April 24, 2015

To: Financial Management Services Agencies
Community Living Assistance and Support Services Direct Service Agencies and
Case Management Agencies
Deaf Blind with Multiple Disabilities Program Providers

Subject: Information Letter No. 15-31
Implementation of Community First Choice Through the Consumer Directed Services Option for Individuals in the Community Living Assistance and Support Services or Deaf Blind with Multiple Disabilities Programs

The purpose of this information letter (IL) is to inform Financial Management Services Agencies (FMSAs), Community Living Assistance and Support Services (CLASS) Direct Service Agencies (DSAs) and Case Management Agencies (CMAs), and Deaf Blind with Multiple Disabilities (DBMD) program providers about the implementation of the Community First Choice (CFC) benefit for individuals in the CLASS and DBMD Programs, effective June 1, 2015. This IL only addresses requirements for FMSAs, CDS employers, CLASS DSAs and CMAs, and DBMD case managers regarding the provision of CFC services through the CDS option. This letter does not address CFC services provided:

- through the CDS option in Medicaid managed care;
- by CLASS DSAs, CMAs; or
- by DBMD program providers.

Requirements for CLASS DSAs, CMAs and DBMD program providers for the provision of CFC services by a program provider are addressed in IL15-30.

For your convenience, a table of contents for this letter is set forth below.

Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>2</td>
</tr>
<tr>
<td>Important Things to Know about CFC and the CDS Option</td>
<td>2</td>
</tr>
<tr>
<td>Services Offered Under the CFC Option</td>
<td>3</td>
</tr>
<tr>
<td>Impact of CFC in the CLASS and DBMD Waiver Programs</td>
<td>4</td>
</tr>
<tr>
<td>DBMD Program Provider and CLASS CMA and DSA Responsibilities Related to Implementation of CFC through the CDS Option</td>
<td>4</td>
</tr>
<tr>
<td>Service Provider Requirements</td>
<td>6</td>
</tr>
<tr>
<td>FMSA and CDS Employer Compliance with CDS Rules Regarding the Provision of CFC CDS PAS/HAB</td>
<td>7</td>
</tr>
<tr>
<td>Billing and Rates</td>
<td>8</td>
</tr>
</tbody>
</table>
Introduction

CFC is a state plan benefit governed by Code of Federal Regulations (CFR), Title 42, Chapter IV, Subchapter C, Part 441, Subpart K regarding Home and Community-Based Attendant Services and Supports State Plan Option (Community First Choice) that provides certain services and supports to individuals living in the community, including individuals in the CLASS and DBMD programs. CFC services are Medicaid state plan services, not waiver services.

Important Things to Know About CFC and the CDS Option:

1. The CFC option offers CFC personal assistance services (PAS), CFC Habilitation (HAB), CFC emergency response services (ERS), and CFC support management services.
2. For CLASS and DBMD, the CFC services of PAS and HAB are combined into one CFC service, CFC PAS/HAB, which is considered the same service as habilitation in CLASS and residential habilitation in DBMD.
3. All of the tasks and activities delivered through CLASS CDS habilitation or DBMD CDS residential habilitation will be delivered through CFC CDS PAS/HAB.
4. ERS will be provided through CFC ERS, not as an adaptive aid, and is not available through the CDS option.
5. The reimbursement rate for CFC CDS PAS/HAB and CFC FMS will be the same as the current CDS CLASS habilitation, CLASS FMS, CDS DBMD residential habilitation, and DBMD FMS reimbursement rates.
6. Individuals receiving licensed assisted living or licensed home health assisted living in DBMD or support family services or continued family services in the CLASS program will not receive CFC PAS/HAB.
7. CFC PAS/HAB will not be included in the calculation of the individual plan of care (IPC) cost for the CLASS and DBMD programs.
8. Electronic visit verification (EVV) will not apply to DBMD program providers delivering services to individuals enrolled in the DBMD program. CLASS CDS employers may choose to use EVV for CFC CDS PAS/HAB.
9. Service provider qualifications for CFC PAS/HAB differ from current qualifications for habilitation providers in the CLASS program.
10. Individuals in the CLASS and DBMD Programs may no longer receive personal assistance services through the HHSC Medicaid benefit of Personal Care Services (PCS). Services currently provided to individuals through PCS will be transitioned over to CFC PAS/HAB delivered through the waiver. More information about the transition of PCS to CFC PAS/HAB will be provided at a later date.
11. Criminal history checks for employees hired to provide CFC CDS PAS/HAB will be paid for by the FMSA FMS fee. The cost will not be paid for from the CDS employer budget.
12. CDS employers will have the option to use support consultation as an employer support.

