



# **Texas Council on Consumer Direction Annual Report**

**As required by**

**Texas Government Code, Section 531.012**

**October 2018**

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## Disclaimer

This report was not authored by and does not reflect the views and opinions of the Texas Health and Human Services system, its component agencies, or staff.

This report has been lightly edited by HHSC staff for formatting and grammar.

## Executive Summary

The Texas Council on Consumer Direction (the Council), is a 17-member advisory committee established under the authority of [Texas Government Code, Section 531.012](#). The Council advises the Health and Human Services Commission (HHSC) and develops recommendations to its Executive Commissioner on the development, implementation, expansion, and delivery of services through consumer direction, in all programs offering long-term services and supports (LTSS). These recommendations are made to enhance a consumer's ability to have freedom and exercise control and authority over the consumer's choices, regardless of age or disability.

The consumer directed services (CDS) option —when compared to agency-directed services—offers more freedom, choice and control over the supports and services to people who use LTSS and mental health services. Self-direction is a movement, philosophy, and a delivery model with about 13,718 Texans using the CDS option for services and supports through Medicaid managed care or home and community-based programs.

The Council first convened in September 2016 and has since met on a quarterly basis. Its goal is to make recommendations to:

- Expand the delivery of services through consumer direction to other programs serving persons with disabilities and elderly persons under Texas Government Code, Chapter 531, Subchapter B;
- Expand the array of services delivered through consumer direction;
- Increase the use of consumer direction models by consumers;
- Optimize consumer choice of Financial Management Services Agencies (FMSAs);
- Expand access to support advisors for consumers receiving long-term care services and supports through consumer direction;
- Monitor and analyze research for best practices in self-determination, consumer direction, and training;
- Provide guidance and support to consumer outreach efforts; and
- Increase informed choices, opportunities, and supports as a means to lead self-determined lives through the use of consumer direction models.

Much of the work of the Council is led by its three subcommittees. The three subcommittees are: Consumer Directed Services Processes and Expansion (CDSPE); Quality Assessment and Performance Improvement (QAPI); and Training and Outreach. The subcommittees develop systematic recommendations to the full Council for further discussion, review, and approval.

The report will cover meetings, major activities, and outcomes undertaken by the Council in 2017 and 2018. The information in this report is current as of August 2018.

This 2018 Texas Council on Consumer Direction Report reflects the views and opinions of a majority of the Council's membership. The Council, for purposes of this report, refers only to those members named to the Council by the HHSC Executive Commissioner and does not include state agency representatives. Unless otherwise noted, the views and opinions expressed in these recommendations do not necessarily reflect the policies of HHSC or any state agency represented on the Council.

# 1. Introduction

The Council has completed its second year of meetings beginning September 12, 2017. Meetings are held quarterly; however, when determined necessary by the council additional meetings can be scheduled. Subsequent meetings were held on December 5, 2017; February 27, 2018; April 13, 2018 and June 5, 2018. Meetings are scheduled for September 11, 2018 and December 4, 2018. See Appendix D for a record of members' attendance.

At the September 12, 2017 meeting, the Council adopted the process by which officers would be elected. The HHSC Electronic Visit Verification (EVV) Coordinator provided the council with updates on the progress of EVV and that they were waiting on additional clarification on CMS regarding the Cures Act. A CDS/EVV workgroup has been created. The Director of Policy and Program Development, Medicaid and CHIP Services Department, HHSC provided a Post Legislative Session and Special Session Update to the Council specifically about special session and how H.B.3295 and Rider 187 directly impact and relate to Consumer Direction. State agency representatives provided updates including utilization chart review. Amongst other topics reviewed and discussed were that of the abuse, neglect and exploitation rules project that was still underway. The Council received updates on the progress and timely reporting of actions by the Intellectual and Developmental Disability (IDD) System Redesign Advisory Committee (SRAC). State agency representatives provided updates including, utilization chart review. In closing of the meeting subcommittee chairs provided updates and next steps on continuing objectives.

The December 05, 2017 meeting began with an update to the Council from HHSC EVV Contract Manager on EVV Update and Summary of EVV Workgroup Meeting. The update identified that three EVV Pilots will be underway and the Council responded by requesting action items for additional information on how the difference in federal and state standards would be handled, the use of GPS and how many consumers are participating in the GPS Pilot. The Council was briefed by HHSC staff on CDS Data Utilization Review, State Agency Representative provided updates on Home and Community Based Services (HCBS) Settings and how the scope was narrowed to individuals receiving residential services which precluded them from CDS. TCCD council members participating in the IDD SRAC shared that CDS continues to be represented at SRAC meetings and that CDS is shown to be growing in utilization of Employment Services. Subcommittees provided updates

and list of next steps in fulfilling their objectives in the development, implementation, expansion, and delivery of services through consumer direction, in all programs offering long-term services and supports (LTSS).

