NOTE: These questions and answers (Q&A) are solely for agencies with the Department of Aging and Disability Services (DADS) contracts to provide financial management services to individuals who use the Consumer Directed Services (CDS) option and individuals who use the CDS option. The Q&A is based on questions asked during the July 31, 2014 Technical Assistance webinar.

The CDS option allows individuals or their legally authorized representative to hire, manage, supervise and fire, if necessary, their own providers. Financial management services agencies (FMSAs, formerly called consumer directed services agencies (CDSAs)) provide financial management services which means they perform payroll and file taxes on behalf of CDS employers.

Department of Public Safety (DPS) Questions:

Q: As an FMSA do we have to use the 1725 and the DPS Computerized Criminal History (CCH) Verification form?

A: FMSAs are required to use DADS Form 1725, to document the FMSA conducted a background search on each potential employee. DPS would like a systematic approach for auditing FMSAs. DPS has agreed to let FMSAs use the 1725, however they have requested the 1725 be kept in a separate binder, in alphabetic order to help to expedite the auditing on-site visit. FMSAs can make a copy of the completed 1725 and keep in a separate binder for DPS or the FMSA can use both the 1725 and the DPS CCH form and keep the CCH form in a separate binder.

Q: Regarding the CCH Verification form - As long as you keep all this information on the Form 1725, you do not need to use this form.

A: Correct. But please keep a copy of the 1725 in a separate binder for DPS auditors.

Q: Where do we find the CCH form?

A: Here is a link to the CCH form: [http://tees.tamu.edu/media/5241/DPS_Audit_Verification.pdf](http://tees.tamu.edu/media/5241/DPS_Audit_Verification.pdf)

Q: As an FMSA, are we required to print the CCH verification each time we run a criminal history check? If so, is this referenced in any of the TAC rules?

A: As an FMSA you are required to complete DADS form 1725 for each background check you run. You are not required to use the DPS CCH form, however when DPS auditors come for a visit, they will want to see either the 1725 or the CCH for each background check conducted under your secure account.
Q: **What should you do when you run a background check on an individual and it doesn't match?**

A: If you believe the information you were given by the potential employee does not match the identifying information listed on the criminal history report, ask the employer to verify the information on Form 1725 with the potential employee. If you are unable to find a match, the employer can also request the employee perform a fingerprint search to clear any misidentification based on the results of the name and date of birth search. According to DPS, a fingerprint search is the only 100% way to verify an applicant’s criminal history. The cost of a fingerprint search is $24.95 and will come out of the employer’s budget.

**Program Questions:**

Q: **Camp is NOT a respite service for TxHmL? Just for HCS?**

A: Camp is now available as a respite service in both the TxHmL and HCS waiver programs, effective September 1, 2014.

Q: **Is the wage compensation increase also going to be for other programs? Such as PHC services?**

A: Effective September 1, 2014, CDS employers must pay at least $7.86 to the employees of the following:

- **Primary home care**, family care, or community attendant services
- Flexible family support and respite services in the Medically Dependent Children Program
- Habilitation in the Community Living Assistance and Support Services Program
- Residential habilitation in the Deaf Blind Multiple Disabilities Program
- Personal attendant services in the Consumer Managed Personal Attendant Services Program
- Supported home living in the Home and Community-based Services Program
- Community support in the Texas Home Living Program.

**Rules: §41.505 Payroll Budgeting and § 49.312 Personal Attendants**

The CDS budgets for the programs listed above will be revised to include an edit to ensure that the employer budgets at least the minimum of $7.86 per hour for the affected services.

Q: **When will the new 1735 be released? Do you plan on announcing this to FMSAs? We have had issues in the past where forms have been updated without notice.**
A: The 1735 addendums have been revised and are now called the **Service Provision Requirements Addendums**. Each waiver program has a Service Provision Requirements Addendum that has been updated with new program and CDS rule changes. These new addendums become effective September 1, 2014. An Information Letter will be posted alerting FMSAs of the new forms. Please sign up for DADS email alerts.