**Services Offered Under the CFC Option**

In accordance with the state plan amendment approved by the Centers for Medicare & Medicaid Services (CMS), and rules of the Health and Human Services Commission (HHSC) at 1 Texas Administrative Code (TAC) Chapter 354, Subchapter A, Division 27 (relating to Community First Choice), CFC provides the following services:

1. **CFC personal assistance services (PAS)** - Services that provide assistance with activities of daily living (ADLS) and instrumental activities of daily living (IADLS), as defined in 42 CFR §441.505, through hands-on assistance, supervision, and/or cueing. Such assistance is provided to an individual in performing ADLs and IADLs based on the individual’s person-centered service plan. CFC personal assistance services include:
   A. non-skilled assistance with the performance of the ADLs and IADLs;
   B. household chores necessary to maintain the home in a clean, sanitary, and safe environment;
   C. escort services, which consist of accompanying, but not transporting, and assisting an individual to access personal assistance services or activities in the community; and
   D. assistance with health-related tasks as defined in 42 CFR §441.505.

2. **CFC habilitation (HAB)** - Acquisition, maintenance, and enhancement of skills necessary for an individual to accomplish ADLs, IADLs, and health-related tasks. CFC habilitation is provided to allow an individual to reside successfully in a community setting by assisting the individual to acquire, retain, and improve self-help, socialization, and daily living skills or assisting with and training the individual on ADLs and IADLs. Personal assistance may be a component of CFC habilitation for some individuals’ ADLs. CFC habilitation includes habilitation training, which is interacting face-to-face with an individual to train the individual in activities such as:
   A. self-care;
   B. personal hygiene;
   C. household tasks;
   D. mobility;
   E. money management;
   F. community integration including how to get around in the community;
   G. use of adaptive equipment;
   H. personal decision making;
   I. reduction of challenging behaviors to allow individuals to accomplish ADLs and IADLs and health-related tasks; and
   J. self-administration of medication.
3. **CFC emergency response services (ERS)** - Electronic devices to ensure continuity of services and supports. These services are available for individuals who live alone, who are alone for significant parts of the day, or have no regular caregiver for extended periods of time, and who would otherwise require extensive routine supervision. CFC ERS will not be available through the CDS option.

4. **CFC support management services** - Voluntary training on how to select, manage, and dismiss attendants.

Health-related tasks, in accordance with state law, include tasks delegated by a registered nurse, health maintenance activities, and extension of therapy. An extension of therapy is an activity that a speech therapist, physical therapist or occupational therapist, instructs the individual to do as follow-up to therapy sessions. If appropriate, the individual’s attendant can assist the individual in accomplishing such activities with supervision, cueing and hands-on assistance. As permitted by Texas Government Code, §531.051(e), a CDS employer may allow a CFC CDS PAS/HAB service provider to perform a health-related task that is not delegated by a registered nurse.

**Impact of CFC in the CLASS and DBMD Waiver Programs**

For CLASS and DBMD programs, the CFC services of PAS and HAB are combined into one CFC service, CFC PAS/HAB. An individual receiving support family services or continued family services in the CLASS program or receiving licensed assisted living or licensed home health assisted living in the DBMD program, may not receive CFC PAS/HAB.

DADS rules at 40 TAC §42.214(d) and §45.214(b) require that an individual use non-waiver services before using a CLASS or DBMD service. Because of this requirement:
- if an individual in the DBMD program needs services similar to residential habilitation and chooses to receive those services through the CDS option, the individual must receive CFC CDS PAS/HAB instead of residential habilitation; and
- if an individual in the CLASS program needs services similar to habilitation and chooses to receive those services through the CDS option, the individual must receive CFC CDS PAS/HAB instead of habilitation.

