



## HCBS Waiver Provider Bulletin 25

**DATE:** December 2025

**TO:** Acquired Brain Injury (ABI) and Moving Forward Plan (MFP) Waiver Providers Participating in MassHealth

**FROM:** Mike Levine, Undersecretary for MassHealth

**RE:** Waiver Participant Self-Direction: Program Rules for Providers

### Applicable HCBS Waiver Providers

This bulletin outlines the opportunities for waiver participants to self direct services in the ABI and MFP Home and Community Based Services (HCBS) Waivers. This bulletin pertains to individual direct care workers (DCWs) who are employed by waiver participants to provide those services.

### Overview of Self-Direction

ABI/MFP waiver participants may choose to self direct one or more waiver services within their waiver plan of care (POC). Available self-directed waiver services are as follows.

Waiver Service	ABI Non-Residential Habilitation (ABI-N) Waiver	ABI Residential Habilitation (ABI-RH) Waiver	MFP Community Living (MFP-CL) Waiver	MFP Residential Supports (MFP-RS) Waiver
Adult Companion	Yes	No	Yes	No
Chore	Yes	No	Yes	No
Homemaker	Yes	No	Yes	No
Individual Support & Community Habilitation	Yes	only for waiver participants receiving assisted living services	Yes	only for waiver participants receiving assisted living services
Peer Support	Yes	Yes	Yes	Yes
Personal Care	Yes	No	Yes	No

Once the POC is complete, information regarding the authorized frequency and duration of the participant-directed services in the POC is forwarded to the state's fiscal intermediary (FI). The FI is contracted by the state to perform employer-required tasks associated with the employment of a waiver participant's DCWs. Waiver participants hire, manage, and dismiss their own DCWs for self-directed services, while the FI performs the following tasks.

- Assists with verification of DCW employment authorization status
- Conducts the Criminal Offender Record Information (CORI) check
- Collects and processes timesheets
- Processes payroll, withholding, filing and payment of applicable federal, state and local employment-related taxes and insurance

### **Provider Eligibility**

To provide self-directed ABI/MFP waiver services described in 130 CMR 630.000: *Home- and Community-Based Services Waiver Services*, DCWs must

- be legally authorized to work in the United States;
- not be on the List of Excluded Individuals and Entities as provided by the Office of Inspector General of the U.S. Department of Health and Human Services, or other applicable lists excluding individuals or entities from participating in MassHealth under state or federal law;
- have a current and valid unique identification (ID) number issued by the FI; and
- be employed by a waiver participant to provide self-directed ABI/MFP waiver services.

To be eligible to be employed by a waiver participant to provide self-directed ABI/MFP waiver services, a DCW must

- not be a spouse or any legally responsible relative of the waiver participant;
- not be the waiver participant's surrogate for the purposes of self-direction;
- not be a MassHealth member currently receiving PCA or DCW services;
- be able to understand and carry out directions given by the waiver participant or the waiver participant's surrogate;
- be willing to receive training and supervision in all waiver services provided by the Waiver Participant or the waiver participant's surrogate;
- not be receiving compensation from any other person or entity for that activity time; and
- sign a DCW provider agreement to provide self-directed services in the ABI/MFP waivers.

Additionally, in order to align with corresponding changes to the MassHealth personal care attendant (PCA) program reflected at 130 CMR 422.404(A)(1)(d)(4), effective January 1, 2026, DCWs must be at least 16 years old.

## **Provider Policies and Processes**

### **New Hire Paperwork**

Upon initiation of self-direction, waiver participants and their DCWs must complete and submit new hire paperwork (NHP), a process that is facilitated by the FI. The FI supplies all necessary paperwork that the waiver participant-employer and the DCW must complete.

NHP includes the Form I-9, which is an employment eligibility verification required by the Department of Homeland Security U.S. Citizenship and Immigration Services. The new hire process requires waiver participant-employers to submit copies of their DCW's employment authorization documentation, including photo identification, when submitting Form I-9.

The FI will verify newly hired DCWs' identity and employment eligibility using E-Verify. E-Verify is an Internet-based system operated by the U.S. Department of Homeland Security that allows employers to electronically verify the identity and employment eligibility of new hires by submitting information from the employee's Form I-9.

