



COMMISSIONER  
Chris Traylor

September 8, 2011

To: Community Living Assistance and Support Services Case Management Agencies  
Community Living Assistance and Support Services Direct Service Agencies  
Consumer Directed Services Agencies

Subject: Information Letter No. 11-79  
New Service Limits and Elimination of Requisition and Specification Fees in the  
Community Living Assistance and Support Services (CLASS) Program

The Department of Aging and Disability Services (DADS) is implementing cost containment measures effective December 1, 2011, as required by the 2012-2013 General Appropriations Act (Article II, Special Provisions Relating to All Health and Human Service Agencies, Sec. 17a(4) and (5), H.B. 1, 82<sup>nd</sup> Legislature, Regular Session), concerning Additional Cost Containment Initiatives. These measures include changes to the CLASS Program as described below.

#### Service Limits

Effective December 1, 2011, DADS will implement new service limits for selected CLASS Program services. With the exception of minor home modifications, which have a lifetime limit, each service limit is the maximum amount of that service an individual may receive during the individual plan of care (IPC) year. Please see the attached chart for the list of services with new limits.

If the CLASS service planning team (SPT) believes a new service limit will not permit the individual's needs to be met, the SPT may request that DADS grant an exception to the service limit. The case management agency (CMA) must provide information to DADS, which may include information from the direct service agency (DSA), demonstrating how exceeding the new service limit is necessary to meet the individual's needs.

If DADS grants an exception, the service is subject to any existing CLASS service limit. The cost of all program services is limited to the annual waiver cost limit described in DADS rule at Texas Administrative Code (TAC), Title 40, §45.201(a)(5), concerning eligibility criteria. If DADS does not grant the exception, the individual and the CMA will receive notice of the denial or reduction of that service and information about how the individual can request a fair hearing.

#### Elimination of Requisition and Specification Fees in CLASS

Effective December 1, 2011, DADS will no longer reimburse requisition fees in the following CLASS Program services:

- adaptive aids;
- dental services; and
- minor home modifications.

Effective December 1, 2011, DADS will no longer reimburse specification fees in the following CLASS program services:

- adaptive aids;
- dental; and
- minor home modifications.

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*An Equal Opportunity Employer and Provider*

CLASS Program providers must continue obtaining specifications for the above CLASS Program services. If the above services are delivered prior to December 1, 2011, the provider can bill for the requisition and specification fees. If the services are delivered after December 1, 2011, the requisition and specification fees will not longer be billable items. DADS will continue to allow providers to claim requisition fees for CLASS specialized therapies.

Effective December 1, 2011, dental evaluations in CLASS may no longer be billed as a specification fee. Individuals who receive CLASS services may receive a dental evaluation for the purpose of developing a dental treatment plan at a cost within the annual, combined service limit of \$6,935 for dental treatment and adaptive aids. The DSA will submit claims for reimbursement for dental evaluations under the dental treatment service code 5A.

#### Utilization Review

As required by the 2012-13 General Appropriations Act (Article II, Special Provisions Relating to All Health and Human Services Agencies, Sec. 56c, H.B. 1, 82<sup>nd</sup> Legislature, Regular Session), concerning Use of Utilization Management and Utilization Review Practices, DADS will continue utilization management and review (UR) activities. Specific UR thresholds will continue for each waiver program. However, DADS may conduct utilization review of any service when determined necessary.

A CLASS provider must comply with this information letter in accordance with the applicable provision in the provider agreement, which requires providers to comply with all information letters promulgated by DADS:

- Providers contracted with DADS on Form No. 3254, Section III B.3.

In addition to the chart with new service limits, please see the attached letter and the Frequently Asked Questions document that DADS will send to individuals receiving CLASS services. Also attached is an instructional guide to assist CLASS CMAs in implementing the new service limits with affected individuals.

If you have any questions about this information letter, please contact the CLASS mailbox at [CLASS@dads.state.tx.us](mailto:CLASS@dads.state.tx.us).

Sincerely,

*[Signature on file]*

Teresa Richard  
Director, Center for Policy and Innovation

TR:cp

#### Attachments

Letters to Individuals Participating in the CLASS Program (English and Spanish)  
Frequently Asked Questions (English and Spanish)  
Service Limits  
Instructional Guide for Case Management Agencies



COMMISSIONER  
Chris Traylor

September 9, 2011

Dear Participant:

The Department of Aging and Disability Services (DADS) is making changes to the Community Living Assistance and Support Services (CLASS) program that create new service limits for some CLASS services beginning December 1, 2011. **The new service limits may or may not affect your current CLASS individual plan of care (IPC).**

If these changes affect your services, your CLASS case manager will contact you before December 1, 2011, to discuss the CLASS services on your current IPC and answer your questions. If a service you are receiving has a new service limit and you believe you need that service in an amount that exceeds the limit, you can ask DADS to grant an exception. If these changes do not affect your services, you will not be contacted by your CLASS case manager.