**DBMD Program Provider, CLASS CMA and DSA Responsibilities Related to Implementation of CFC through the CDS Option**

**Including of CFC CDS Services on an Individual Plan of Care (IPC)**

A DBMD program provider, CLASS CMA, or DSA must ensure that CFC CDS PAS/HAB is on the IPC of an individual if the individual would have received CDS residential habilitation in DBMD or CDS habilitation in CLASS as follows:
• For an individual whose service planning team (SPT) meets, before June 1, 2015, to develop an initial IPC, to renew or revise an existing IPC, the DBMD provider or CLASS CMA and DSA:
  o if the IPC includes residential habilitation or habilitation, may continue to include residential habilitation or habilitation on the IPC until the IPC is renewed on or after June 1, 2015; and
  o if the IPC includes ERS as an adaptive aid, may continue to include this service on the IPC as an adaptive aid until the IPC is renewed on or after June 1, 2015.

• For an individual whose SPT meets, on or after June 1, 2015, to renew the IPC, the DBMD provider or CLASS CMA and DSA must, if the individual needs CFC PAS/HAB, ensure that the renewal IPC includes CFC PAS/HAB and does not include residential habilitation or habilitation on the IPC; and

• For an applicant enrolling in the CLASS or DBMD program whose SPT meets, on or after June 1, 2015, to develop the initial IPC, the DBMD provider or CLASS DSA must, if the applicant needs CFC PAS/HAB, ensure that the initial IPC includes CFC PAS/HAB and does not include residential habilitation or habilitation on the IPC.

CLASS Determination of Need for CFC Services, Inclusion on IPC, and Development of IPP

• The CLASS case manager must ensure that the SPT determines whether the individual needs CFC PAS/HAB using the person-directed planning process in the same manner the SPT would have determined a need for CLASS habilitation. If the SPT determines that the individual needs CFC PAS/HAB, the case manager must include the service on the IPC as if the service were a CLASS program service.
  
• If CFC PAS/HAB is included on the individual’s IPC, the case manager must complete an IPP based on the decisions made by the service planning team.
  
• If CFC CDS PAS/HAB is included on an authorized IPC, the SPT must develop a CFC CDS PAS/HAB plan (a modified version of the current CLASS/DBMD Habilitation Plan) for delivering the service in accordance with the plan.

For purposes of this letter, person-centered planning means the process described in 42 CFR §441.301.

DBMD Determination of Need for CFC Services, Inclusion on IPC, and Development of IPP

• The DBMD case manager must ensure that the SPT determines whether the individual needs CFC PAS/HAB using the person-directed planning process in the same manner the SPT would have determined a need for residential habilitation. If the SPT also determines that the individual needs CFC PAS/HAB and the individual chooses to receive it through the CDS option, the case manager must include the service on the IPC as if the service were a DBMD program service.
  
• If CFC PAS/HAB is included on the individual’s IPC, the case manager must include the service and a plan for delivering the service on the IPP based on the decisions made by the SPT.
Provision of CFC Support Management Services

If an individual in the CLASS or DBMD Program is receiving CFC CDS PAS/HAB and would like training on how to select, manage, and dismiss attendants, the FMSA must provide CFC support management to the individual by providing information developed by DADS and available on DADS website.

Cost of CFC Services Not Included in Total Waiver IPC cost

The cost of CFC CDS PAS/HAB is not included in the calculation of the IPC cost as described in 40 TAC §45.201(a)(5) and §42.201(5).

Determining Whether to Include CFC FMS or FMS on the IPC

- The CLASS case manager or DBMD program provider must include CFC FMS, rather than FMS, on the IPC if CFC CDS PAS/HAB is the only service the individual is receiving through the CDS option.
- The CLASS case manager or DBMD program provider must include FMS, rather than CFC FMS, on the IPC if the individual is using the CDS option for CFC PAS/HAB and is receiving at least one other CLASS or DBMD service using the CDS option.
- FMS and CFC FMS must not be included on the IPC at the same time.