The FI requires DCWs to complete a direct deposit form, to allow the FI to direct deposit payment into the DCW's bank account. The DCW may choose to apply for a payroll debit card to receive payment instead.

The FI conducts a Criminal Offense Record Inquiry (CORI) on prospective DCWs. DCWs are required to pass a CORI, as determined by the FI in accordance with 101 CMR 15.09: *Findings from CORI Investigation - Crimes Subject to Review*. This policy is specific to DCWs in the ABI/MFP Waiver program, and differs from the process for PCAs.

Once all NHP has been completed, the DCW's employment eligibility has been verified, and the CORI has been passed, the FI issues a unique ID number. A new DCW is only able to provide waiver services and be paid for providing those services on or after the date that their ID is created.

### **New Hire Orientation and Seniority Rate Pay**

This section applies only to DCWs who provide self-directed waiver personal care services to participants in the Moving Forward Plan – Community Living (MFP-CL) Waiver.

As of December 4, 2023, DCWs who provide self-directed waiver personal care services to MFP-CL waiver participants are part of the Personal Care Attendant (PCA) Collective Bargaining Agreement (CBA). This CBA is a written legal contract between the PCA Quality Home Care Workforce Council (Council) and the union that represents the PCA workforce, known as 1199 SEIU. Being part of the CBA means that these DCWs have certain benefits, including seniority rate pay.

Effective April 1, 2025, payment rates for PCAs and DCWs providing self-directed waiver personal care services to MFP-CL participants are based on their previous hours worked as a PCA and DCW. Specifically, payment rates contain seniority steps that are based on the hours worked since 2008 as a PCA in the MassHealth PCA program, and since December 4, 2023, as a DCW providing self-directed waiver Personal Care services to MFP-CL participants.

In order to qualify for seniority rate pay, DCWs who provide self-directed waiver personal care to MFP-CL participants are required to complete new hire orientation (NHO), unless they have already taken it as a PCA, or unless they are exempt because they have worked as a PCA since 2013. DCWs who are part of the CBA are paid for the four-hour NHO session.

Seniority rate pay rates and rules follow the terms of the CBA negotiated between the Council and 1199 SEIU and are in accordance with 101 CMR 309.00: *Rates for Certain Services for the Personal Care Attendant Program*. For further information on the seniority rate pay steps, please see Administrative Bulletin 25-17, 101 CMR 359.00, *Rates for Home- and Community-Based Services Waivers Effective April 1, 2025: Update to Certain Rates for Waiver Personal Care Services*.

## **Paid Holidays**

This section applies only to DCWs who provide self-directed waiver personal care services to MFP-CL waiver participants.

As detailed above, as of December 4, 2023, DCWs who provide self-directed waiver personal care services to MFP-CL waiver participants are part of the CBA between the Council and the union that represents the PCA workforce. Being part of the CBA means that these DCWs have certain benefits, including paid holidays.

A DCW who provides self-directed waiver personal care to an MFP-CL waiver participant on a holiday between the hours of 6 a.m. – midnight is paid at a premium rate (equal to the applicable rate at time-and-a-half) for time spent providing those services on that holiday.

The paid holidays are New Year’s Day, Martin Luther King, Jr., Day, Juneteenth, Independence Day (July 4th), Thanksgiving Day, and Christmas Day.

## **Difficulty of Care Payments**

The Internal Revenue Service (IRS) has determined that MassHealth payments to a DCW for waiver services provided to a waiver participant who resides in the same home as the DCW are considered “difficulty of care payments.” According to guidance in the IRS ruling and from the state Department of Revenue, such payments may be excluded from federal and state income taxes. Any DCW who qualifies for this tax exclusion may complete the Application for the Difficulty of Care Federal/State Income Tax Exclusion found at <https://tempusunlimited.org/abi-mfp-program-changes/>.

The FI will process applications on a rolling basis and will deduct federal and state income taxes until such time as the exclusion has been processed into the payroll system. Once the application has been processed, payroll will be processed with prospective payments tax exempted.

