



COMMISSIONER
Jon Weizenbaum

November 3, 2015

To: Community Living Assistance and Support Services (CLASS) Direct Service Agencies (DSAs) and Case Management Agencies (CMAs)
Deaf Blind with Multiple Disabilities Providers (DBMD)
Financial Management Services Agencies (FMSAs)
Home and Community-based Services Program Providers (HCS)
Local Intellectual and Developmental Disabilities Authorities (LIDDAs)
Texas Home Living Program Providers (TxHmL)

Subject: Information Letter No. 15-71
Implementation of CFC for Individuals in a DADS ICF/IID Waiver Program and Receiving PCS

The purpose of this information letter (IL) is to inform you about the impact of Community First Choice (CFC) benefits for individuals who are receiving Personal Care Services (PCS) through the Early and Periodic Screening, Diagnosis, and Treatment Comprehensive Care Program, a program administered by the Texas Health and Human Services Commission (HHSC), or through a managed care organization (MCO), and who are enrolled in one of the following 1915(c) Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions (ICF/IID) waiver program operated by the Texas Department of Aging and Disability Services (DADS):

- the HCS Program;
- the TxHmL Program;
- the CLASS Program; or
- the DBMD Program.

CFC Personal Assistance Services/Habilitation (PAS/HAB) replaced certain habilitation-type services in DADS ICF/IID waiver programs. CFC PAS/HAB includes all of the same habilitation services provided through the waivers and the personal assistance activities performed through PCS. As a result, and to prevent duplication of services on or after December 1, 2015, individuals receiving PCS will be required to receive CFC PAS/HAB from their waiver program providers. Individuals using the consumer directed services (CDS) option for their PCS will also receive CFC CDS PAS/HAB instead of CDS PCS.

An individual enrolled in a DADS ICF/IID waiver program must not receive PCS as specified in the Mutually Exclusive Services Chart, which has been updated to reflect this change and posted effective with the release of this letter. The chart can be located at (http://www.dads.state.tx.us/handbooks/appendix/res/apx12_copy_2.pdf) and found in applicable program handbooks.

The Texas Department of State Health Services (DSHS) and MCOs, must work together with the waiver case manager and service coordinators to end an individual's PCS and begin CFC services as described in this IL.

With the release of this IL, DADS will send reports to LIDDAs, CLASS CMAs, DBMD program providers, and DSHS identifying all individuals who are enrolled in a DADS ICF/IID waiver program and receiving PCS, including those who use the CDS option. The reports for each individual include:

- a DSHS phone number for each waiver case manager or service coordinator to identify the DSHS case manager;
- a CLASS CMA or DBMD program provider fax number for each DSHS case manager to contact the CLASS or DBMD case manager;
- a LIDDA phone number to identify the HCS or TxHmL service coordinator;
- an MCO phone number for each waiver case manager or service coordinator to identify the MCO service coordinator;
- the number of authorized hours of PCS the individual is receiving per week;
- the waiver program Individual Plan of Care (IPC) end date;
- the PCS authorization end date; and
- the name of the PCS provider, including the FMSA, if applicable.

DADS will also provide the following information to the MCOs:

- a CLASS CMA or DBMD program provider fax number for each MCO service coordinator to contact the CLASS or DBMD case manager;
- a LIDDA phone number to identify the HCS or TxHmL service coordinator; and
- the waiver program IPC end date.

Responsibilities of Waiver Case Managers and Service Coordinators

For IPCs or PCS Authorizations with an Effective Date on or After December 1, 2015

If the waiver program IPC end date occurs before the PCS authorization end date, the waiver case manager or service coordinator must initiate the renewal IPC in accordance with applicable waiver program rules and:

- at least 30 calendar days before the IPC end date, inform the DSHS case manager or MCO service coordinator of the begin date for CFC PAS/HAB or CFC CDS PAS/HAB; and
- 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 PCS hours per week for the entire IPC year plus any CFC PAS/HAB to meet habilitation needs identified in the person-directed plan (PDP).

If the PCS authorization end date occurs before the waiver program IPC end date, the waiver case manager or service coordinator must initiate a revised IPC in accordance with applicable waiver program rules, and:

- ensure the service planning team, at least 30 calendar days before the PCS authorization end date, establishes a revised IPC effective date that is one calendar day after the PCS authorization end date;
- inform the DSHS case manager or MCO service coordinator, within three calendar days after establishing the revised IPC effective date, of the begin date for CFC PAS/HAB or CFC CDS PAS/HAB to be delivered through the waiver; and
- 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 PCS hours per week for the remainder of the IPC year.

CMAAs and DBMD providers must include this statement on the Individual Program Plan when including PCS units in the IPC renewal: “This renewal includes the transition of PCS to CFC PAS/HAB.”