Service Provider Requirements

Requirements Regarding Service Providers of CFC CDS PAS/HAB

- Except as provided below, a CDS employer must ensure that a service provider of CFC CDS PAS/HAB services:
  o is at least 18 years of age; and
  o has:
    • a high school diploma or a certificate recognized by a state as the equivalent of a high school diploma; or
    • documentation of a proficiency evaluation of experience and competence to perform the job tasks that includes:
      ▪ a written competency-based assessment; and
      ▪ at least three written personal references from persons not related by blood that indicate the ability to provide a safe, healthy environment for the individuals being served.
  o is not the parent of an individual who is under 18 years of age or the individual’s spouse; and
  o meets any other qualifications established by the CDS employer based on the individual’s needs and preferences.
A qualified service provider of habilitation in the CLASS Program who was hired before June 1, 2015 may be a service provider of CFC PAS/HAB. The service provider must meet any other qualifications requested by the individual or LAR based on the individual’s needs and preferences.

In addition to the training required in 40 TAC Chapter 41, an individual or LAR may:

• train the CFC CDS PAS/HAB service provider in the specific assistance needed by the individual and to have the service provider perform CFC CDS PAS/HAB in a manner that matches the individual’s personal, cultural, or religious preferences; and
• require the CFC CDS PAS/HAB service provider to attend training by HHSC or DADS so that the service provider can meet any additional qualifications desired by the individual or LAR.

**FMSA and CDS Employer Compliance with CDS Rules Regarding the Provision of CFC CDS PAS/HAB**

An FMSA and CDS employer must comply with 40 TAC Chapter 41, including:

• ensuring initial criminal history checks, annual registry checks, and monthly Office of Investigator General checks in accordance with 40 TAC §41.225 (relating to Criminal History Check of an Applicant for Employment and an Employee; §41.227 (relating to Required Registry Checks); §41.323 (relating Criminal History Check of an Applicant for Employment and to be an Employee; and §41.325 (relating to Required Registry Checks of an Applicant to be an Employee);
• completing service agreements in accordance with 40 TAC §41.237 (relating to Service Provider Agreements) and §41.333 (relating to Service Agreements);
• conducting and documenting training in accordance with 40 TAC §41.233 (relating to Training and Management of Service Providers); and
• ensuring that a service provider of CFC CDS PAS/HAB is paid the base wage rate in accordance with 40 TAC §41.505 (relating to Payroll Budgeting).

For service providers hired before June 1, 2015, who will provide CFC CDS PAS/HAB instead of CDS habilitation or CDS residential habilitation, the CDS employer is not required to request another criminal history check, complete new service agreements, or update employer related forms.

**Cost of Criminal History Checks**

As required by 42 CFR §441.555(b)(2), costs for running criminal history checks for CFC CDS PAS/HAB providers will not be paid for from the CDS employer budget. The cost of criminal history checks for CFC CDS PAS/HAB providers will be paid by the FMSA from the monthly FMS fee.

CDS employers must develop, using the 2015 revised CLASS or DBMD employer budget workbooks and based on the revised IPC, a budget for CFC CDS PAS/HAB, separate from the budget for CLASS or DBMD program services, in accordance with 40 TAC §41.501 (relating to Budget Development).
Compliance with CDS Information Letters and CLASS and DBMD Program Manuals

A CDS employer, FMSA, CLASS DSA, CMA, and DBMD program provider must comply with CDS ILs and the CLASS and DBMD program manuals as if CFC CDS PAS/HAB, and CFC FMS are CLASS and DBMD program services and as if CFC CDS PAS/HAB is CLASS habilitation or DBMD residential habilitation delivered through the CDS option.

Billing and Rates

Billing for FMS

An FMSA may not bill both FMS and CFC FMS for the same individual in the same month. The FMSA must bill the type of FMS authorized on the IPC.

Reimbursement Rate for CFC PAS/HAB:

The reimbursement rate for CFC CDS PAS/HAB and CFC CDS FMS will be the same as the current CLASS habilitation and DBMD residential habilitation reimbursement rates. The CFC rates, as established by HHSC, can be found here.

CLASS/DBMD New Service Codes (SAS/MESAV):

The service codes associated with the new CFC CDS services are:

- 10CFV – CFC CDS PAS/HAB
- 63CFV – CFC CDS FMS
- 57CFV – CFC CDS Support Consultation

CFC Support Management does not have a separate service code. CFC support consultation does have a separate service code; however, it is only authorized and billed when an individual is self-directing CFC PAS/HAB and no other services.

Personal Care Services

Individuals in the TxHmL and HCS programs will not receive personal assistance services through the HHSC Medicaid benefit of PCS. Therefore, FMSAs will no longer use two different billing systems.