**The following CLASS services will have new service limits:**

<u>CLASS Service</u>	<u>New Service Limit for IPC year</u>
• Adaptive aids and dental treatment	\$6,935 combined
• Behavioral support	192 hours
• Habilitation	3,312 hours
• Minor home modifications	\$7,515*
• Occupational therapy	83 hours
• Physical therapy	91 hours
• Prevocational services	\$13,965
• Respite	29 days
• Specialized therapies (i.e., aquatic therapy, hippotherapy, massage therapy, music therapy, recreational therapy, therapeutic horseback riding)	\$10,118 combined
• Speech therapy	56 hours

\* *Lifetime limit*

**The following CLASS services will not have new service limits:**

- Auditory integration training/auditory enhancement training
- Case management
- Continued family services
- Financial management services

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- Nursing services
- Nutritional services
- Support consultation
- Support family services
- Supported employment
- Transition assistance services

Enclosed with this letter is a Frequently Asked Questions (FAQ) explaining more about the new service limits and the process for requesting an exception to a service limit. If you have questions about this letter or the FAQ, please contact your CLASS case manager.

Sincerely,

*[Signature on file]*

Gary Jessee  
Assistant Commissioner

GJ:cs

Attachment:  
FAQ



COMMISSIONER  
Chris Traylor

9 de septiembre de 2011

Estimado participante:

El Departamento de Servicios para Adultos Mayores y Personas Discapacitadas (DADS) está haciendo cambios al Programa de Servicios de Apoyo y Asistencia para Vivir en la Comunidad (CLASS) que crean nuevos límites de servicio para algunos de los servicios de CLASS a partir del 1 de diciembre de 2011. **Puede que los nuevos límites de servicio afecten o no afecten su actual plan individual de atención (IPC) de CLASS.**

Si esto cambios afectan sus servicios, su administrador de casos de CLASS se comunicará con usted antes del 1 de diciembre de 2011 para hablar con usted sobre los servicios de CLASS que están en su IPC actual y contestar cualquier pregunta que tenga. Si un servicio que usted recibe tiene un nuevo límite de servicio y usted cree que su necesidad de ese servicio es mayor que el límite, puede pedirle al DADS que haga una excepción. Si estos cambios no afectan sus servicios, el administrador de casos de CLASS no se comunicará con usted.

**Los siguientes servicios de CLASS tienen nuevos límites de servicio:**

<u>Servicio de CLASS</u>	<u>Nuevo límite de servicio para el año del IPC</u>
• Ayudas para la adaptación y tratamiento dental	\$6,935 combinado
• Apoyo para la conducta	192 horas
• Servicios de habilitación	3,312 horas
• Cambios menores a la casa	\$7,515*
• Terapia ocupacional	83 horas
• Terapia física	91 horas
• Servicios prevocacionales	\$13,965
• Servicios de relevo	29 días
• Terapias especializadas (es decir, terapia acuática, equinoterapia, terapia de masajes, terapia musical, terapia recreativa, equitación terapéutica)	\$10,118 combinado
• Terapia del habla	56 horas

\* *Límite para toda la vida*

**Los siguientes servicios de CLASS no tienen nuevos límites de servicio:**

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- Capacitación en integración auditiva/Capacitación en mejoramiento auditivo
- Administración de casos
- Servicios continuados para la familia
- Servicios de administración financiera
- Servicios de enfermería
- Servicios de nutrición
- Asesoría de apoyo
- Servicios de apoyo para la familia
- Empleo con apoyo
- Servicios de ayuda con la transición

Adjunto encontrará unas preguntas frecuentes que explican más sobre los nuevos límites de servicio y el trámite para pedir una excepción. Si tiene alguna pregunta sobre esta carta o las preguntas frecuentes, por favor, comuníquese con su administrador de casos de CLASS.

Atentamente

*[Signature on file]*

Gary Jessee  
Assistant Commissioner

GJ:cs

Anexo:  
Preguntas frecuentes

## Frequently Asked Questions

### New Service Limits and Exception Process – Effective December 1, 2011

- Question:** What is the purpose of the new service limits?  
**Answer:** DADS is implementing the new service limits for selected waiver services to achieve cost savings in Community Based Alternatives (CBA), Medically Dependent Children Program (MDCP), Community Living Assistance and Support Services (CLASS), and Home and Community-based Services (HCS) Program.
- Question:** When will the new service limits be effective?  
**Answer:** December 1, 2011
- Question:** When will the new service limits end?  
**Answer:** August 31, 2013
- Question:** When will I learn if a waiver service I am receiving will have a new service limit?  
**Answer:** If a waiver service on your service plan will have a new service limit, you will be contacted before December 1, 2011.
- Question:** Who will contact me and how will the contact be made?  
**Answer:** If a waiver service on your service plan will have a new service limit, you will be contacted either in-person or by telephone. The following chart describes the person for each program who will make the contact.

Waiver Program	Contact person
CBA	DADS case manager
MDCP	DADS case manager
CLASS	CLASS case manager
HCS	HCS program provider or service coordinator

- Question:** Who can I call now to find out if a waiver service I am receiving will have a new service limit?  
**Answer:** You may call the appropriate person described in the chart above.
- Question:** If one of my waiver services has a new service limit and I need that service in an amount that exceeds the limit, can I ask DADS to grant an exception to the new service limit?  
**Answer:** Yes. DADS has created a process for reviewing a request for an exception to a new service limit.
- Question:** How will the request for an exception process work?  
**Answer:** The process is a little different for the four programs that will have new service limits.

