



COMMISSIONER
Jon Weizenbaum

June 9, 2015

To: Local Intellectual and Developmental Disability Authorities
Texas Home Living Program Providers
Primary Home Care Providers
Title XX Emergency Response Services Providers
Financial Management Services Agencies for Primary Home Care
Financial Management Services Agencies for Texas Home Living

Subject: Information Letter No. 15-35
Community First Choice Implementation for Texas Home Living Individuals Receiving
Primary Home Care or Title XX Emergency Response Services

The purpose of this Information Letter is to inform Local Intellectual and Developmental Disability Authorities (LIDDAs), Texas Home Living (TxHmL) program providers, Primary Home Care (PHC) providers, Title XX Emergency Response Services (ERS) providers, and Financial Management Services Agencies (FMSAs) for PHC and TxHmL about the implementation of the Community First Choice (CFC) option, effective June 1, 2015. This letter also describes the process LIDDAs, the Texas Department of Aging and Disability Services (DADS) local offices, TxHmL providers, PHC providers, Title XX ERS providers, and FMSAs will follow to convert PHC services and Title XX ERS to CFC for individuals, including those who use the Consumer Directed Services (CDS) option, who are enrolled in TxHmL and are receiving PHC services, Title XX ERS, or both.

CFC is a state plan benefit governed by [Code of Federal Regulations \(CFR\), Title 42](#), Chapter 441, Subchapter 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 TxHmL Program. CFC services are state plan services, not waiver services. The CFC option offers CFC personal assistance services (PAS), CFC habilitation (HAB) and CFC emergency response services (ERS). For TxHmL, the CFC services of PAS and HAB are combined into one CFC service -- CFC PAS/HAB.

This letter addresses the impact of CFC on individuals enrolled in the TxHmL Program receiving PHC services or Title XX ERS, or both. [Information Letters 2015-28](#) and [2015-29](#) address individuals enrolled in the TxHmL Program receiving community support or ERS as an adaptive aid.

Currently, individuals in the TxHmL Program are eligible to receive PHC services through the PHC Program and receive ERS as a Title XX benefit. The first time after an individual's TxHmL individual plan of care (IPC) is revised or renewed, on or after June 1, 2015, the individual will receive:

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An Equal Opportunity Employer and Provider

- CFC PAS/HAB from the individual's TxHmL program provider instead of receiving PHC services; and
- CFC ERS from the TxHmL program provider instead of receiving Title XX ERS.

Individuals using the CDS option will receive CFC CDS PAS/HAB instead of CDS PHC services.

All of the tasks and activities delivered through PHC services will be delivered through CFC PAS/HAB or CFC CDS PAS /HAB. All of the tasks and activities delivered through Title XX ERS will be delivered through CFC ERS. After an IPC is revised or renewed on or after June 1, 2015, an individual enrolled in the TxHmL Program may not receive PHC services or Title XX ERS. The Mutually Exclusive Services Chart (<http://www.dads.state.tx.us/handbooks/appendix/res/apx12.pdf>), found in applicable handbooks, will be updated and posted effective the release of this letter to reflect this change.

Between June 1, 2015, and May 31, 2016, DADS and LIDDAs must work together to end an individual's PHC services, Title XX ERS, or both, and begin these services through CFC as applicable.

DADS state office sent data reports to LIDDAs and DADS local offices identifying all individuals enrolled in TxHmL who are receiving PHC services, including those who use the CDS option, or Title XX ERS. The reports included for each individual:

- a DADS local office phone number for each LIDDA to coordinate with DADS case managers;
- a LIDDA phone number for each DADS local office to coordinate with TxHmL service coordinators;
- the number of authorized hours of PHC services the individual is receiving per week;
- the number of authorized units of Title XX ERS the individual is receiving per month;
- the TxHmL IPC end date;
- the annual review due date for PHC services and Title XX ERS;
- the service delivery option for PHC services; and
- the name of the FMSA, if applicable.

Responsibilities of the LIDDA

If the TxHmL IPC end date is before the PHC services or Title XX ERS annual review due date, the TxHmL service coordinator must initiate the renewal IPC in accordance with DADS rule at 40 Texas Administrative Code (TAC) [§9.568](#) and:

- at least 30 calendar days before the IPC end date, call the DADS local office phone number to inform the DADS case manager of the begin date for CFC PAS/HAB, CFC CDS PAS/HAB, or CFC ERS;
- include on the renewal IPC an amount of CFC PAS/HAB or CFC CDS PAS/HAB hours that is not less than the equivalent amount of authorized PHC service hours per week for the entire IPC year; and
- include CFC ERS on the renewal IPC if the individual is authorized to receive Title XX ERS.

For service planning purposes, CFC PAS/HAB, CFC CDS PAS/HAB, or CFC ERS will appear in the Client Assignment and Registration (CARE) system effective May 1, 2015.