The February 27, 2018 meeting began with the introduction of new members and the election of a new TCCD Chair. The Council reviewed the process of reviewing, customizing, and adopting new bylaws. An update on the IDD SRAC meetings was provided regarding Day Habilitation and Employment, Transition to Managed Care and System Adequacy. CDS Rates gave a presentation on CDS Rates, how they are calculated and why there is a difference between CDS rates and other programs. The Council requested a report from Rate Analysis regarding where rates would be if the rate enhancement model used to set the first CDS rates were updated.

State Agency Representatives provided updates on their respective agencies including a PowerPoint and handout titled "Adult Protective Services Update from Adult Protective Services." HHSC EVV Operations provided an update on EVV and the scheduling of an upcoming CDS EVV Workgroup meeting. EVV Demonstration with GPS was given by the CEO and Director of Operations of Data Logic software, titled "Vesta for Consumer Directed Services (CDS) & Financial Management Service Agencies (FMSA)." The Council discussed having an EVV subcommittee or holding an additional meeting before the next scheduled Council meeting. Subcommittee updates and next steps were given by subcommittee chairs.

On April 13, 2018 an additional meeting was held to address various topics that were time sensitive in nature, EVV being one of the many. An update on the SRAC was given by HHSC explaining the transition of LTSS provided through the Texas Home Living waiver to managed care, which is a statewide stakeholder process that uses the IDD SRAC as a hub. CDS Rates and the Legislative Appropriations Request was discussed and the Council agreed it would present a letter to Charles Smith, Executive Commissioner of HHSC, asking that he add to the Legislative Appropriations Request enough funds to raise CDS rates to the current average level of participation in the Attendant Compensation Rate Enhancement program. This letter was prepared and sent to the HHSC Executive Commissioner. In a follow-up telephone conference call, Rate Analysis staff advised that the information regarding the increase was provided to HHSC staff who were preparing the Legislative Appropriations Request.

Applied Self-Direction members referenced and provided the handout and PowerPoint titled "Electronic Visit Verification (EVV) Implementation in Self Direction."

At the June 05, 2018 meeting the Council had extensive discussions regarding EVV and the Cures Act, and received public testimony regarding the same from several individuals and organizations including ADAPT of Texas. The Council voted to send a letter to the Executive Commissioner regarding its concerns about EVV. At this meeting, the Council was also updated on My Voice, My Choice: Testing Mental Health Self-Direction by Dena Stoner. The Council also heard a report on the investigation of abuse, neglect and exploitation in Consumer Direction.

## 2. Background

Consumer Directed Services in Texas began as a pilot for two attendant services programs as authorized by the 75th Texas Legislature in 1997. The pilot proved successful and S.B. 1586, 76th Legislature, Regular Session, 1999, authorized “the vendor fiscal intermediary” (VFI) option—the forerunner of the CDS option.

In 2001, the CDS option was implemented in two Medicaid waiver programs—Community Living Assistance and Support Services (CLASS) and Deaf Blind Multiple Disabilities (DBMD). Additional programs added the CDS option as follows:

- 2002 – Community Based Alternatives (CBA) and Primary Home Care (PHC),
- 2003 – STAR+PLUS,
- 2005 – Medically Dependent Children’s Program (MDCP),
- 2007 – Personal Care Services (PCS), and
- 2008 – Home and Community based Services (HCS) and Texas Home Living (TxHmL).

A brief description of these services is located in Appendix A. In the years since, there has been growing acceptance and support of expanding consumer-direction options and promoting it as empowering for people with disabilities and people who are older who want to live in the community and have maximum choice and control. Also, given state agency interest and support for expanding consumer direction, it is evident there is a growing recognition that CDS is an effective means of helping people live as independently as possible in their communities—and not in costly institutions.

There are a number of reasons CDS can be a more desirable option than the provider agency option. Individuals who opt for CDS hire and train their own employees (including family, friends, or neighbors); decide how much to pay employees (within program rates); make schedules to meet their needs; and select a financial management services agency (FMSA) that will pay employees and taxes on their behalf. In contrast, in the provider agency option, the agency selects, schedules, and manages the people paid to help individuals as well as sets wages and benefits.

## 3. Key Elements

### Mission and Vision

The Council as a whole has focused on learning, developing its mission and vision statements, agreeing on goals and assigning those goals to the appropriate subcommittee.