If you are enrolled in the Community Based Alternatives (CBA) program, your DADS case manager will discuss the new service limits, your individual service plan (ISP), and the exception process with you.

- Discuss with the DADS case manager your reasons for needing to receive the service in an amount that exceeds the new service limit.
- Your DADS case manager will consider the information and make a determination of whether providing the service in excess of the service limit meets the ISP criteria described in the CBA program rules.
- If dissatisfied with how your case manager handled your exception request, you should contact your DADS local office and ask to speak to your case manager's supervisor.
- If not granted an exception, you will receive a notice explaining how you can request a fair hearing to appeal the decision.

If you are enrolled in the Medically Dependent Children Program (MDCP), your DADS case manager will discuss the new service limits, your individual plan of care (IPC), and the exception process with you.

- Discuss with the DADS case manager the reasons you need to receive the service in an amount that exceeds the new service limit.
- Your DADS case manager will consider the information and make a determination of whether providing the service in excess of the service limit meets the IPC criteria described in the MDCP rules.
- If dissatisfied with how your case manager handled your exception request, you should contact your DADS local office and ask to speak to your case manager's supervisor.
- If not granted an exception, you will receive a notice explaining how you can request a fair hearing to appeal the decision.

If you are enrolled in Community Living Assistance and Support Services (CLASS), discuss with your service planning team your reasons for needing to receive the service in an amount that exceeds the new service limit.

- Your CLASS case manager will submit to DADS a *Request for an Exception of Service Limit* form that explains the reasons, as identified by you and your service planning team, you need to receive that service in an amount that exceeds the new service limit.
- DADS will review the form and determine whether providing the service in excess of the service limit meets the IPC criteria described in the CLASS program rules.
- If you are dissatisfied with how your program provider handled your exception request, you can contact DADS Consumer Rights and Services (CRS) by calling 1-800-458-9858 or emailing [CRScomplaints@dads.state.tx.us](mailto:CRScomplaints@dads.state.tx.us).

If you are enrolled in the Home and Community-Based Services (HCS) Program, discuss with your service planning team your reasons for needing to receive the service in an amount that exceeds the new service limit.

- Your HCS Program provider will submit to DADS a *Request for Exception of Service Limit* form with the information you and your HCS provider supply.
- DADS will review the form and determine whether providing the service in excess of the service limit meets the IPC criteria described in the HCS Program rules.

- If you are dissatisfied with how your program provider handled your exception request, you can contact DADS CRS by calling 1-800-458-9858 or emailing [CRScomplaints@dads.state.tx.us](mailto:CRScomplaints@dads.state.tx.us).

**9. Question:** Who at DADS will review my exception request and what are their qualifications?

**Answer:** The same DADS employees who review your ISP or IPC will review your exception request. These employees include case managers, psychologists, registered nurses, social workers, and, for the CLASS and HCS programs, qualified MR professionals (QMRPs).

**10. Question:** If DADS does not grant my request to exceed the new service limit, can I appeal DADS decision?

**Answer:** Yes.

- DADS will send a written notice with a description of whether DADS denies or reduces the service.
- The notice also will explain how you can request a fair hearing to appeal the decision.
- The person listed in the chart in the answer to #5 will assist you in submitting a request for a fair hearing.

**11. Question:** Will I continue to receive the service while the appeal is pending?

**Answer:** Yes, as long as you follow the instructions in DADS written notice and submit a request for a fair hearing by the deadline stated in that notice.

## Preguntas frecuentes

### Nuevos límites de servicio y el trámite de excepción – Vigente a partir del 1 de diciembre de 2011

- Pregunta:** ¿Cuál es el propósito de los nuevos límites de servicio?  
**Respuesta:** El DADS pondrá en práctica los nuevos límites de servicio para servicios opcionales seleccionados para lograr ahorros en los gastos del Programa de Alternativas en la Comunidad (CBA), Programa de Niños Médicamente Dependientes (MDCP), Servicios de Apoyo y Asistencia para Vivir en la Comunidad (CLASS) y Servicios en el Hogar y en la Comunidad (HCS).
- Pregunta:** ¿Cuándo entran en vigor los nuevos límites de servicio?  
**Respuesta:** 1 de diciembre de 2011
- Pregunta:** ¿Cuándo terminarán los nuevos límites de servicio?  
**Respuesta:** 31 de agosto de 2013
- Pregunta:** ¿Cuándo voy a saber si un servicio opcional que recibo tendrá un nuevo límite de servicio?  
**Respuesta:** Si un servicio opcional de su plan de servicios va a tener un nuevo límite de servicio, alguien se comunicará con usted antes del 1 de diciembre de 2011.
- Pregunta:** ¿Quién se comunicará conmigo y cómo?  
**Respuesta:** Si un servicio opcional de su plan de servicios va a tener un nuevo límite de servicio, alguien se comunicará con usted en persona o por teléfono. La tabla a continuación muestra la persona para cada programa que se comunicará con usted.