Eligibility and Fair Hearings

Eligibility for CFC services

An individual is eligible for CFC services provided by a DBMD provider, CLASS CMA or DSA if the individual meets the criteria described in:
• 40 TAC §45.201 or §42.201;
• 1 TAC §354.1362; and
• the next two headings.

An individual’s diagnostic and functional eligibility for CFC services is determined based on information from eligibility assessments and documented in the Intellectual Disability/Related Condition assessment form.

**Requirement for Provision of One CLASS or DBMD Service for All Individuals**

In accordance with federal requirements, an individual must, in addition to meeting other eligibility criteria for the CLASS or DBMD Program, receive at least one CLASS or DBMD service annually. Case management does not meet the annual service requirement. In addition, an individual must receive a CLASS or DBMD service monthly or receive monitoring monthly to be eligible for the CLASS or DBMD Program. For example, if an individual receiving habilitation or residential habitation and dental treatment begins receiving CFC PAS/HAB services, the individual will be eligible for the CLASS or DBMD Program if the individual receives dental treatment and monthly case management.

A DBMD or CLASS case manager must inform an applicant or individual or LAR of the eligibility criteria described under this heading as follows:
• for an applicant, during the enrollment process; and
• for an individual or LAR, as soon as possible, but no later than 90 calendar days after June 1, 2015, and annually thereafter.

**Monthly CLASS/DBMD Service Requirement for Individuals Receiving CFC Services with Medical Assistance Only (MAO) Medicaid**

Individuals receiving Supplemental Security Income (SSI) benefits are categorically eligible for SSI Medicaid. Medicaid recipients not certified for SSI Medicaid are classified as Medical Assistance Only (MAO) Medicaid recipients. In addition to the requirements under the previous heading, as a recipient of MAO Medicaid, the individual must at least monthly, receive a CLASS or DBMD Program service in order to be eligible for CFC services as required by 42 CFR §441.510(d). Monthly monitoring by a case manager is a CLASS or DBMD Program service and, therefore, meets this monthly requirement.

A DBMD or CLASS case manager must inform an applicant or individual or their LAR who receives MAO Medicaid or LAR of the eligibility criteria described under this heading as follows:
• for an applicant, during the enrollment process; and
• for an individual or LAR, as soon as possible, but no later than 90 calendar days after June 1, 2015 and annually thereafter.

**Fair Hearing**
An individual whose request for eligibility for CFC services is denied or an individual whose services have been terminated, suspended, denied, or reduced by DADS receives notice of the right to request a fair hearing in accordance with 1 TAC Chapter 357, Subchapter A (relating to Uniform Fair Hearing Rules). An individual who is enrolled in the CLASS or DBMD Program whose CFC services are terminated may be able to receive CFC services through Medicaid managed care.

**FMSA and Case Manager Requirements**

**Requirement for FMSA to give IL to CDS Employers**

Before July 1, 2015, an FMSA must provide via email, direct mail or fax, a copy of the attached employer letter to each CDS employer in the CLASS and DBMD programs for whom the FMSA provides FMS.

**CDS Form Revisions**

**Revised Forms:**

Based on the implementation of the CFC option, DADS has revised the following forms which are available for the CDS option at [http://www.dads.state.tx.us/handbooks/cds/forms/index.asp](http://www.dads.state.tx.us/handbooks/cds/forms/index.asp).

*CDS Budget Workbook:* The CDS budget workbook for CLASS and DBMD will be revised to reflect the IPC total amount of funds allocated to the waiver and the total funds allocated to CFC state plan services.

*CDS Form 1735 Service Delivery Provision Agreements for CLASS and DBMD* will be revised to include a description of the service and service provider qualifications for CFC CDS PAS/HAB.

*CDS Form 1735 Service Provision Requirements Addendum for CFC* will be a new form added to include a description of all CFC services available under the CDS option and service provider qualifications.

*CDS Form 1583 Employee Qualifications Requirements* will be revised to include service provider qualifications for CFC CDS PAS/HAB. CLASS CMAs and DBMD program providers will be expected to begin using this form on June 1, 2015.

*CDS Form 1734 Service Provider and Employer Certification of Relationship Status* for CDS will be revised.

