Changes to CDS Option Rules: What Employers Need to Know

Webinar – September 2, 2014
Frequently Asked Questions

GENERAL

Q: Will this PowerPoint presentation be added to website?

A: Yes, you can view or download the presentation here: http://www.dads.state.tx.us/providers/cds/webinars/index.html

Q: Can employers be on a specific mailing to be notified when forms or updated or new?

A: CDS employers can sign up on the DADS CDS webpage for email alerts about CDS changes. Go to https://service.govdelivery.com/accounts/TXHHSC/subscriber/new?topic_id=TXHHSC_102 to subscribe. You will be asked to enter your email address and can then proceed to choose how often you receive alerts. You can change your preferences at any time.

NEW CDS RULES AND FORM CHANGES

Q: Can you explain initial orientation for an employer?

A: FMSAs are required to provide an initial face-to-face orientation to CDS employers when they begin using the CDS option. During this orientation the FMSA will explain the roles, rules, and responsibilities that apply to the employer, provider, FMSA and state agencies. The employer will complete required paperwork for the FMSA as well as their specific program. (TAC 41.207 & TAC 41.307)

Q: If utilizing provider nursing then new RN form does not apply?

A: Correct, you do not need to use Forms 1747 or 1747-LVN if using provider nursing.

Q: Do we need new form completed for current LVN Form 1747?

A: No. Your LVN should have completed the Form 1747 when hired. If you hire a new LVN after September 1, 2014, you will need to use the new Form 1747 LVN.
Q: When I attended training in May I thought that we were changing from CDS to FMSA Sept 1st...did I misunderstand?

A: The term Consumer Directed Services Agency (CDSA) has been changed to Financial Management Services Agency (FMSA), effective July 2013. Chapter 41 rules are currently being amended to replace all references of CDSA with FMSA. The term Consumer Directed Services (CDS) option will remain intact.

Q: Is the language of CDSA removed completely from the definitions of Chapter 41?

A: No, the term CDSA is included in the definitions of Chapter 41.103 as the equivalent of an FMSA. It will be removed once DADS has completely replaced the term CDSA with FMSA in all rule sections of Chapter 41.

Q: Does the 1734 for CLASS consumers go in effect for existing CLASS consumers?

A: Form 1734 Service Provider and Employer Certification of Relationship Status for CDS has been in effect since 2007. DADS revised Form 1734 to provide clarification about who can provide respite in the CLASS program as described in the 2009 rule revision for the CLASS program. Yes, revised Form 1734, applies to all existing CLASS participants.

Q: Is the Form 1726 a local authority form or will this need to be completed by the FMSA?

A: Form 1726, Relationship Definitions in Consumer-Directed Services Employer's Acknowledgment and Certification needs to be signed by both the employer and the FMSA. A local authority does not need to complete.

Q: Will all existing Employees need to fill out new forms? Also, do existing CDS Employers need additional training/orientation?

A: No, existing employees do not need to fill out new forms. The rule changes do not require additional training or another orientation for existing CDS Employers. If you think you need additional training, contact your FMSA.

Q: Do you have to redo the assessment forms based on these rules or when you’re reassessed annually?

A: If you are asking do you need to go back and re-do any CDS forms, the answer is no. Going forward you need to use the new forms.
Q: What if DADS posted a package of forms required by FMSAs and CDS employers in one place or folder with a check list so that complete documents can be obtained from one place?

A: All of the CDS forms can be found in one location at: http://www.dads.state.tx.us/handbooks/cds/forms/index.asp See Form 1724, New Hire Coversheet for a checklist of forms to be completed when hiring a new service provider. The updated service delivery provision addendums to Form 1735, Employer and Financial Management Services Agreement, will be the best place to ensure you have all needed requirements for your specific program.

Q: Will FMSA be required to furnish the forms that need to be signed and turned into DADS. Such as definitions, addendums?

A: The FMSA can provide any forms that an employer requires or the employer can obtain them form the DADS website at http://www.dads.state.tx.us/handbooks/cds/forms/index.asp.

Q: Can all forms, paperwork be electronically transmitted and filed? Paperwork reduction act.

A: Yes, forms can be signed digitally and submitted electronically, as long the transmission is encrypted. However, for record retention and monitoring purposes, hard copies of the forms need to be in the individual’s home, or be able to print a copy. Both the CDS employer and the FMSA are required to keep copies of the CDS employer forms. See CDS rules TAC 41.243 for employers and TAC 41.339 for FMSAs.

Q: Can you clarify hospitalizations? Does this include outpatient surgery? Emergency visits?

A: Hospitalizations include any time you are admitted into a hospital for any reason.

Q: What about the star plus waiver program?

A: The Health and Human Services Commission (HHSC) operates the STAR+PLUS program. HHSC staff advise Managed Care Organizations to follow the contract with HHSC. The contract requires MCOs to follow the STAR+PLUS handbooks which points to Chapter 41, the Consumer Directed Services Option rules.
ATTENDANT COMPENSATION

Q: Does minimum wage apply to CBA respite or just MDCP respite?

A: If you are referring to the attendant compensation minimum wage of $7.86 per hour, the only respite service it applies to is MDCP respite. It does not apply to respite in the other programs. For a list of the services that require the minimum of $7.86, please see 40 TAC Section 41.505.

Q: Will state rates go up since pay rates are going up?