Programa opcional	Persona de contacto
CBA	Administrador de casos del DADS
MDCP	Administrador de casos del DADS
CLASS	Administrador de casos de CLASS
HCS	Proveedor del programa o coordinador de servicios de HCS

- Pregunta:** ¿A quién puedo llamar ahora para saber si un servicio opcional que recibo va a tener un nuevo límite de servicio?  
**Respuesta:** Puede llamar a la persona indicada en la tabla anterior.
- Pregunta:** Si un servicio que recibo ahora tiene un nuevo límite de servicio y necesito ese servicio en una cantidad mayor al límite, ¿puedo pedirle al DADS que haga una excepción?  
**Respuesta:** Sí. El DADS ha creado un trámite para revisar las solicitudes de una excepción al nuevo límite de servicio.

**8. Pregunta:** ¿Cómo funcionará el trámite de solicitud de una excepción?

**Respuesta:** El proceso es un poco diferente para los cuatro programas que tendrán nuevos límites de servicio.

Si usted está inscrito en el Programa de Alternativas en la Comunidad (CBA), el administrador de casos del DADS le platicará de los nuevos límites de servicio, su plan individual de servicios (ISP) y el trámite de excepción.

- Hable con el administrador de casos del DADS de su necesidad de recibir el servicio en una cantidad mayor al nuevo límite de servicio.
- El administrador de casos del DADS estudiará la información y decidirá si prestar el servicio en una cantidad mayor al límite de servicio satisface los criterios del ISP descritos en las reglas del programa de CBA.
- Si no está satisfecho con la manera en que el administrador de casos manejó su solicitud de una excepción, debe comunicarse con la oficina local del DADS y pedir hablar con el supervisor del administrador de casos.
- Si no hacen una excepción, recibirá un aviso que explica cómo pedir una audiencia imparcial para apelar la decisión.

Si usted está inscrito en el Programa de Niños Medicamente Dependientes (MDCP), el administrador de casos del DADS le platicará de los nuevos límites de servicio, su plan individual de atención (IPC) y el trámite de excepción.

- Hable con el administrador de casos del DADS de su necesidad de recibir el servicio en una cantidad mayor al nuevo límite de servicio.
- El administrador de casos del DADS estudiará la información y decidirá si prestar el servicio en una cantidad mayor al límite de servicio satisface los criterios del IPC descritos en las reglas del MDCP.
- Si no está satisfecho con la manera en que el administrador de casos manejó su solicitud de una excepción, debe comunicarse con la oficina local del DADS y pedir hablar con el supervisor del administrador de casos.
- Si no hacen una excepción, recibirá un aviso que explica cómo pedir una audiencia imparcial para apelar la decisión.

Si está inscrito en Servicios de Apoyo y Asistencia para Vivir en la Comunidad (CLASS), hable con su equipo de planeación de servicios de su necesidad de recibir el servicio en una cantidad mayor al nuevo límite de servicio.

- Su administrador de casos de CLASS presentará al DADS la *Solicitud de una excepción al límite de servicio* que explica las razones, identificadas por el equipo de planeación de servicios y usted, por las que usted necesita recibir el servicio en una cantidad mayor al nuevo límite de servicio.
- El DADS estudiará la solicitud y decidirá si prestar el servicio en una cantidad mayor al límite de servicio satisface los criterios del IPC descritos en las reglas del programa CLASS.
- Si usted no está satisfecho con la manera en que el proveedor del programa manejó su solicitud de una excepción, puede comunicarse con Derechos y Servicio al Cliente (CRS) del DADS, por teléfono al 1-800-458-9858 o por correo electrónico a [CRScomplaints@dads.state.tx.us](mailto:CRScomplaints@dads.state.tx.us).

Si está inscrito en el programa de Servicios en el Hogar y en la Comunidad (HCS), hable con su equipo de planeación de servicios de su necesidad de recibir el servicio en una cantidad mayor al nuevo límite de servicio.

- El proveedor de HCS presentará al DADS la *Solicitud de una excepción al límite de servicio* con la información que usted y el proveedor de HCS hayan dado.
- El DADS estudiará la solicitud y decidirá si prestar el servicio en una cantidad mayor al límite de servicio satisface los criterios del IPC descritos en las reglas de HCS.
- Si usted no está satisfecho con la manera en que el proveedor del programa manejó su solicitud de una excepción, puede comunicarse con CRS del DADS, por teléfono al 1-800-458-9858 o por correo electrónico a [CRScomplaints@dads.state.tx.us](mailto:CRScomplaints@dads.state.tx.us).

**9. Pregunta:** ¿Quiénes del DADS estudiarán mi solicitud de una excepción y qué educación y experiencia tienen?

**Respuesta:** Los mismos empleados del DADS que revisaron su ISP o IPC estudiarán su solicitud de una excepción. Estos empleados son, entre otros, administradores de casos, psicólogos, enfermeras registradas, trabajadores sociales y, para los programas de CLASS y HCS, profesionales capacitados en MR (QMRP).