**Future ILs and Revision of Rules**

As necessary, DADS will provide additional information regarding the implementation of the CFC option to providers through ILs. DADS will propose to amend 40 TAC Chapter 41 to address the requirements regarding CFC services delivered via the CDS option as described in this IL. DADS
is planning webinars to continue educating CDS employers and FMSAs about CFC. As dates are determined, alerts will be sent via GovDelivery and information posted on the DADS web pages dedicated to CDS, CLASS CMAs, DSAs and DBMD program providers.

For questions about the content of this IL, contact the CDS mailbox at cds@dads.state.tx.us.

Sincerely,

[signature on file] [signature on file]

Donna Jessee Elisa J. Garza
Director Assistant Commissioner
Center for Policy and Innovation Access and Intake

Attachment:
Letter to Consumer Directed Services Employers Community Living Assistance and Support Services and Deaf Blind with Multiple Disabilities Programs
April 24, 2015

To: Consumer Directed Services Employers Community Living Assistance and Support Services and Deaf Blind with Multiple Disabilities Programs

Subject: New Medicaid Benefit – Community First Choice

The purpose of this letter is to provide information to Consumer Directed Services (CDS) employers about the Community First Choice (CFC) benefit. When service plans are renewed or revised after June 1, 2015, the individual will receive CFC personal assistance services/habilitation (PAS/HAB) instead of one of the following services the individual is currently receiving:

- habilitation in the Community Living Assistance and Support Services (CLASS) program; or
- residential habilitation in the Deaf Blind with Multiple Disabilities (DBMD) program.

All of the tasks and activities delivered through habilitation or residential habilitation will be delivered through CFC CDS PAS/HAB. The individual will not notice a change in how services are delivered. The CDS employer will continue to use the same financial management services agency (FMSA) after the implementation of CFC.

The CFC benefit also includes CFC support management. Support management is written training information on how to select, manage, and dismiss CFC PAS/HAB attendants. Support management is different from support consultation. Support consultation is provided by a support advisor who provides one-on-one coaching on a range of employer responsibilities. Unlike support consultation, support management, has no cost and does not affect the individual’s CDS budget. The FMSA will provide the support management, if you choose to receive it.

ERS will be provided through CFC ERS, not as an adaptive aid, and is not available through the CDS option. Individuals will continue to receive ERS if he or she has a need for the service. In the waiver, ERS is provided as an adaptive aid and CFC includes ERS as a separate service.

**Important Things You Need to Know about CFC and the CDS option**

1. The rate for CDS CFC PAS/HAB will be the same as the CDS CLASS habilitation or CDS DBMD residential habilitation rates.

2. Department of Aging and Disability Services (DADS) revised certain CDS forms to add CFC, including the employer budget workbook and Form 1735, Addendum Community First Choice, which lists all the requirements for CFC PAS/HAB.
3. The cost for CFC PAS/HAB will not be used in the calculation of the services on the waiver plan. CFC costs will be listed separately on the service plan.

4. Unless the individual receives Supplemental Security Income (SSI) and is categorically eligible for Medicaid, federal regulations governing the new CFC Medicaid services require that the individual receive at least one CLASS or DBMD waiver service per month, in addition to receiving CFC services, to be eligible for continued CFC services. The phone call or face-to-face visit from your case manager counts as a waiver service in the CLASS and DBMD programs.

5. The CDS rules and Information Letters issued about the CDS option also apply to delivery of CFC PAS/HAB, including but not limited to required criminal history checks and registry checks, provider qualifications, service delivery documentation and backup plans.

6. CDS employers and FMSAs must ensure that a CFC CDS PAS/HAB service provider hired after June 1, 2015:
   a. is at least 18 years of age; and
   b. has:
      1. a high school diploma or a certificate recognized by a state as the equivalent of a high school diploma; or
      2. documentation of a proficiency evaluation of experience and competence to perform the job tasks that includes:
         A. a written competency-based assessment; and
         B. at least three written personal references from persons not related by blood that indicate the ability to provide a safe, healthy environment for the individuals being served;
         C. is not the individual’s legally authorized representative (LAR), LAR’s spouse, designated representative, or designated representative’s spouse.

7. CLASS habilitation service providers hired before June 1, 2015 (who meet the current qualifications for a habilitation service provider) may provide CFC PAS/HAB.