The Council's mission statement is:

To enhance the lives of individuals self-directing services and increase utilization of consumer directed services by improving quality outreach and education, and establishing effective processes.

The vision statement adopted by the Council is:

Consumer Directed Services in Texas is envisioned to be a highly-effective, person-centered delivery methodology that empowers individuals to realize their full potential and to live independent lives.

### Subcommittees

Most of the Council's work is done through its subcommittees. There are currently three standing subcommittees. Issues are discussed by subcommittees and recommendations are brought back to the full council for discussion and possible adoption.

In the first year, the subcommittees concentrated on identifying goals and developing recommendations for achieving those goals. During the second year, the subcommittees have worked to achieve their goals and develop recommendations.

The Council's responsibilities are listed below along with the subcommittee to which each has been assigned:

#### **CDS Processes and Expansion Subcommittee:**

- Expand the delivery of services through consumer direction to other programs serving persons with disabilities and elderly persons under Texas Government Code, Chapter 531, Subchapter B.
- Expand the array of services delivered through consumer direction.

- Monitor and analyze research for best practices in self-determination, consumer direction, and training (also assigned to QA/PI Subcommittee).
- Increase informed choices, opportunities, and supports as a means to lead self-determined lives through the use of consumer direction models.

To achieve these goals, CDS Processes and Expansion has adopted this mission statement:

Expanding the delivery of services through consumer direction to programs serving persons with disabilities and elderly persons and improving CDS processes to better address person-centered needs.

It established these goals:

**Goal 1:** By March 2020, identify and correct barriers regarding full budget authority and implement full budget authority in all CDS programs.

By CMS definition, Texas already offers full budget authority in all 1915(c) waivers. The subcommittee intends to explore possibilities and methods which would allow:

- Increased employer flexibility to:
  - ▶ Amend what money can be used for, and
  - ▶ Allow for increased flexibility in moving funds between pools of money.
- Increase employer authority by:
  - ▶ Allowing the purchase of goods in place of services, and
  - ▶ Conducting research into practices by other states.

**Goal 2:** By March 2020, add the CDS option to all LTSS through existing Medicaid waivers and managed care programs administered by HHS. By March 2020, identify barriers to the CDS option being offered through all public sector services administered or overseen by HHS.

**Goal 3:** By March 2020, identify barriers to uptake in the CDS option. Prioritize and correct processes, rules, policies and procedures that may serve as a barrier to uptake in the CDS option.

### **Training and Outreach Subcommittee:**

- Increase the use of consumer direction models by consumers.
- Expand access to support advisors for consumers receiving LTSS through consumer direction.
- Provide guidance and support to consumer outreach efforts.

To achieve these goals, the Training and Outreach subcommittee adopted this mission statement:

Promote and educate individuals about the self-directed philosophy and enhance skills of those involved in consumer directed services.

It established these goals:

**Goal 1:** Update training materials to enhance resources for those involved in the CDS option.

- Assign sub-groups (participant, employer, employee, family, case manager, MCO, FMSA) to committee members to catalog training materials and bring to the subcommittee for review.
- Identify gaps in training and choose sub-group to pursue first to revise or develop materials.
- Measure effectiveness of existing materials by Survey Monkey and gather ideas for means for training and use feedback to revise or design materials.
- Disperse materials for review and use feedback to finalize materials.

**Goal 2:** Identify training to improve people's knowledge about self-directing services.

- List means for current training and webinars on self-directed services for identified sub-groups.
- Review feedback from past trainings offered for identified sub-group, assessing what training modalities are helpful and gathering ideas for new options.
- Schedule three trainings or distribution methods of enhanced materials.

**Goal 3:** Review and revise outreach materials and increase outreach activities to develop awareness of the CDS option.

- Identify existing activities that have occurred the past three years and their effectiveness (evaluations, attendance, etc.) and review material utilized (i.e., brochure, video).
- Identify gaps in outreach activities and materials and suggest new or revision of new activities and materials and share outreach ideas with council for feedback.
- Identify and plan for three outreach events or disbursements of material based on council feedback.
- Evaluate outreach activities conducted.

The Training and Outreach subcommittee began the year by gathering and indexing training and outreach materials for subgroups utilizing or involved with the self-directed option. The committee quickly focused on outreach and training materials for participants, family members and case managers. The CDS video was developed and released, which is a great tool for explaining the option to a wide audience. The committee has made the recommendation that the video be used by case managers to explain the option at assessment and annually thereafter. Additionally, the committee has recommended that the state encourage MCOs, FMSAs and LIDDAs to have the link to the video on websites.

The Service Coordinator training manual was reviewed and suggestions made for updates and revisions submitted to state personnel. This manual is used by MCO service coordinators as a training tool for the consumer directed option.