**10. Pregunta:** Si el DADS no aprueba mi solicitud de una cantidad mayor al nuevo límite de servicio, ¿puedo apelar la decisión del DADS?

**Respuesta:** Sí.

- El DADS le enviará un aviso por escrito con una descripción de si el DADS niega o reduce el servicio.
- El aviso también explicará cómo pedir una audiencia imparcial para apelar la decisión.
- La persona mencionada en la tabla de la respuesta 5 le ayudará a presentar la solicitud de una audiencia imparcial.

**11. Pregunta:** ¿Seguiré recibiendo el servicio mientras está pendiente la apelación?

**Respuesta:** Sí, siempre y cuando usted siga las instrucciones en el aviso escrito del DADS y presente la solicitud de una audiencia imparcial dentro del plazo mencionado en ese aviso.

## CLASS Service Limits

Service Limits		
Service	Service Limit – Per IPC Year	Existing Limit that Cannot be Exceeded
Adaptive Aids and Dental Treatment	\$6,935	\$10,000 per IPC Year
Minor Home Modifications	\$7,515	\$10,000 Lifetime
Respite	29 days	30 days per IPC Year
Behavioral Support	192 hours	
Habilitation	3,312 hours	
Occupational Therapy	83 hours	
Physical Therapy	91 hours	
Prevocational Services	\$13,965	
Specialized Therapies (i.e., aquatic therapy, hippotherapy, massage therapy, music therapy, recreational therapy, therapeutic horseback riding)	\$10,118 (based on 75 <sup>th</sup> percentile)	
Speech Therapy	56 hours	

CLASS – No New Service Limits Calculated	
Service	Service Limit
Auditory Integration Training/Auditory Enhancement Training	N/A
Case Management	N/A
Continued Family Services	N/A
Financial Management Services	N/A
Nursing Services	N/A
Nutritional Services	N/A
Support Consultation	N/A
Support Family Services	N/A
Supported Employment	N/A
Transition Assistance Services	N/A

## Community Living Assistance and Support Services (CLASS) GUIDE FOR SERVICE LIMIT IMPLEMENTATION

### BEFORE 12/1/2011

#### DADS WILL SEND:

- Case management agencies (CMAs) a list of all individuals served by the CMA who have been identified by DADS as exceeding one or more of the new service limits that become effective December 1, 2011. These lists will be faxed to the CMA on September 7, 2011.
- CMAs the name of the DADS program consultant assigned to the CMA for processing payment and service limit exceptions for the CMA.
- Direct service agencies (DSAs) a list of all individuals served by the DSA who have been identified by DADS as exceeding one or more of the new service limits that become effective December 1, 2011. This list will be faxed to the DSA on September 7, 2011.

#### TYPES OF EXCEPTIONS

DADS will consider two kinds of exception requests for the purpose of implementing cost containment in CLASS. The two kinds of exceptions are indicated below. In addition to these descriptions, examples of possible IPC changes that will be made are included in the "IPC Scenarios" section of this guide as a reference for CLASS providers.

A **payment exception** is a request to allow the CLASS provider to bill for authorized services that are anticipated to have been provided between December 1, 2010 and November 30, 2011, and are expected to exceed the new service limit(s). DADS must receive payment exceptions when necessary to avoid reducing an IPC that includes a program service(s) that exceeds a new service limit(s) when the DSA or CDSA will have billed for an amount greater than the new service limit(s) for DADS authorized services rendered before December 1, 2011.

*Note: If a payment exception request is not received in accordance with the schedule outlined in this guide, DADS will reduce the amount of a currently authorized service to comply with the new service limits after December 1, 2011.*

A **service limit exception** is a request to exceed a new service limit(s) effective December 1, 2011. A service limit exception will be requested as necessary, based on the individual's justifiable need. DADS must receive service limit exception requests for a program service(s) the service planning team (SPT) determines must be provided in an amount in excess of the new service limit(s). The exception request must justify the amount(s) of a requested service(s) as described in the instructions for DADS form 3626. *Note: If a service limit exception request is not received in accordance with the schedule outlined in this guide, DADS will reduce the amount of a currently authorized service to comply with the new service limits after December 1, 2011.*

#### THE CMA WILL:

- Convene the SPT for all identified individuals who have DADS authorized IPCs that include

one or more program services in an amount(s) in excess of the new service limit(s) to conduct a review of the individual's Individual Plan of Care (IPC);

*Note: SPT activities may occur via conference in lieu of a face-to-face meeting at the discretion of the team. Annual reassessments must take place in person. Some individuals and families may prefer to have everyone participate in person and when this is the case, SPT members are expected to be sensitive to this and to make every effort to accommodate such requests. Participation in an SPT via conference is not reimbursable to the DSA using habilitation.*

- Facilitate discussion of the individual's IPC with the SPT, using the optional discussion prompts provided in the form instructions for Form 3626, CLASS Request for an Exception of Service Limit Cover Sheet, to deliberate.