For subsequent waiver program IPC renewals and revisions, the waiver case manager or service coordinator must ensure, in accordance with DADS rules, the service planning team and waiver program provider review the PDP or individual program plan (IPP), as applicable, and IPC to determine whether identified outcomes and services previously identified remain relevant. In accordance with DADS rules, the waiver case manager or service coordinator, in collaboration with the service planning team and waiver 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 or IPP, as applicable.

Waiver case managers or service coordinators must provide, before November 15, 2015, a copy of the attached letter to individuals, or their legally authorized representatives, identified on the data reports DADS provided to identify those individuals served who have PCS authorizations.

For Individuals Enrolling in a DADS ICF/IID Waiver with an Effective Date of December 1, 2015 or Later

Effective December 1, 2015, individuals will not be able use both the ICF/IID waiver services and PCS. At program enrollment, service coordinators and case managers must inform the individuals or Legally Authorized Representative (LAR):

- all of their personal assistance and habilitation needs will be met through CFC PAS/HAB delivered by the ICF/IID waiver provider; and
- utilization of PCS while enrolled in the waiver is no longer allowed.

If an individual is enrolling in a DADS ICF/IID waiver and receives PCS, service coordinators and case managers must coordinate the end date of PCS prior to the effective date of the DADS ICF/IID waiver.

Responsibilities of CDS Employers and FMSAs

FMSAs must coordinate with CDS employers to ensure service providers do not provide PCS after the closure date for PCS. CDS employers must not submit timesheets for PCS provided after the closure date for PCS and FMSAs must not bill for PCS provided after the closure date.

Responsibilities of Waiver Program Providers

If CFC PAS/HAB is included on an individual's authorized IPC, waiver program providers must begin providing CFC PAS/HAB on the renewal or revised IPC effective date. In accordance with IL 2015-28 and IL 2015-30, if CFC PAS/HAB is included on an authorized IPC, the waiver program provider must provide CFC PAS/HAB as if the service were a waiver program service.

Because individuals enrolled in an ICF/IID waiver program must not receive both PCS and CFC services, DADS will remove Form 1577, Personal Care Services Selection, from DADS website. This letter replaces IL No. 09-153, Personal Care Services and Waiver Services.

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

Sincerely,

[signature on file]

S. Michelle Martin
Interim Director
Center for Policy and Innovation

[signature on file]

Elisa J. Garza
Assistant Commissioner
Access and Intake

Attachment

Notification Letter to Individuals



COMMISSIONER
Jon Weizenbaum

November 3, 2015

To: Legally Authorized Representatives (LARs)
Individuals in a DADS Waiver Program and Receiving Personal Care Services (PCS)

Subject: Community First Choice and Personal Care Services

You currently receive services through the Community Living Assistance and Support Service (CLASS), Deaf Blind with Multiple Disabilities (DBMD), Home and Community-based Services (HCS), or Texas Home Living (TxHmL) waiver program. You also receive Personal Care Services (PCS) through the Early and Periodic Screening, Diagnosis, and Treatment - Comprehensive Care Program, a program administered by the Texas Health and Human Services Commission (HHSC), or through a managed care organization (MCO).

Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB) is a service that replaced certain habilitation-type services in your waiver program. CFC PAS/HAB is provided by your waiver provider and includes all of the same habilitation and personal assistance activities performed through PCS. Because CFC PAS/HAB and PCS are duplicative services, your PCS services will end and you will receive CFC PAS/HAB instead.

At some point over the next year, your waiver service coordinator or case manager will contact you to revise or renew your service plan. After revision or renewal, CFC PAS/HAB will replace your PCS services. You will receive CFC PAS/HAB from your waiver provider instead of receiving PCS. Your CFC PAS/HAB service provider will perform the same type of activities performed by your PCS attendant.

If you would like to have your PCS attendant as your CFC PAS/HAB service provider, you will need to contact your waiver 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 for a CFC PAS/HAB service provider.

You may receive CFC PAS/HAB through the Consumer Directed Services (CDS) option. If so, your waiver service coordinator or case manager will include CFC CDS PAS/HAB on your service plan. With assistance from the Financial Management Services Agency (FMSA), 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. CDS employers must not submit a timesheet to the FMSA for PCS service hours provided after the termination date for PCS.



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If you have any questions about the content of this letter, speak with your waiver service coordinator or case manager or contact the Department of Aging and Disability Services CFC mailbox at CfcPolicy@dads.state.tx.us.

Sincerely,

[signature on file]

S. Michelle Martin
Interim Director
Center for Policy and Innovation

[signature on file]

Elisa J. Garza
Assistant Commissioner
Access and Intake