Webinar Purpose

This webinar will explain what the CDS option rule changes and other program rule changes mean for individuals using the CDS option.
Webinar Topics

I. New Rules for CDS Employers

II. New CDS Services

III. New Rules for CDS Employees

IV. CDS Form Revisions
I. NEW RULES FOR CDS EMPLOYERS
The CDS option is governed by:

- 40, Texas Administrative Code, Chapter 41, The Consumer Directed Services Option.
- These rules, which are considered law, explain the responsibilities of:
  - Your Financial Management Services Agency (FMSA);
  - You and your Designated Representative (DR), if you have one; and
  - Your case manager or service coordinator.
Why do we have CDS Rules?

- **Consistency**: So the CDS option works the same way for every employer no matter what program.

- **Transparency**: Written down so you will know what to expect and what is expected of you! They are your roadmap.

- **Accountability**: Can hold FMSA, case manager or service coordinator accountable for doing what DADS contracts with them to do. Set accountability for CDS employer, too.

- **Fiscal Integrity**: Ensures accountability for tax dollars

- **Compliance**: Sanctions if rules not followed by FMSAs, case managers or service coordinators or CDS employers
Why Does DADS Make Changes to the CDS Rules?

• Legislative Changes
• Federal Changes
• The Centers for Medicare and Medicaid Services rules
• Stakeholder input
• To improve areas of the rules that do not operate properly
What’s New for CDS Employers: Initial Orientation of an Employer (§41.207)

• Employer or DR must:
  • complete an initial orientation conducted by an FMSA
  • complete CDS enrollment forms, including the NEW Service Provision Requirements Addendum to DADS Form 1735, the employer or DR’s agreement with the FMSA
  • send completed copies of the forms to the FMSA
  • keep a copy the completed DADS forms

• CDS employer ensures services will not start until FMSA received completed forms.

• Removes the requirement for completing Form 1738, Rules Acknowledgment
What’s New for CDS Employers
Service Provision Requirements Addendums to DADS Form 1735

• There is an addendum for each program
• It is designed to provide the CDS employer all of the information needed to be in compliance with his or her program rules, including:
  • Service Definitions
  • Provider Qualifications
  • Training Qualifications
  • Backup Plan Requirements
  • Documentation Requirements

• At the initial CDS orientation, employers or DRs must initial each section to acknowledge program requirements.
For CDS Employers who are experienced with the CDS Option…..

We encourage ALL CDS employers to review and print the service provision addendum for your program so that you are up to date on any changes.
What’s New for CDS Employers
Service Delivery Requirements (§41.238)

The employer or DR must ensure services provided through the CDS option:

- are included on the individual's DADS authorized service plan;
- are budgeted in the employer budget;
- are provided only to the individual;
- are not provided if the individual becomes ineligible for program services (such as hospitalization); and
- meet requirements for payment in accordance with program and §41.241 (payment for services).
What’s New for CDS Employers
Service Delivery Requirements (§41.238)

If nursing services or MDCP respite or flexible family support are included on the service plan, the employer or DR must:

- ensure the hired RN completes DADS Form 1747, Acknowledgment of Nursing Requirements, before the RN provides services;
- ensure an LVN completes DADS Form 1747-LVN, Licensed Vocational Nurse Supervision Certification (*NEW FORM), before the LVN provides services;
- Keep completed DADS Forms 1747 and 1747-LVN in the individual's home and send a copy of the completed forms to the FMSA before delivery of nursing services can begin.
What’s New for CDS Employers
Service Delivery Requirements (§41.238)

If program rules require that the individual's program provider's nurse complete the initial and annual nursing assessment the employer or DR must:

• provide a copy of the program provider's nursing assessment, including the number of nursing hours authorized, to the CDS nurse; and
• if the CDS nurse disagrees with the number of authorized nursing hours, ensure that the CDS nurse provides justification to the service planning team for consideration and a possible service plan revision.
What’s New for CDS Employers
Service Delivery Requirements (§41.238)

If DADS determines that an employer or DR is not in compliance with this section, DADS may require the employer to develop and implement a corrective action plan in accordance with §41.221 of this subchapter (relating to Corrective Action Plans).
What’s New for CDS Employers

Employer Responsibility regarding Service Backup Plans (§41.217) and Case Manager or Service Coordinator Role (§41.404)

- The service planning team, including the employer, determines if a service is critical to health and safety or if a backup plan is required for certain services.
- An employer or DR must develop a service backup plan if requested by the case manager or service coordinator.
- The case manager or service coordinator will review the backup plan annually and may request that the CDS employer revise the backup plan if it was ineffective.
- Removes FMSA approval of the backup plan
What’s New for CDS Employers
Training and Management of Service Providers
(§41.233)

• An employer or DR must use DADS form 1732, Management and Training of Service Providers to document:
  o training activities required by the Service Provision Requirements Addendum to DADS from 1735, Employer and FMSA Agreement;
  o on-going training and management activities; and
  o an evaluation of the service provider’s job performance at least annually.