*Note: The CMA should access Form 3626 using the link to forms used in CLASS from the CLASS Provider Manual section on the DADS website:*

*<http://www.dads.state.tx.us/handbooks/classpm/forms/index.asp>*

- Assist the SPT to make one of the following decisions:
  - Reduce the IPC to a service amount(s) within the new service limit(s);
  - Request a payment exception to allow the direct service agency (DSA) or Consumer Directed Service Agency (CDSA) to bill for authorized services that have been provided in excess of the new service limit(s) through November 30, 2011;
  - Agree that the individual is in need of an amount of service(s) in excess of a new service limit(s) effective December 1, 2011; or
  - A combination of 2 and 3.

*Note: All IPC revisions completed for cost containment must use the September 1, 2011 revised IPC form 3621-R. All IPC revisions must have an effective date of December 1, 2011. Submission of IPC packets and exception requests must be limited to the proposed IPC and Exception Request cover sheet (DADS form 3626).*

**Please see CLASS IPC Scenarios at the end of this attachment for additional guidance.**

- IPC revisions are due to DADS based on a phase-in approach by the deadlines indicated in the table below. These deadlines are by the end date of each individual's IPC effective period. CMAs must ensure IPC revisions, and exception requests as necessary, are completed and submitted in accordance with this submission schedule:

Deadlines	10/1/2011	10/15/2011	10/31/2011
IPC End Date	12/31	4/30	8/31
	1/31	5/31	9/30
	2/28	6/30	10/31
	3/31	7/31	11/30

*Note: Individual IPC effective periods will not change as a result of cost containment. All IPC submissions must be submitted to DADS via postal delivery.*

## **DADS WILL:**

- Process IPC revisions for all affected individuals;
- Monitor IPC submissions to identify CMAs out of compliance with this schedule to make follow-up contact with CMAs who have not submitted IPCs as directed in this guide; and
- Reduce service amounts on IPCs to comply with new service limits if deadlines are not met by the CMA.

## **IMPORTANT CLARIFICATIONS:**

- The CMA *must* ensure copies of all authorized IPCs that are processed by DADS as part of this cost containment initiative are sent to the CDSA when an individual is using the Consumer Directed Services option for one or more of their CLASS program services.
- It is imperative the CMA and DSA work cooperatively together to develop exception request information on behalf of those individuals served by the CMA or DSA who require submission of an exception request. DADS anticipates that in most cases, the CMA should have adequate information available in the individual's record to provide justification information for an exception request as, for revisions, that information should already have been gathered at the time the proposed IPC was developed. In cases where the individual will have a reassessment affected by the new service limits or for an individual who requires an IPC revision to increase the existing amount of a service, it may be necessary for the DSA to assist the SPT to develop justification for proposed service types and amounts in preparation for submission of an exception request, when necessary.
- An IPC may include more than one program service that exceeds the new service limit(s). When this is the case the CMA must address *all* services in the IPC that are currently authorized in excess of the new limits.
- In addition to the list of individuals provided to the CMA by DADS, the CMA must identify those individuals with a DADS authorized IPC with an effective date between September 2, 2011 and December 1, 2011 that include service amount(s) that exceed these new service limit(s). It is possible DADS authorized some proposed IPCs to include requested service amounts in excess of the new limits for individuals who do not appear on DADS' list. The CMA must assist the SPTs for such individuals to review the IPC and submit an IPC revision with an effective date of December 1, 2011.
- If DADS denies a service limit exception request and reduces or denies an individual's program services, DADS will issue form 3624 to the CMA to provide notification to the individual of his/her right to request a fair hearing to appeal DADS decision. All existing processes for offering a fair hearing and managing requests for a fair hearing will continue during this cost containment initiative and beyond.

## **ON AND AFTER 12/01/2011**

- The CMA will complete Form 3626, CLASS Request for an Exception of Service Limit Cover Sheet, for enrollments, renewals, revisions, and transfers that have a service(s) that exceeds the new service limit(s); and
- Submit all required documentation with an IPC packet as outlined in the CLASS Provider Manual.

## **IPC SCENARIOS**

### **What happens if the SPT determines the IPC can be reduced to include service amounts within the new service limit(s)?**

The CMA must prepare a proposed IPC revision and submit it to DADS for review and authorization. The submission packet will include only the proposed revised IPC and the CLASS Request for an Exception of Service Limit Cover Sheet, form 3626, with the demographic information populated and the box checked that indicates “check here if no exception requests necessary.”

### **What happens if, as of November 30, 2011, the individual will have utilized an amount of a currently authorized program service in excess of the new service limit(s), but will not require an amount in excess of the new service limit(s) from December 1, 2011 to the end of the IPC year?**

The CMA must prepare a proposed IPC revision accordingly and submit it to DADS for review and authorization. The submission packet will include only the proposed revised IPC and the CLASS Request for an Exception of Service Limit Cover Sheet, form 3626. The exception request will be populated with the demographic information on page one and will include payment exception request information in the payment exception section of the form to indicate to DADS what portion of a service amount must be left in the IPC to allow the DSA or CDSA the ability to submit claims for all service amounts provided through November 30, 2011 in excess of the new service limit.