Outcomes for the year included:

- Gathered outreach and training materials from different sub-groups for review
- Reviewed and revised transcript for Outreach video for Consumer Directed Services.
- Identified Spanish and Vietnamese as languages in which to produce video.
- Outlined plan for distribution of video to case managers, FMSAs and other groups
- Revised Service Coordinator Manual for STAR+PLUS and submitted comments to state
- Initiated review of the Consumer Directed Services Brochure
- Outlined training topics for employers for potential training video.

Lastly, review of the Consumer Directed Services option brochure and Consumer Handbook has begun. The committee will give the state feedback for needed revisions and work closely with state personnel to produce a finished product.

#### **Quality Assessment & Performance Improvement Subcommittee:**

- Optimize consumer choice of FMSA.
- Monitor and analyze research for best practices in self-determination, consumer direction, and training.

The Quality Assessment & Performance Improvement subcommittee adopted the following mission statement:

The Quality Assessment & Performance Improvement subcommittee exists to ensure individuals are empowered and rights are protected by identifying best practices and establishing clear, quality performance guidelines that will truly impact service delivery in the CDS option.

The Quality Assessment and Performance Improvement subcommittee established these goals:

**Goal 1:** By 2020, develop a handbook to be followed by all FMSAs, focusing on systems that will be beneficial to the overall quality of CDS, to include but not limited to: quality assessment and performance improvement, nursing guidelines, and best practices.

**Goal 2:** By 2020, develop a system to assess FMSA quality and develop quality rating so that individuals can make an informed choice utilizing a standard satisfaction survey.

**Goal 3:** By 2020, develop a requirement for program monitoring for all MCO-run FMSA programs with practical data to ensure quality measures are met.

## **Associated Costs**

The costs related to the Texas Council on Consumer Direction, including the cost of HHSC staff time spent supporting the Council's activities, is budgeted at \$69,099 for 2018. An annual cost of \$69,099 has been budgeted for year 2019 and a cost of \$65,380 has been budgeted for year 2020. In 2016, the expended cost was \$65,813 and the estimated cost for 2017 was \$69,099. Federal funding and state general revenue match for Medicaid are used to support the council's activities.

## 4. Conclusion

Consumer direction plays an important role in expanding the opportunities for persons receiving LTSS to remain active and integrated within their communities. The Council can play an important role in preserving and expanding these opportunities.

The challenges that lie ahead include:

- Attracting qualified attendants to positions that require substantial work but offer low reimbursement.
- Concerted efforts by all those in the field to educate new service coordinators and others on the CDS service delivery option in STAR Kids and managed care programs.
- Providing new or updated outreach and training materials that effectively meet educational needs.

## List of Acronyms

Acronym	Full Name
CAS	Community Attendant Services
CBA	Community Based Alternatives
CDS	Consumer Directed Services
CDSPE	Consumer Directed Services Processes and Expansion
CDW	Consumer Direction Workgroup
CLASS	Community Living Assistance and Support Services
CMPAS	Consumer Managed Personal Attendant Services
DBMD	Deaf Blind with Multiple Disabilities
FMSA	Financial Management Services Agency
HCS	Home and Community-based Services
LAR	Legally Authorized Representative
LIDDA	Local Intellectual and Developmental Disability Authority
MDCP	Medically Dependent Children Program
PCS	Personal Care Services
QAPI	Quality Assessment and Performance Improvement
SDC	Self-Directed Care
TxHmL	Texas Home Living

## Appendix A. Services Available Through the CDS Option

Program	Services Available Through the CDS Option
Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB)	Personal Assistance Services (PAS), Habilitation (HAB)
Community Living Assistance and Support Services (CLASS)	In-home and out-of-home respite services, transportation (habilitation), nursing, physical therapy, occupational therapy, speech, hearing and language services, cognitive rehabilitation therapy, employment assistance, supported employment, Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB)
Comprehensive Children's Program	Personal care services (PCS), Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB)
Consumer Managed Personal Assistance Services (CMPAS)	Personal Assistance Services
Deaf Blind with Multiple Disabilities (DBMD)	Respite services, transportation (residential habilitation), intervener, supported employment, employment assistance, Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB)
Home and Community Based Services (HCS)	Respite, transportation (supported home living), nursing, cognitive rehabilitation therapy, supported employment, employment assistance, Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB)
Primary Home Care (PHC); Family Care (FC); Community Attendant Services (CAS)	Personal Assistance Services (PAS)

