

Consumer Directed Services (CDS) Responsibilities

The “**employer**” in the CDS option is the individual receiving services or, when applicable, the individual’s legally authorized representative (LAR).

Employer Responsibilities

To participate in the CDS option, you must be able to perform all employer tasks required, or you may appoint a willing adult as your **designated representative** (DR) to assist you or to perform employer responsibilities and tasks for you.

As an employer, your responsibilities include:

- recruiting, hiring, training, managing and firing your employees and other service providers (service providers include employees, contractors and vendors);
- setting wages and benefits for your employee(s) within funds allocated for services elected for delivery through the CDS option;
- conducting criminal history checks or asking the Consumer Directed Services Agency (CDSA) you select to obtain the report;
- evaluating each service provider’s job performance;
- approving, signing and submitting time sheets, invoices and receipts to the CDSA for payment to your employee(s) and service providers;
- having the CDSA verify eligibility of each applicant before you hire or retain for employment or service delivery;
- resolving employee and service provider concerns and complaints;
- maintaining a personnel file on each service provider; and
- developing and implementing backup service plans for services determined by the individual’s planning team to be critical to the individual’s health and welfare.

Note: The CDS option and the agency option are each funded by public funds, state and/or federal money. Discriminating against applicants and employees based on race, creed, color, national origin, sex, age, disability or sexual orientation is prohibited and against the law. The employer is accountable for the funds spent through the CDS option.

Case Manager and Service Coordinator Responsibilities

Your case manager or service coordinator is responsible for informing you about the CDS option and reviewing the self-assessment tool with you to help you determine if the CDS option is right for you. In addition, the responsibilities of your case manager or service coordinator include:

- assessing your service level needs;
- coordinating the development of the service plan or plan of care;
- presenting a list of available CDSA providers from which to select;
- educating you on your rights, responsibilities and resources;
- revising your service plan when your needs change;
- being a resource if you have health, safety or exploitation concerns; and
- monitoring and reviewing your satisfaction with the services provided by the CDSA in accordance with the requirements of your program.

Responsibilities of the Consumer Directed Services Agency

The employer must select a CDSA before the CDS option can be started. You can expect your CDSA to perform the following services for you:

- orient and train the employer/DR about employer responsibilities for the CDS option to include legal requirements of various governmental agencies;
- assist and approve budgets for each service to be delivered through CDS;
- provide assistance in completing forms required to obtain an employer identification number (EIN) from federal and state agencies;
- conduct criminal history checks of applicants when requested by the employer or DR;
- verify each applicant's eligibility with program requirements before an applicant is employed or retained by the employer;
- receive and process employee time sheets, compute and pay all federal and state employment-related taxes and withholdings, and distribute payroll at least twice a month;
- receive and process invoices and receipts for payment;
- maintain records of all expenses and reimbursement and monitor budget;
- provide written summaries and budget balances of payroll and other expenses at least quarterly;
- prepare and file employer-related tax and withholding forms and reports (this does not include filing personal income tax returns for you or your employees); and
- provide ongoing training and assistance as needed or requested.

Additional Employer Responsibilities

If you feel that your CDSA is not fulfilling responsibilities or meeting your needs, you must:

- address those issues directly with the CDSA;
- contact your case manager or service coordinator if you and the CDSA are not able to resolve your concerns/issues;
- select another CDS agency to provide your CDS services if concerns and issues are still not resolved; and
- notify your case manager or service coordinator if you decide you want to transfer from one CDSA to another. Your case manager or service coordinator will make all the necessary arrangements for the transfer.

You may begin or end the CDS option at any time by contacting your case manager or service coordinator. If you end the CDS option, you must remain in the "agency" option for at least 90 days before returning to the CDS option.

You may change any provider agency at any time, including a CDSA or a program "agency" provider, by contacting your case manager or service coordinator.

CDS Option Advantages vs. Potential Risks

Advantages in the CDS option

- You select and manage the people who provide your services.
- You schedule who provides program services and when they are delivered.
- You train and supervise the services delivered by your service providers (service providers include employees, contractors and vendors).
- You control the rate of pay for your employee(s) within the spending limits of the unit rate for the service.
- You can offer benefits, such as bonuses, vacation pay, sick pay and insurance, to your employees.
- You select a CDSA that will pay your service providers and make deposits and file reports with governmental agencies on your behalf.
- You may be able to recruit eligible service providers, including family members, friends and other persons you know to work for you. The person selected must meet all eligibility requirements of your program to be hired or retained.
- You may appoint someone to assist or to perform employer responsibilities for you.
- You may also be able to get additional training and assistance from a CDS support advisor to help you be a successful employer in the CDS option depending upon the program you are enrolled in.

Potential Risks in the CDS option

- You are responsible for backup arrangements for services to be delivered if your employee or service provider does not show up for work.
- Your service providers are **not** the employees of the CDSA, the Department of Aging and Disability Services (DADS), any other state or federal agency or any other contracted provider agency.
- As the employer, you are solely responsible and liable for any negligent acts or omissions by you, your employees, other service providers and your DR.
- You are responsible for handling all conflicts with service providers. The CDSA and the individual's other program provider agencies are not involved in these situations.
- You are required to keep and store paperwork for up to five years or possibly longer.
- The employer is ultimately responsible for payroll taxes owed to the Internal Revenue Service (IRS) and Texas Workforce Commission (TWC), and is liable if the CDSA fails to pay.
- The employer is responsible for meeting all requirements as any employer in any business and can be held liable for failure to meet those requirements.

Signature – Individual/LAR

Date

Relationship of LAR to the Individual Receiving Services

Signature – Case Manager/Service Coordinator

Date

**Consumer Directed Services (CDS)
Consumer Self-Assessment**

Name of the Individual Receiving Services	Date
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1. If you decide to direct your services:

- a. Can you train and supervise attendants to perform each of the tasks on your service plan that will be delivered through the CDS option? Yes No
- b. Can you locate and arrange for out-of-home respite services if needed? Yes No

2. If you select the people you want to help you live in the community:

- a. How will you find and select people, including backup staff, to help you in your home?

How will you find and select an out-of-home respite provider if needed?

- b. How will you train and supervise the people who work in your home?

- c. How will you tell your employees what you like or don't like about their work?

- d. If you are not satisfied with the work of the employee you hire, how will you handle the situation?

3. A Consumer Directed Services Agency (CDSA) will provide initial orientation and ongoing training on how to be an employer and many other things about employer responsibilities in the CDS option.

Are you willing to accept and ask for additional training and help if you need it? Yes No

4. You may appoint someone to act as your designated representative (DR) in the CDS option.

Do you have someone who can help you make important decisions for this CDS option? Yes No

If yes, who? _____

What is your relationship to this person? _____

Comments:

- I have completed this assessment and **want to participate in the CDS option**. I am willing and able to be the employer.
- I have completed this assessment and **want to participate in the CDS option and I will select a designated representative to assist me or to act on my behalf.**
- I have completed this assessment. **I choose not to participate in the CDS option** at this time. I may change my mind at any time by notifying my case manager or service coordinator.

_____ Signature – Individual/Legally Authorized Representative (LAR)	_____ Relationship of LAR to the Individual Receiving Services	_____ Date
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_____ Signature – Case Manager/Service Coordinator	_____ Date
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_____ Signature – Designated Representative (DR)	_____ Relationship of DR to the Individual and LAR	_____ Date
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If an individual or LAR (the employer) is not able to complete the Consumer Self-Assessment, a person appointed by the employer to be the employer's DR must be able to complete the Consumer Self-Assessment for the individual receiving services to participate in the CDS option.