

CLASS Webinar Questions (8/22/17)

Question	SME	Response
<p>Since CLASS Transportation isn't an EVV mandated service, would the provider have to clock out for the time providing the transportation and clock back in for the shopping or other activity or subtract this time on their EVV record?</p>	<p>EVV & LTSS</p>	<p>Using Electronic Visit Verification (EVV) system is required for DSAs providing CFC PAS/HAB and in-home respite. CLASS transportation-habilitation data is not collected by the EVV system. Therefore, if the same DSA staff person is providing PAS/HAB services and transportation-habilitation, the DSA must ensure that staff stop tracking time on the EVV system while providing CLASS transportation-habilitation services. The staff must resume tracking time on the EVV system when that staff resumes providing PAS/HAB services.</p>
<p>If providing both CFC PAS/HAB and Transportation services, does the attendant need to clock out of EVV when transporting the client and clock back in when done transporting the client; then do the same on the return trip? Will it have to be called to the office to deduct from the EVV time? Is this how it is supposed to be done?</p>	<p>EVV & LTSS</p>	<p>Using Electronic Visit Verification (EVV) system is required for DSAs providing CFC PAS/HAB and in-home respite. CLASS transportation-habilitation data is not collected by the EVV system. Therefore, if the same DSA staff person is providing PAS/HAB services and transportation-habilitation, the DSA must ensure that staff stop tracking time on the EVV system while providing CLASS transportation-habilitation services. The staff must resume tracking time on the EVV system when that staff resumes providing PAS/HAB services. Each DSA is responsible for setting internal policies for employees who provide both PAS/HAB services and transportation-habilitation to follow regarding notification to the DSA.</p>
<p>When an employee is transporting a CLASS individual using CLASS transportation how is that documented in EVV? Would the service provider clock out of CFC PAS/HAB, then clock in when they return back to the individual's home? How is the provider going to be paid for the time they were transporting the individual?</p>	<p>EVV and LTSS</p>	<p>Using Electronic Visit Verification (EVV) system is required for DSAs providing CFC PAS/HAB and in-home respite. CLASS transportation-habilitation data is not collected by the EVV system. Therefore, if the same DSA staff person is providing PAS/HAB services and transportation-habilitation, the DSA must ensure that staff stop tracking time on the EVV system while providing CLASS transportation-habilitation services. The staff must resume tracking time on the EVV system when that staff resumes providing PAS/HAB services.</p>
<p>Who does the EVV visit verifications in CDS?</p>	<p>EVV & LTSS</p>	<p>Individuals in the CLASS program using the CDS option are not required to use EVV. It is optional.</p>
<p>Explain the policy regarding use of cell phones when using EVV?</p>	<p>EVV</p>	<p>Cell phones are not allowed to be used to clock-in and clock-out of the EVV system, except for the CDS option. If the attendant is calling in Small Alternative Device (SAD)</p>

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		codes, a cell phone may be used. An attendant can use any phone to call in SAD codes.
Is there a policy regarding EVV whenever an individual changes the schedule, and as a result of that change there is a 1 or 2 hours over the authorized hours?	EVV & LTSS	Any changes to the PAS/HAB schedule must be documented on Form 3596, PAS/Habilitation Plan – CLASS/DBMD/CFC as described in the instructions by stating the form is updated at the annual renewal and whenever habilitation tasks or other habilitation services are added or changed in the plan.
In cases where a designated representative is assigned, should the DR be present at annual SPT meetings and sign time sheets?	CDS	As described in 40 TAC §41.103, a designated representative is a willing adult appointed by the employer to assist with or perform the employer's required responsibilities to the extent approved by the employer. The employer maintains responsibility and accountability for decisions and actions taken by the DR. An employer can assign the DR the responsibility of attending the annual meeting on behalf of the employer or signing timesheets. The employer decides which employer tasks the DR will help with or conduct.
How do bonuses work, are the employers allowed put them on timesheets that employee will get for example 500 dollars? Is this supposed to be budgeted at the beginning of plan of care year? What is the max allowed to be allotted for bonuses for employees?	CDS	<p>A bonus must be pre-planned and budgeted. Funds for a bonus must be accrued (saved) from each hour worked by the employee before the bonus payment is made.</p> <p>Example: The employer calculates that the employee will work 40 hours per week for 50 weeks, for a total of 2,000 hours. The employer wants to budget a \$500 bonus to be paid at the end of the 12 months. The budget is calculated at \$.25/hour from each hour the employee works to accrue (save) \$500.</p> <p>As the employee works through the year, the funds are accrued at \$.25 of each hour worked by the employee. If the employee only worked 1800 hours, only \$450 will have been accrued at the end of the 12 months. The bonus amount would be limited to \$450.</p> <p>The budget must reflect the bonus and the amount per hour worked and the total amount to be accrued. See Section 1000 of the Consumer Directed Services Handbook for more information. https://hhs.texas.gov/laws-regulations/handbooks/consumer-directed-services-handbook</p>
If an individual desiring to use CDS is incapable of talking, communicating, and	CDS	Yes, the case manager is required to meet with each individual at enrollment in the CLASS program and annually thereafter to

