legal responsibilities recognized by a Court and/or Social Security and the equivalent thereof including but not limited to Guardian, Conservator, Power of Attorney, Payee**



Section 4 Employer Rights and Responsibilities

Current

- 🕒 E(4) An employee may not provide services while the individual is hospitalized or receiving any other direct care service reimbursed through the MO HealthNet Division (MHD);

Amended

E(4) An employee may not provide services while the individual is receiving any other direct care service reimbursed through the MO HealthNet Division (MHD) . **For individuals hospitalized, personal assistant services may be provided to assist with supports, supervision, communication, and any other support(s) the hospital is not obligated to provide;**



Section 4 Employer Rights and Responsibilities

Current

- 9. Informing the FMS within one working day of any changes in the individual's status, including name, address, telephone number, hospitalization, and termination of program eligibility; and
- 10 (F) The following must be reported immediately:
 - 1. Any possible fraud, including ~~MHD~~ fraud to the FMS;
 - 3. Employee changes, including name, address, contact number, and/or employment status.

Amended

- 9. Informing the FMS within one (1) working day of any changes in the individual's, **employer's, or designated representative's** status, including name, address, telephone number, **e-mail address**, hospitalization, and termination of program eligibility; and
- 10(F)The following must be reported immediately:
 - 1. Any possible fraud, including **Medicaid** fraud to the FMS;
 - 3. Employee changes, including name, address, contact number, **email address** and/or employment status.



New Additional Section

6. Self Directed Supports Back Up Plan.

- The Individual's PCSP must include a back-up plan.



Section 7 Exemption from Personal Assistance Services Training

Current

- 📍 (6) Exemption from Personal Assistance Services Training. The employer may exempt training for personal assistant services under the following circumstances documented in ~~the ISP~~:
 - 📍 (A) Duties of the personal assistant will not require skills to be attained from the training requirement; or
 - 📍 (B) The personal assistant has adequate knowledge or experience as determined by the employer.

Amended

- 📍 The employer may exempt **specified** training for personal assistant services under the following circumstances documented in the **PCSP**:
 - 📍(A) Duties of the personal assistant will not require skills to be attained from the training requirement; or
 - 📍(B) The personal assistant has adequate knowledge or experience as determined by the employer/**designated representative**.



Section 9 Parameter of Service

Current

- 📍 (8) Parameter of Services. Services that may be self-directed are specified in each HCB waiver for people with developmental disabilities operated by the Division of DD and approved by the Centers for Medicare and Medicaid Services. Services included in the individual's ~~ISP~~ that may not be self-directed will be delivered through agency-based supports by a provider chosen by the individual.

Amended

- 📍 (9) Parameter of Services. Services that may be self-directed are specified in each HCB waiver for **individuals with intellectual and/or** developmental disabilities operated by the Division of DD and approved by the Centers for Medicare and Medicaid Services. Services included in the individual's **PCSP** that may not be self-directed will be delivered through agency-based supports by a provider chosen by the individual.



*Section 12 Denial and Mandatory Termination

Current

- 📍 (11) (E) The employer has been the subject of a Medicaid audit resulting in sanctions for false or fraudulent claims under 13 CSR 70- 3.030 Conditions of Provider Participation, Reimbursement, and Procedures of General Applicability, Sanctions for False or Fraudulent Claims for MHD.

Amended

(12)(E) The employer has been the subject of a Medicaid audit **or investigation** resulting in sanctions for false or fraudulent claims under 13 CSR 70-3.030 Conditions of Provider Participation, Reimbursement, and Procedures of General Applicability, Sanctions for False or Fraudulent Claims for MHD

📍(F) The Employer fails to maintain active Medicaid, which includes payment of applicable spenddown, copay, or other premium each month required to maintain active Medicaid coverage. Failure to maintain active Medicaid can result in temporary suspension of access to the SDS program, up to and including the option to self-direct services being terminated



*Section 13 and 14 Improvement Plans and Termination of SDS for Non- Compliance

Current

- 📍 (12) Improvement Plans. (A) When an employer is found to be out of compliance with program requirements, an improvement plan shall be established. The improvement plan shall be ~~jointly developed~~ by the employer, individual, support broker, support coordinator, and other regional office staff, as needed.
- 📍 (B) The plan shall include the specific issues of concern and shall include specific strategies and time frames for improvement.
- 📍 (C) Failure to successfully meet the terms of the improvement plan within the established time frames shall result in termination of the option to use SDS.
- 📍 (13) Termination of SDS for Non-Compliance. (in cases of termination decision from SDS
- 📍 (D) The regional director must schedule the meeting within ten (10) business days of the request.
- 📍 (E) The regional director shall make a final decision within three (3) business days of the meeting. The decision of the regional director shall be final

Amended

- 📍 (13) Improvement Plans.
 - 📍 (A) When an employer is found to be out of compliance with program requirements, an improvement plan shall be established. The improvement plan shall be **communicated** to the employer, individual, support broker, support coordinator, and other regional office staff, as needed.
 - 📍 (B) The **improvement** plan shall include the specific issues of concern and shall include specific **action steps** and time frames for improvement.
 - 📍 (C) Failure to successfully meet the terms of the improvement plan within the established time frames shall result in termination of the option to use SDS.
- 📍 (14) Termination of SDS for Non-Compliance.
 - (**If after a decision of termination of the option to self direct is made and the EOR/DR requests a meeting with the Regional Director)
 - (D) The Regional Director must schedule **and complete** the meeting within ten (10) business days of the request.
 - (E) The Regional Director shall make a final decision within three (3) business days of the meeting. The decision of the Regional Director shall be final **unless a subsequent improvement plan is established.**



Section 15 Immediate Termination for Non-Compliance

Current

- When there is evidence of fraud or repeated patterns or trends of non-compliance with program requirements, counseling has been provided to the employer, an improvement plan has been established but has not been successfully completed within the agreed upon time frames, ~~the regional director shall immediately terminate SDS and shall authorize agency-based services from a provider agency chosen by the individual.~~
- (A) ~~The regional office shall request repayment from the employer for any recoupments by the Department of Social Services Missouri Medicaid Audit and Compliance office from the DMH Division of DD.~~

Amended

When there is evidence of fraud or repeated patterns or trends of non-compliance with program requirements, counseling has been provided to the employer, an improvement plan has been established but has not been successfully completed within the agreed upon time frames, the **SDS option shall be terminated immediately and agency-based services from a provider agency chosen by the individual shall be authorized.**

- (A) The employer is **responsible for repayment of** any recoupments by the Department of Social Services Missouri Medicaid Audit and Compliance office from the DMH Division of DD.



Section 17 Individual budget Allocation , Employee Wages and Reimbursement

Current

- ⦿ (A) The SDS individual budget allocation shall be based on the total number of hours needed for the span dates of the ISP multiplied by the statewide base rate for comparable agency-based supports.
- ⦿ (B). ~~The SDS individual budget allocation shall be equal to but shall not exceed the level of support the individual would receive from a provider agency~~

Amended

- ⦿ *The SDS individual budget allocation shall be based on the total number of hours needed for the span dates of the PCSP multiplied by the applicable service rate, as determined by appropriations received by the General Assembly.*

Thank you for joining

**Please visit our website for a complete copy
of proposed amendments to 9CSR45-3.080**

<https://dmh.mo.gov/dev-disabilities/public-comments>

**Additional comments can be sent to
generalsds@dmh.mo.gov**



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**SERVING, EMPOWERING AND
SUPPORTING MISSOURIANS
TO LIVE THEIR BEST LIVES.**