• An employer or DR must send a copy of DADS Form 1732 to the FMSA within 30 days after hiring a service provider and after each annual evaluation.
II. NEW CDS SERVICES
Home and Community–based Services Program

New CDS Services (if reside in own home or family home)

- Camp is now a respite service
- Nursing
- Supported Employment
- Employment Assistance
- Cognitive Rehabilitation Therapy
- Clarify that Supported Employment and Employment Assistance cannot be provided at the same as other HCS services
Texas Home Living Program

- Camp is now a respite service
- Updated definitions and qualifications for Supported Employment and Employment Assistance
Medically Dependent Children Program

- Supported Employment and Employment Assistance will be available through the CDS Option
- Backup plan required
Community Living Assistance and Support Services

- Employment Assistance
- Cognitive Rehabilitation Therapy
Supported Employment

- Provided in order to sustain competitive employment to an individual who, because of a disability, requires intensive ongoing support to be self-employed, work from home, or perform in a work setting at which individuals without disabilities are employed.
Employment Assistance

• Helps the individual locate competitive employment in the community
Cognitive Rehabilitation Therapy

- Cognitive rehabilitation therapy is a service that assists an individual in learning or relearning cognitive skills that have been lost or altered because of damage to brain cells/chemistry in order to enable the individual to compensate for the lost cognitive functions, including reinforcing, strengthening or reestablishing previously learned patterns of behavior or establishing new patterns of cognitive activity or compensatory mechanisms for impaired neurological systems.
- Services are provided in accordance with the plan of care developed by the assessor.
III. NEW RULES FOR CDS EMPLOYEES
• CPR certification requirement for respite and flexible family supports providers.
• In-home record or service delivery log no longer a requirement.
• Educational requirements if individual does not have a high school degree or GED must pass competency test and provide three references.
Provider Requirements for Supported Employment and Employment Assistance

- Must be at least 18 years of age or older; and satisfy one of these options:

- Option 1: have a bachelor's degree in rehabilitation, business, marketing, or a related human services field; and six months of paid or unpaid experience providing services to people with disabilities.

- Option 2: have an associate's degree in rehabilitation, business, marketing, or a related human services field; and one year of paid or unpaid experience providing services to people with disabilities.

- Option 3: have a high school diploma or Certificate of High School Equivalency (GED credentials); and two years of paid or unpaid experience providing services to people with disabilities.
Provider Requirements for CRT

Service provider must be one of the following:

• a psychologist licensed by the Texas State Board of Examiners of Psychologists under Texas Occupations Code Chapter 501;
• a speech and language pathologist licensed under Title 3 of the Texas Occupations Code, Subtitle G, Chapter 401; or
• an occupational therapist licensed under Title 3 of the Texas Occupations Code, Subtitle H, Chapter 454.
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; and
- community support in the Texas Home Living Program.

Rules: §41.505 Payroll Budgeting and §§ 49.312 Personal Attendants
CDS Form Revisions

New Forms:
- 1747-LVN- Licensed Vocational Nurse Supervision Certification
- 8584-CDS, CDS Option Comprehensive Nursing Assessment and Plan of Care- HCS Program
  - HCS nursing assessment of individual to be completed by a registered nurse

Revised Forms (will be posted prior to September 1, 2014):
- 1740- Service Backup Plan
- 1745- Service Delivery Log
  - added reminder language the employer cannot submit a timesheet to the FMSA for time worked by the employee while the individual was in the hospital.
- Service Provision Requirements Addendums to DADS Form 1735, the employer agreement with the FMSA.
  - Employers or DRs must initial each section to acknowledge program requirements.
  - Adds service definitions and provider qualifications for NEW services
  - Adds program rule updates
CDS Form Revisions

Revised Forms continued:

Form 1726, Relationship Definitions in Consumer Directed Services
Employer's Acknowledgement and Certification
- Spouse definition url address updated
- Updated and reworded “service provider must not be…” section
- Replaced CDSA with FMSA

Form 1734, Service Provider and Employer Certification of Relationship Status for CDS
- Removed questions #10-b and #11 of service provider section which are no longer in rules
- Made new section for CLASS only with questions related to respite provider living in the home

Form 1747, Acknowledgement of Nursing Requirements
- Deleted CBA
- Added form must be complete “before nursing services can be provided”
- Updated wording for HCS and TxHmL
- Changed “consumer” references to “individual”
Resources

• DADS CDS webpage
  http://www.dads.state.tx.us/providers/CDS/index.cfm

• CDS Mailbox
  • cds@dads.state.tx.us