### **What happens if, as of November 30, 2011, the individual will not have utilized an amount of a program service in excess of the new service limit but the SPT agrees the individual is in need of an amount of a service in excess of the new service limit(s), and the SPT can justify those amounts?**

These IPCs may require revision in the amount of an affected service(s), or may result in the CMA requesting the same amount of an affected service(s) as is currently authorized by DADS. In either case, the CMA will prepare an IPC revision with an effective date of December 1, 2011 to submit to DADS with the exception request. The submission packet will include *only* the proposed revised IPC and the CLASS Request for an Exception of Service Limit Cover Sheet, form 3626. The exception request will be populated with the demographic information on page 1 and will include service limit exception request information in the service limit exception section of the form.

**What happens if, as of November 30, 2011, the individual will have utilized an amount of a program service in excess of the new service limit, but the SPT agrees the individual is in need of an amount of a service in excess of the new service limit(s), and the SPT can justify those amounts?**

These IPCs may require revision in the amount of an affected service(s), or may result in the CMA requesting the same amount of an affected service(s) as is currently authorized by DADS. In either case, the CMA will prepare an IPC revision with an effective date of December 1, 2011 to submit to DADS with the exception request. The submission packet will include *only* the proposed revised IPC and the CLASS Request for an Exception of Service Limit Cover Sheet, form 3626. For these revisions form 3626 will be populated in all sections in accordance with the form instructions. For those IPC revisions that reflect the exact same types and amounts of *all* program services as is currently authorized by DADS, the CMA will indicate justification information as necessary in the service limit exception section of the form and will document in the payment exception section “no change in previously authorized amount.” For those IPC revisions that will reflect a change in the types and amounts of a program service(s), the CMA will indicate justification information as necessary in the service limit exception section of the form and will document in the payment exception section the total amount of a program service(s) the SPT anticipates will be utilized by the individual through November 30, 2011.

### **CLASS Frequently Asked Questions**

- 1. For purposes of cost containment, will CMAs be allowed to submit more than one IPC revision and form 3626 together to reduce the cost to the CMA for postage?**

Yes. All IPC submissions must be limited to the IPC, form 3621-R, and form 3626, Request for an Exception of Service Limit - CLASS. If the CMA wishes to submit multiple packets together, each packet must be stapled to maintain the packets as separate per individual.

- 2. Will the CMA be required to develop IPC revisions on behalf of an individual who is currently on suspension due to hospitalization or other circumstances?**

No. If the CMA is serving an individual who is currently on suspension from CLASS who is identified by DADS as exceeding one or more of the new service limits that become effective December 1, 2011, the CMA will not be required to convene the SPT to address this individual's IPC until such time as the individual is off of suspension. In accordance with the deadlines outlined in this guide, the CMA will be required to notify DADS via form 2067 of an individual who is on suspension.

- 3. If a service limit exception request is needed as determined by the SPT with the result that the currently authorized amount of a service(s) will be requested, will the CMA have to complete the table in section B in addition to checking the box on form 3626 to indicate “no change in previously authorized amount?”**

Yes. Completion of this table is always required when an exception is requested. This is the case when the requested exception will result in a proposed amount that is either the same, or different than the current amount authorized by DADS.

4. **This guide directs the CMA to submit only the IPC and form 3626 to DADS for the purpose of processing IPC revisions for cost containment. In addition to this will CLASS providers be responsible to complete revised Individual Program Plans (IPP) and habilitation plans, as necessary, to reflect revisions made to the individual's IPC?**

Yes. As necessary, the CMA and DSA will be required to revise the individual's IPP and habilitation plan to accurately reflect the types and amounts of services the individual will receive in response to the deliberations of the SPT regarding the new service limits. The CMA will provide justification information for program services to DADS on form 3626 and as such, submission of the IPP or habilitation plan to DADS is not required as part of this initiative.

5. **How will the CMA handle submissions to DADS of reassessment IPC packets?**

The CMA will submit reassessment packets to DADS for those individuals who have IPC start dates of 12/1 according to the existing reassessment process. The only change will be that all submissions that are part of this initiative, and in the future must be submitted using form 3626 as the packet cover sheet. If the individual's proposed IPC will include a program service(s) in excess of a new service limit(s), the CMA will be required to document the information required in form 3626 regarding those services.

6. **How will the CMA handle IPC reassessments for those individuals who have IPC start dates of 10/1 or 11/1? Should the CMA discuss the new service limits with the SPT during development of these plans?**

For those individuals identified by DADS as exceeding one or more of the new service limits that become effective December 1, 2011 who have IPC start dates of 10/1 or 11/1, the CMA will conduct reassessment activities using the existing process. Should the SPT determine the individual is in need of a service(s) in an amount that exceeds a new service limit(s), the CMA is strongly encouraged to discuss the new service limits with the SPT as part of the reassessment process. As part of the submission packet, the CMA may prepare form 3626 for submission to allow DADS to consider the exception request.

For reassessments that include proposed amount(s) of a service(s) that exceeds a new service limit(s) that are not addressed as part of the reassessment process, the CMA will be required to convene the SPT following DADS authorization of the reassessment IPC to conduct revision activities to address the new service limits.