8. CFC federal regulations allow CDS employers the right to establish additional CFC PAS/HAB service provider qualifications, beyond the minimum qualifications set by the state, based on the individual’s needs and preferences. Also, the CDS employer may require the PAS/HAB service provider to attend training supported by the Health and Human Services Commission (HHSC) or DADS so that the service provider can meet any additional qualifications desired by the individual or LAR.

9. CDS employers may train the CFC PAS/HAB service provider in the specific assistance needed by the individual and request the service provider perform CFC PAS/HAB in a manner that matches the individual’s personal, cultural, or religious preferences.
10. As permitted by Texas Government Code, §531.051(e), a CDS employer may allow a CFC PAS/HAB service provider to perform a health-related task that is not delegated by a registered nurse.

11. CDS employers are not required to complete a new employment packet for employees, hired before June 1, 2015, who provide CFC PAS/HAB.

12. With assistance from the FMSA, CDS employers will need to complete a revised budget workbook when the service plan changes to include CFC PAS/HAB.

13. Per CFC regulations, the cost for criminal history checks may not be deducted from the employer’s budget for CFC PAS/HAB. The FMSA will cover the costs of criminal history checks for CFC PAS/HAB service providers. Criminal history checks will continue to be charged to the CDS employer budget for service providers of services other than CFC PAS/HAB, such as respite or nursing.

For questions about the content of this IL contact the CDS mailbox at cds@dads.state.tx.us.

Sincerely,

[signature on file] [signature on file]

Donna Jessee Elisa J. Garza
Director Assistant Commissioner
Center for Policy and Innovation Access and Intake
24 de abril de 2015

Para: Empleadores de Servicios Administrados por el Cliente que ofrecen el programa de Servicios de Apoyo y Asistencia para Vivir en la Comunidad y el programa para Personas Sordociegas con Discapacidades Múltiples

Asunto: Nuevo beneficio de Medicaid, Community First Choice

El motivo de esta carta es proporcionar información a los empleadores de Servicios Administrados por el Cliente (CDS) sobre el beneficio de Community First Choice (CFC). Después del 1 de junio de 2015, cuando se renueven o revisen los planes de servicios, la persona recibirá servicios de un ayudante personal o de habilitación (PAS/HAB) de CFC en lugar de uno de los siguientes servicios que recibe actualmente:

- habilitación en el programa de Servicios de Apoyo y Asistencia para Vivir en la Comunidad (CLASS); o
- habilitación residencial en el programa para Personas Sordociegas con Discapacidades Múltiples (DBMD).

Todas las tareas y actividades que se prestan por medio de servicios de habilitación o habilitación residencial se prestarán por medio de PAS/HAB de Servicios Administrados por el Cliente de CFC. La persona no verá cambios en la manera en que se prestan los servicios. El empleador de CDS seguirá usando la misma agencia de Servicios de Administración Financiera (Agencia de FMS) después de la implementación de CFC.

El beneficio de CFC también incluye apoyo administrativo de CFC. El apoyo administrativo es información escrita de capacitación en cómo seleccionar, administrar y despedir a los ayudantes de PAS/HAB de CFC. El apoyo administrativo es diferente a la asesoría de servicios de apoyo. La asesoría de servicios de apoyo la brinda un asesor de apoyo que da capacitación individual sobre una serie de responsabilidades del empleador. A diferencia de la asesoría de servicios de apoyo, el apoyo administrativo no cuesta nada ni afecta el presupuesto de CDS de la persona. La agencia de FMS proporcionará el apoyo administrativo, si elige recibirlo.

**Cosas importantes que debe saber sobre CFC y la opción de CDS**

1. La tarifa de los PAS/HAB de CDS de CFC será igual a la tarifa de los servicios de habilitación de CDS de CLASS o de habilitación residencial de CDS de DBMD.

2. El Departamento de Servicios para Adultos Mayores y Personas Discapacitadas (DADS) revisó ciertas formas de CDS para agregar CFC, como el presupuesto del empleador y un apéndice de...
Community First Choice a la Forma 1735-S, que enumera todos los requisitos de los PAS/HAB de CFC.

3. El costo de los PAS/HAB de CFC no se usará para calcular los servicios del plan opcional. El costo de los servicios de CFC aparecerá por separado en el plan de servicios.