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<p>or has cognitive impairment where he/she cannot self-direct medical care, and the individual does not have a guardian, then should the CDS option still be offered?</p>		<p>provide the individual an opportunity to participate in the CDS option. An individual or LAR who is not able to complete the CDS self-assessment must appoint a designated representative in order to participate in the CDS option.</p>
<p>Does the FMSA inform individual of form 1720 and request that a designated representative is needed?</p>	CDS	<p>An individual or LAR who elects to participate in the CDS option must complete the self-assessment in HHSC Form 1582, Consumer Directed Services Responsibilities. An individual or LAR who is not able to complete the self-assessment must appoint a DR in order to participate in the CDS option. If the employer chooses to appoint a DR, or change a DR, or is required to appoint a DR at enrollment in the CDS option, the employer must complete HHSC Form 1720, Appointment of Designated Representative. The employer must fax or mail a copy of Form 1720 to the FMSA within five working days after the appointment or change of a DR.</p>
<p>Some FMSAs are saying they have to pay overtime when transportation-habilitation is provided, others are not. Please clarify.</p>	CDS	<p>Overtime pay for employees must be calculated and paid in accordance with current state or federal laws and regulations for payment of overtime. If PAS/HAB is self-directed, then payment for transportation-habilitation services must be included in total number of PAS/HAB and habilitation allotted to that service provider. An employer and FMSA must make budget revisions if necessary to compensate for payment of overtime pay that must be calculated and paid in accordance with current state and federal labor laws and regulations.</p>
<p>How could an individual that cannot make their own decisions and requires a designated representative not have the designated representative present at any and all meetings and verify that services are actually being provided?</p>	CDS	<p>Unless an individual has been determined by a court as incapable of making decisions for themselves, the assumption must be that the individual has that capacity. A designated representative must be appointed when an individual cannot complete Form 1582. CDS Consumer Self-Assessment. An employer must attend and participate in the individual's service planning meeting. An employer's DR may also attend the meeting with approval of the individual or LAR. An employer or DR must provide documentation related to services, service delivery, and participation in the CDS option when requested by a case manager or service coordinator.</p>
<p>Over the past year, DSAs have been making clients go on the CDS option if they</p>	CDS and LTSS	<p>Each individual may choose whether to self-direct services or receive services using the agency option. DSAs do not have authority to</p>

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require transfers - how is this fair? Isn't it the client's choice????		require an individual to choose one service delivery option over another. If a DSA is engaging in this behavior please notify HHSC through the CLASSPolicy@hhsc.state.tx.us mailbox.
Does a DSA need the hab back-up plan of a CDS Participant?	CDS and LTSS	As specified in 40 TAC §41.315 , a FMSA must retain a copy of service back-up plans received from the employer. As specified in 40 TAC §45.807 , the DSA must maintain any new or revised DADS Provider Agency Model Service Backup Plan form for the current IPC period.
Can a DSA refuse to take a client before even sending out a nurse or DSA representative to see if they can provide services?	LTSS & Regulatory	CLASS rules do not require the DSA to evaluate an individual before agreeing to accept an individual for services. As described in 40 TAC §45.212 , DSAs serving the catchment area in which the individual resides are not willing to provide CLASS Program services or CFC services to an individual because they have determined that they cannot ensure the individual's health and safety, the CMA must provide, in writing, the specific reasons the DSAs have determined that they cannot ensure the individual's health and safety If the HCSSA refuses to accept an individual, to justify and document the specific reason(s) why it is unable to serve the individual, please notify HHSC through the CLASSPolicy@hhsc.state.tx.us mailbox. For example, when an agency has served or is serving an individual with needs similar to the individual being considered for services, it must clearly explain and demonstrate the differences that prevent it from serving the individual under consideration.
What about when a DSA fails to send a representative to an SPT meeting?	LTSS and Regulatory	As specified in 40 TAC §45.805 , a DSA must ensure that a DSA staff person participates as a member of an individual's service planning team. The individual or case manager, acting as an advocate for the individual, may contact Consumer Rights and Services at 800-458-9858.
What does "ABL instrument is not attached" mean on a remand.	LTSS and IDD PES	As specified in 40 TAC §45.213 for a decision regarding the individual's eligibility the DSA must submit the results of a completed adaptive behavior screening assessment, the completed DADS Related Conditions Eligibility Screening Instrument; and the completed ID/RC Assessment.

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If a CMA has tried to get a reason from the DSA about refusing to provide services, how can we send that information as required?	LTSS & UR	CLASS rules in 40 TAC §45.212(e) require the CMA to provide in writing, the specific reasons the DSAs have determined that they cannot ensure the individual's health and safety. The CMA should provide this information to CLASSPolicy@hhsc.state.tx.us mailbox for assistance.
What about when a DSA fails to send a representative to an SPT meeting?	LTSS	As specified in 40 TAC §45.805 , a DSA must ensure that a DSA staff person participates as a member of an individual's service planning team. The individual or case manager, acting as an advocate for the individual, may contact Consumer Rights and Services at 800-458-9858.
Can the adult sibling of an individual provide respite to a minor living in the same home?	LTSS	As specified in 40 TAC §45.103(91) If the person who routinely provides assistance and support, resides with the individual, and is temporarily unavailable to provide assistance and support, is a service provider of habilitation or CFC PAS/HAB or an employee in the CDS option of habilitation or CFC PAS/HAB, respite is not authorized unless the service provider of respite or employee in the CDS option of respite does not have the same residence as the individual. An adult sibling living in the same residence of an individual in the CLASS program may provide respite if the person who routinely provides assistance and support does not reside with the individual.
DSAs tell their clients they do not allow them to drive. We bring up Hab Transportation and they say they don't allow this service.	LTSS	As specified in 40 TAC §45.805 , A DSA must ensure that transportation as a habilitation activity or as an adaptive aid is provided in accordance with the individual's transportation plan. Additionally, CLASS rules in 40 TAC §45.805 specify the DSA must ensure CLASS services are provided in accordance with the individual's IPC and the individual's IPP.
Will you please discuss whether or not there will be an upcoming roll-out?	LTSS	The most recent legislative session did not allocate any additional funding to reduce the size of the CLASS Interest List.
Please repeat email for questions.	LTSS	The mailbox for CLASS policy questions or questions about this webinar is classpolicy@hhsc.state.tx.us .