## **Paid Time Off**

DCWs providing self-directed waiver services to ABI and MFP waiver participants earn paid time off (PTO). DCWs begin accruing PTO from their first day of providing self-directed services to a waiver participant. DCWs earn one (1) hour of PTO for every thirty (30) hours worked as a DCW or as a PCA across all waiver participant-employers and consumer-employers in the MassHealth PCA Program. DCWs and PCAs can accrue up to fifty (50) hours of PTO per fiscal year (July 1 – June 30). Once a DCW or PCA accrues fifty (50) hours of PTO in a given fiscal year, accruals will stop until the next fiscal year. DCWs and PCAs may carry over a maximum of fifty (50) hours of unused PTO to the next fiscal year.

The FI provides instructions on how to request PTO on their website. DCWs may use PTO at any time. This includes hours when the DCW is not scheduled to work as a DCW, and the DCW timesheet includes a code to use for this purpose. PTO that is taken during hours that a DCW is scheduled to work will be paid at the regular hourly rate of reimbursement for that service. PTO

that is taken during hours that a DCW is not scheduled to work will be paid at the PCA base hourly rate.

### **Weekly Hour Limit**

Effective January 1, 2026, DCWs are prohibited from working more than 66 total hours in a single week. This also applies to DCWs who work for more than one waiver participant-employer, and those who also work as PCAs. This change is being made to align with corresponding changes to the MassHealth PCA program reflected at 130 CMR 422.418(A).

### **Overtime Policy**

DCWs can work up to 50 hours per week without an overtime authorization. Effective January 1, 2026, waiver participant-employers are required to obtain an overtime authorization when they schedule a DCW to work over 50 hours, but no more than 66 hours, in a week. This also applies to DCWs who work for more than one waiver participant-employer, and those who also work as PCAs. This change is being made to align with corresponding changes to the MassHealth PCA program.

To obtain the overtime authorization, waiver participant-employers must talk with their waiver case manager at MassAbility or waiver service coordinator at Department of Developmental Services (DDS) and provide documentation that supports the request for overtime.

Authorization will be approved if one or more of the following conditions apply:

- The waiver participant has a temporary need to schedule an individual DCW to work in excess of 50 hours but not more than 66 hours per week;
- The waiver participant has a long-term need to require an individual DCW to work in excess of 50 hours but not more than 66 hours per week to provide continuity of care; or
- The waiver participant has an emergency need that requires an individual DCW to work in excess of 50 hours due to an unforeseen event that prevented the waiver participant's regularly scheduled DCW from providing self-directed waiver services to the waiver participant in a particular work week, resulting in an emergency need for another DCW to immediately provide such services in excess of 50 hours for that week, but not more than 66 hours per week.

Approved authorizations will expire according to different timeframes, depending on the conditions of the authorization.

- For temporary authorizations, the authorization will expire 12 weeks after the date of authorization;
- For long-term authorizations, the authorization will align with the clinical prior authorization dates; and
- For emergency authorizations, the authorization will be limited to the particular work week specified in the request.

Waiver participants may submit new requests for authorization if they continue to be needed beyond the expiration date.

## **Electronic Visit Verification**

Electronic Visit Verification (EVV) is a timekeeping system used to electronically verify that in-home service providers have delivered services as billed. EVV is a federal requirement for certain Medicaid-funded services. Beginning in Spring 2026, waiver participants who self-direct their services will be required to use EVV to submit timesheets to the FI for each DCW.

The state requires each waiver participant and their DCW(s) to provide an email address to the FI in order to use the EVV system.

## **Termination of Self-Direction**

Failure to comply with the requirements outlined in this provider bulletin may result in termination of the waiver participant from self-direction, or suspension or termination of the DCW from participation as a provider in the ABI/MFP waiver self-direction program.

In the case of an involuntary termination of participant direction, the waiver participant and their support team meet to develop a transition plan and modify the waiver plan of care. The waiver case manager or service coordinator ensures that the waiver participant's health and safety needs are met during the transition, coordinates the transition of services, and assists the waiver participant in choosing qualified agency-based provider(s) to replace the directly hired staff.

## **MassHealth Website**

This bulletin is available on the [MassHealth Provider Bulletins](#) web page.

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## **Questions?**

If you have questions about the information in this bulletin, please contact the MassHealth HCBS waiver team at [HCBSwaivers@mass.gov](mailto:HCBSwaivers@mass.gov).