4. A menos que la persona reciba Seguridad de Ingreso Suplementario (SSI) y que califique para Medicaid por su categoría, las regulaciones federales que rigen los nuevos servicios de Medicaid de CFC exigen que la persona reciba por lo menos un servicio opcional de CLASS o DBMD al mes, además de recibir servicios de CFC, para calificar para seguir recibiendo serviciosoptionales y de CFC. Las llamadas telefónicas o visitas en persona del administrador de casos cuentan como un servicio opcional en los programas de CLASS y DBMD.

5. Las reglas de CDS y las cartas de información enviadas sobre la opción de CDS también aplican a la prestación de PAS/HAB de CFC, entre ellos, las cualificaciones del proveedor por la revisión necesaria de antecedentes penales y de registro, la documentación de prestación de servicios y los planes alternativos.

6. Los empleadores de CDS y las agencias de FMS deben asegurarse de que un proveedor de servicios de PAS/HAB de CDS de CFC contratado después del 1 de junio de 2015:
   a. tenga por lo menos 18 años; y
   b. tenga:
      1. el diploma de preparatoria o un certificado reconocido por el estado como equivalente al diploma de preparatoria; o
      2. documentación de una evaluación de competencia de su experiencia y competencia para realizar las tareas de trabajo, que incluya:
         A. una valoración escrita basada en competencias; y
         B. por lo menos tres referencias personales escritas de personas no relacionadas por sangre, que indiquen su capacidad de ofrecer un ambiente seguro y sano a las personas que reciben servicios;
         C. no debe ser el representante legalmente autorizado (LAR) de la persona, esposo(a) del LAR, representante designado ni esposo(a) del representante designado.

7. Los proveedores de servicios de habilitación de CLASS contratados antes del 1 de junio de 2015 (que satisfacen los requisitos actuales para un proveedor de servicios de habilitación) pueden brindar PAS/HAB de CFC.

8. Las regulaciones federales de CFC dan a los empleadores de CDS el derecho de establecer cualificaciones adicionales para proveedores de PAS/HAB de CFC, más específicas que los requisitos mínimos establecidos por el estado, basadas en las necesidades y preferencias de la persona. Además, el empleador de CDS puede exigirle al proveedor de servicios de PAS/HAB que asista a una capacitación respaldada por la Comisión de Salud y Servicios Humanos (HHSC) o el DADS para que el proveedor de servicios pueda satisfacer cualquier cualificación adicional que desee la persona o el LAR.
9. Los empleadores de CDS pueden capacitar al proveedor de PAS/HAB de CFC en la ayuda específica que necesita la persona y pedirle al proveedor de servicios que realice los PAS/HAB de CFC de manera que satisfagan las preferencias personales, culturales o religiosas de la persona.

10. En la medida permitida por la Sección 531.051(e), del Código Gubernamental de Texas, un empleador de CDS puede permitir que un proveedor de PAS/HAB de CFC realice una tarea relacionada con la salud que una enfermera registrada no delega.

11. Los empleadores de CDS no están obligados a completar el paquete de nuevo empleo para los empleados contratados antes del 1 de junio de 2015, que brindan PAS/HAB de CFC.

12. Con la ayuda de la agencia de FMS, los empleadores de CDS tendrán que completar un presupuesto revisado cuando el plan de servicios cambie para incluir PAS/HAB de CFC.

13. Según las regulaciones de CFC, el costo de las revisiones de antecedentes penales no se deducirá del presupuesto del empleador para PAS/HAB de CFC. La agencia de FMS cubrirá el costo de las revisiones de antecedentes penales de los proveedores de servicios que brinden PAS/HAB de CFC. El costo de las revisiones de antecedentes penales se seguirá cargando al presupuesto del empleador de CDS para otros proveedores de servicios que no sean de PAS/HAB de CFC, como los que prestan servicios de relevo o enfermería.

Si tiene preguntas sobre el contenido de esta carta, escriba al correo electrónico de CDS en cds@dads.state.tx.us.

Atentamente

[firma de archivo]                     [firma de archivo]

Donna Jessee               Elisa J. Garza
Director                   Assistant Commissioner
Center for Policy and Innovation       Access and Intake