Program	Services Available Through the CDS Option
STAR Kids	Personal Care Services (PCS), Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB)
STAR Kids Medically Dependent Children Program (MDCP)	Respite services and flexible family support services delivered by an attendant or a nurse, employment services, supported employment
STAR+PLUS	Personal assistance services, Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB)
STAR+PLUS Home and Community Based Services (HCBS)	Personal assistance services, including protective supervision, respite services, skilled nursing, physical therapy, occupational therapy, speech language therapy, cognitive rehabilitation therapy, employment assistance, supported employment, Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB)
Texas Home Living (TxHmL)	All services, Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB)

## Appendix B. List of Appointed Members

Name	From City/Town	Membership Type	Term Ends July 1 <sup>st</sup>	Subcommittee & Position
Diego Astolfo	Southlake	Advocate	2019	QAPI, Chair
Helen Baker	San Antonio	FMSA	2019	QAPI; Vice-Chair of Council
Mika Bradford	Keller	Advocate	2020	QAPI; Chair of Council
Ricky Broussard	Texas City	Consumer	2020	Training and Outreach
Heidi Davis	Richardson	FMSA	2020	Training and Outreach, Chair
Len Davis	Aubrey	FMSA	2019	QAPI
Roger DeLeon	Pflugerville	Provider	2020	Training and Outreach, Vice-Chair
Diane Felder, M.D.	Cypress	Provider	2019	Training and Outreach
Greg Hansch	Austin	Advocate	2019	CDSPE
Del Hodge	Sugarland	Family Member	2020	CDSPE
Linda Levine	Bee Cave	Advocate	2019	CDSPE, Co-Chair
Stephanie Martinez	Round Rock	Service Representative, Personal Care Attendant	2020	CDSPE, Co-Chair
Dean Pye	Abilene	LIDDA	2020	QAPI, Vice-Chair
Randell Resneder	Wolfforth	Consumer	2019	CDSPE, Honorary Co-Chair
Keisia Sobers-Butler	Spring	Provider	2020	Training and Outreach
Misty Sullivan	League City	Advocate	2020	CDSPE
Nell Walder	Houston	Advocate	2020	Training and Outreach

## Appendix C. List of State Agency Representatives

Name	Category Type	Agency	Subcommittee
Sallie Allen	Presiding Officer, HHSC Liaison	HHSC	all
Kari Brock	Expert, Consumer Directed Services Policy	HHSC	all
Paula Brunson	Expert, State Employment Services	TWC	CDSPE
Rayne Cacho	CDS Staff Operations	HHSC	all
Suzanna Carter	Coordinator	HHSC	n/a
Peter Dean	Expert, State Unemployment Services	TWC	n/a
Rachel Neely	Expert, Consumer Direction/Intellectual and Developmental Disabilities Policy	HHSC	all
Michael Roberts	Expert, Adult Protective Services	DFPS	n/a
Sylvia Salvato	Expert, Managed Care Programs	HHSC	all
Dena Stoner	Expert in Mental Health	HHSC	n/a

## Appendix D. Attendance Record

Name	Meeting Dates														
	9/12/2017			12/05/2017			2/27/2018			4/13/2018			6/05/2018		
	Yes	No	Phone	Yes	No	Phone	Yes	No	Phone	Yes	No	Phone	Yes	No	Phone
Diego Astolfo	X			X					X			X	X		
Helen Baker	X			X			X			X			X		
Mika Bradford <i>Appointed 2/2018</i>							X			X			X		
Ricky Broussard			X	X			X					X	X		
<del>Leslie Curtis</del> <i>Appointed 2/2018, Resigned 6/2018</i>								x			x			x	
Heidi Davis	X			X			X					X	X		
Len Davis <i>Appointed 5/2018</i>													X		
Roger DeLeon	X			X			X			X			X		
Diane Felder, M.D.	X			X			X				X		X		
Greg Hansch	X			X			X				X		X		
Del Hodge	X			X				x			X			X	

Meeting Dates															
Name	9/12/2017			12/05/2017			2/27/2018			4/13/2018			6/05/2018		
	Yes	No	Phone	Yes	No	Phone	Yes	No	Phone	Yes	No	Phone	Yes	No	Phone
<del>Deana Jagers</del> <i>Resigned 3/2018</i>	X			X			X								
Linda Levine	X			X			X				X		X		
Stephanie Martinez <i>Appointed 2/2018</i>							x				X		X		
Dean Pye	X			X			X					X	X		
Randell Resneder <i>Appointed 2/2018</i>							X			X			X		
Keisia Sobers-Butler	X			X					X			X		X	
Misty Sullivan	X			X			X				X		X		
<del>James Van Winkle</del> <i>Resigned 12/2017</i>		x			x										
Nell Walder	X			X			X					X			X