7. **In the current utilization review (UR) threshold for habilitation, individuals under 21 can receive up to 8 hrs per day of service annually. Is there a breakdown by age with the new service limits? Can an individual under 21 now receive the same as an adult?**

There is not a separate service limit for habilitation by age; *all* enrolled individuals will require submission of an exception request for consideration by DADS if they have a justifiable need for this service in excess of 3312 units annually.

The new service limits are completely separate and apart from the utilization review (UR) thresholds DADS uses to review proposed individual plans of care (IPCs). *There is no "how much a person can get" when it comes to these new service limits OR the UR thresholds.*

The new service limits are ALL subject to consideration of an exception to the limit; the SPT must be able to justify the amount(s) of a requested service(s) in excess of a new service limit(s) using the existing criteria in the program rule.

UR thresholds are the parameters DADS uses to determine whether UR is *required* for a proposed IPC. As stated in the rule, DADS has the authority to UR *any* proposed IPC or service in a proposed IPC, regardless of the type or amount. UR thresholds serve as DADS guideposts to help DADS identify when DADS will engage in the UR process. The responsibility of the SPT is to develop a proposed IPC that includes the types and amounts of program services necessary to support the individual in the community. *All* of the types and amounts of services must be justified by the SPT using the elements required for justification in the rules.

The required IPC criteria in the CLASS rules can be located at §45.214 (b) at this link: <http://www.dads.state.tx.us/providers/CLASS/rules.html>.

**8. Who calculates and completes payment exception requests?**

As necessary, *all* provider types (e.g. CMA, DSA, CDSA) must work together to develop proposed IPC revisions, and payment exception requests when necessary. Specifically, when a service is being self directed that exceeds one or more of the new service limits, the CMA can certainly ask a DSA or CDSA for assistance in determining the appropriate amount(s) to request for a payment exception if the CMA has insufficient information from the CDS employer and the individual's record to use to make this calculation accurately.

**9. Should only the services that exceed the new service limits be listed for a payment exception on form 3626 or should all services that are on the IPC be listed?**

The only services that need to be listed as needing a payment exception on form 3626 are those services the provider, regardless of type (DSA or CDSA) anticipates providing in excess of the new service limit(s) before December 1, 2011. Services that are not subject to a new service limit or will not be provided in an amount to exceed a new limit do not need to be listed. The IPC must, as always, list *all* of the included service types and amounts an individual will use.

**10. Will DADS reimburse a DSA or CDSA for service(s) provided in excess of a new service limit(s) that are denied an exception to the new service limit(s)?**

Requests for an exception to a new service limit must be submitted to DADS in accordance with the submission schedule outlined in this guide. Over the course of this initiative DADS will work closely with CMAs regarding required IPC revisions. On an

ongoing basis DADS will monitor the submission of IPC revisions for individuals identified by DADS who have a currently authorized service(s) that exceeds one or more of the new service limit(s) that become effective December 1, 2011. DADS will conduct follow-up activities regarding individuals for whom DADS has not received IPC revisions in compliance with the required deadlines.

Should a DSA or CDSA have concern about a specific case as related to these requirements, the DSA or CDSA may contact DADS Consumer Rights and Services at 1-800-458-9858.

**11. Will form 6509 continue to be used or will form 3626 replace this form?**

For the immediate time period the CMA will continue to use form 6509 as necessary to document an individual's proposed IPC that exceeds the annual cost limit for the CLASS program. DADS continues work to revise requirements, including use of this form, as part of the CLASS form revision initiative. Future instructions regarding a change to the use of form 6509 will be forthcoming at such time as DADS transitions out of use of this form.

**12. Since the new service limits do not go into effect until December 1, 2011, why does DADS need to receive payment exception requests?**

The reason DADS requires information about the need for a payment exception is so that DADS knows to leave amount(s) in excess of a new service limit(s) in an individual's IPC when the DSA or CDSA are anticipating to have provided an amount of a currently authorized service in excess of a new service limit(s) by 11/30/11 so that the DSA or CDSA can bill for those units. If this action is not taken, DADS will not know to leave an amount in the individual's plan above the new service limit and will reduce the plan to comply with the new limits. This will leave a DSA or CDSA in the position of being unable to bill for services provided prior to 12/1/11. DADS currently has no alternative method to identify this information as the CLASS program is administered using hard copy submissions for entry in to the Service Authorization System.

**13. Why will DADS require the use of form 3626 with the submission of IPC packets after 12/1/11? Will DADS revise form 3626 after December 1, 2011 when certain parts of the form are no longer needed (e.g. the payment exception portion of the form)?**

Form 3626 will serve as the IPC packet cover sheet over the course of time during which these new service limits are in effect. For those individuals who do not have proposed service amounts in excess of a new service limit as part of a reassessment IPC, the CMA need only to complete the demographic information on form 3626 and to check the box to indicate "no service limit exceptions necessary." DADS will revise form 3626 for continued use after 12/1/11 and will remove unnecessary portions of the form.