A: Over the past year, the Health and Human Services Commission increased the rate for Primary Home Care, Community Attendant Services, CBA-PAS and MDCP respite and flexible family support to accommodate the attendant compensation wage rate. See information letters: IL 2014-57, IL 2014-56, IL 2014-20, IL2013-51.

Q: Please confirm if 7.86 apply to respite and protective services?

A: Yes, the $7.86 attendant compensation minimum wage rate applies to MDCP respite, protective supervision, and the following services.

- 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.

HCS AND TXHML RULES CHANGES

Q: Does individual have to be under 18 to receive camp respite?

A: The DADS rules do not place an age restriction on using out of home respite such as a camp. Any age restrictions will be specified by the camp. See the list of accredited camps for more information here: http://www.acacamps.org/.

Q: Can you explain more about camp being a respite service?

A: Individuals in HCS and TxHmL can now receive out-of-home respite services in a camp which must be accredited by the American Camp Association.
Q: Does Cognitive Rehabilitation Therapy require neuropsychological assessment before providing the service?

   A: Yes (TAC 9.174[27][B]).

Q: Can we purchase educational equipment under Cognitive Rehabilitation Therapy?

   A: No, purchasing educational equipment is not part of Cognitive Rehabilitation Therapy.

Q: Would you please clarify the last bullet regarding Roman numeral II New CDS Services-HCS--Supported Employment and Employment Assistance?

   A: You cannot receive supported employment or employment assistance in the HCS program at the same time you are receiving respite, supported home living or day habilitation.

Q: So two comprehensive nursing assessments will be completed, one by the program provider and one by CDS nurse if using nursing through CDS?

   A: The information provided during webinar was about the HCS program. If an individual in the HCS program is using CDS nursing and is also receiving an HCS provider delivered service in which a nursing task is provided, then yes the CDS RN completes a nursing assessment for services delivered through the CDS option and the HCS provider nurse completes an assessment for services delivered by the HCS nurse.

MDCP RULES CHANGES

Q: For the annual completion of Form 1732, will the CPR requirement then take effect for employees employed prior to 9/1/2014?

   A: The CPR requirement is effective 9/1/14 for ALL MDCP employees, regardless of their start date. Employees will have until January 1, 2015 to implement the CPR requirement.

Q: Is the CPR requirement going forward or we have to go back and request the CPR to be done by our old attendant?

   A: You will have to request that any current attendants in the MDCP program get a CPR certification. They will have until January 1, 2015 to obtain certification.
Q: If you already have the CPR for two years you will need to take the require CPR?

A: If your MDCP attendant has a current CPR certification then they will need to make sure it is up to date and retake whenever it expires.

Q: What is the deadline or grace period for attendants in MDCP to get their CPR certification?

A: Yes, MDCP CPR certification will need to be obtained by January 1, 2015.

Q: Can the CPR certification be taken online?

A: For MDCP, the certification can be taken online or in the classroom. Online CPR certifications will be accepted for the MDCP program.

Q: Please clarify; there is no requirement for Service Delivery Record in MDCP? How is time worked recorded and how it is paid without a SDR?

A: There is no requirement to use the service delivery log for MDCP. For the MDCP program, CDS employers can continue to use the time sheet portion of DADs Form 1745 OR a timesheet that includes: the individual’s name, Medicaid number, name of person providing the services, type of service delivered, time in and time out, service date, number of hours of service delivered.

Q: Ok, so for example, if I submit a 1745 for MDCP, the care giver no longer has to enter the task provided for every shift?

A: Correct, if an attendant provides respite or flexible family support, then log no longer needs to be completed. If a nurse provides respite or flexible family support, then the log needs to be completed.

Q: For MDCP program, may an agency approved time sheet be used?

A: Yes, any time sheet that records: the individual’s name, Medicaid number, name of person providing the services, type of service delivered, time in and time out, service date, number of hours of service delivered. In order to include all the necessary information, continue to use Form 1745 and exclude the narrative.

Q: Will there be a standard time sheet, or is it individually created by the employer?

A: The employer can continue to use the Form 1745 to ensure that all necessary elements needed for payment are included. In some cases, the FMSAs will have time sheets that can be used. Check with your FMSA.
Q: Does the In-Home service delivery log have a form number?

A: Form 1745

Q: Clarification: ALL employees do NOT have to fill out Service Delivery log description, except for hours in/out?

A: Yes, attendants complete Form 1745, Service Delivery Log except the narrative. Nurses must continue to use the Service Delivery Log narrative.

Q: If an LVN is hired under the CDS option, and the supervising RN is hired to supervise - is it still a requirement that the employer pay the supervising RN out of their own pocket?

A: If you are referring to respite provided by a nurse in the MDCP program, CDS employers are not required to pay for RN supervision out of pocket. It is the LVN’s responsibility to arrange for supervision. The Texas Board of Nursing provides guidance on what supervision means in Position Statement 15.27, LVN Scope of Practice found here: http://www.bon.texas.gov/practice_bon_position_statements2014.asp#15.27. The CDS employer may consider using a small amount of employer support funds in the CDS budget to pay for supervision, keeping in mind the BON definition of supervision.

Q: Just for clarification, the LVN’s do not have to complete the service delivery log with written Narrative/Written Summary? They can use the regular timesheets that is used for PCS providers?

A: No LVNs need to complete the service delivery log.