If the PHC services or Title XX ERS annual review due date is before the TxHmL IPC end date, the TxHmL service coordinator must initiate a revised IPC in accordance with 40 TAC [§9.568](#) and:

- ensure the service planning team establishes a revised IPC effective date that is at least 21 calendar days before the PHC services or Title XX ERS annual review due date;
- call the DADS local office to inform, within three calendar days after the IPC effective date is established, the DADS case manager of the begin date for CFC PAS/HAB, CFC CDS PAS/HAB, or CFC ERS;
- include on the revised IPC an amount of CFC PAS/HAB or CFC CDS PAS/HAB hours that is not less than the equivalent amount of authorized PHC services hours per week for the remainder of the IPC year; and
- include CFC ERS on the renewal IPC if the individual is authorized to receive Title XX ERS.

Guidance for authorizing financial management services (FMS) can be found in Information Letter [2015-29](#).

For subsequent IPC renewals and revisions, the LIDDA must ensure, in accordance with DADS rule at 40 TAC [§9.568\(a\)](#), the service planning team and the TxHmL program provider review the person-directed plan (PDP) and IPC to determine whether identified outcomes and services previously identified remain relevant. In accordance with DADS rule at 40 TAC [§9.568\(a\)\(1\)](#), the TxHmL service coordinator, in collaboration with the service planning team and TxHmL program provider, must initiate revisions to the IPC in response to changes in the individual's needs and identified outcomes as documented in the PDP.

TxHmL service coordinators must provide, before July 1, 2015, a copy of the attached letter to individuals or their legally authorized representatives identified on the data reports.

Responsibilities of the DADS Local Office

The DADS case manager will notify the PHC provider, FMSA, or Title XX ERS provider of the termination date for PHC services, FMS, or Title XX ERS by sending completed Form 2101, Authorization for Community Care Services, to the providers at least 14 calendar days before the termination date.

Responsibilities of PHC and Title XX ERS Providers

PHC and ERS providers must stop providing PHC services and Title XX ERS by midnight on the termination date on Form 2101, Authorization for Community Care Services.

Responsibilities of CDS Employers and FMSAs

FMSAs must work with CDS employers to ensure service providers do not provide PHC services after midnight on the date on Form 2101, Authorization for Community Care Services. CDS employers must not submit timesheets for PHC service hours after the termination date and FMSAs must not bill for PHC services after the termination date.

Responsibilities of Texas Home Living Program Providers

If CFC PAS/HAB or CFC ERS is included on an individual's authorized IPC, TxHmL program providers must begin providing CFC PAS/HAB, CFC ERS, or both on the IPC effective date. In accordance with [Information Letter 2015-29](#), if CFC PAS/HAB or CFC ERS is included on an authorized IPC, the TxHmL program provider must develop an implementation plan for the service and provide CFC PAS/HAB, CFC ERS, or both in accordance with the implementation plan as if the service were a TxHmL Program service.

If you have questions about this letter, please contact the DADS CFC Policy mailbox at CfcPolicy@dads.state.tx.us.

Sincerely,

[signature on file]

Donna Jessee
Director
Center for Policy and Innovation

[signature on file]

Elisa J. Garza
Assistant Commissioner
Access and Intake

Attachment

- Letter addressed to:
 - Individuals in the Texas Home Living and Primary Home Care Programs
 - Individuals in the Texas Home Living Program and Title XX Emergency Response Services



COMMISSIONER
Jon Weizenbaum

June 9, 2015

To: Individuals in the Texas Home Living and Primary Home Care Programs
Individuals in the Texas Home Living Program and Title XX Emergency Response Services

Subject: New Medicaid Benefit–Community First Choice

The purpose of this letter is to let you know about a new Medicaid benefit, called Community First Choice (CFC), which began June 1, 2015. CFC includes personal assistance and habilitation (PAS/HAB) and emergency response services (ERS). CFC is not a Texas Home Living Program service.

You currently receive TxHmL Program services. You also receive Primary Home Care (PHC) services or Title XX ERS, or both. At some point over the next year, your TxHmL service coordinator will contact you to revise or renew your service plan. After the revision or renewal, CFC services will replace your PHC services and Title XX ERS. You will receive CFC PAS/HAB from your TxHmL provider instead of receiving PHC services. Your CFC PAS/HAB service provider will perform the same type of activities performed by your PHC attendant. If you receive Title XX ERS, that service will continue as a benefit through CFC ERS.

You do not need to take any action to receive the CFC benefit. If you would like to have your PHC attendant as your CFC PAS/HAB service provider, you will need to contact your TxHmL program provider to discuss how your attendant may apply to become your CFC PAS/HAB service provider. A person living in your home may provide CFC PAS/HAB if the person meets the qualifications of a service provider. If you would like to continue using your current ERS provider, they will need to arrange a service agreement with your TxHmL provider to provide CFC ERS to you.

You may receive CFC PAS/HAB through the Consumer Directed Services (CDS) option. If so, your TxHmL service coordinator will include CFC CDS PAS/HAB on your IPC. With assistance from the Financial Management Services Agency, CDS employers will need to complete a revised budget workbook when the paper copy of the service plan changes to include CFC CDS PAS/HAB.

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If you have any questions about the content of this letter, speak with your TxHmL service coordinator or contact the DADS CFC mailbox at CfcPolicy@dads.state.tx.us

Sincerely,

[signature on file]

Donna Jessee
Director
Center for Policy and Innovation

[signature on file]

Elisa J. Garza
Assistant Commissioner
Access and Intake