



Introduction

The Department of Aging and Disability Services (DADS) has posted information letters at: <http://www.dads.state.tx.us/providers/CFC/index.cfm> that provide specific guidance for Community Living Assistance and Support Services (CLASS), Deaf Blind with Multiple Disabilities (DBMD), Home and Community-based Services (HCS), and Texas Home Living (TxHmL) waiver program providers on the implementation of CFC. This document contains frequently asked questions that are not included in those letters.

Questions related to the provision of CFC in **managed care** are found [here](#).

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ELIGIBILITY

1 - Question: Who is eligible for CFC?

1 - Answer:

To be eligible for CFC, an individual must:

- *Be a child or an adult who is eligible for Medicaid.*
- *Meet an institutional level of care, including:*
 - i. hospital,*
 - ii. a nursing facility,*
 - iii. an intermediate care facility for individuals with an intellectual or developmental disability,*
 - iv. an institution providing psychiatric services for individuals under age 21, or*
 - v. an institution for mental diseases for individuals age 65 or over.*
- *Need help with activities and instrumental activities of daily living, such as dressing, bathing and eating.*

2 - Question: Will Level of Care (LOC) reassessment still be required annually?

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2 - Answer: Yes, existing LOC determination processes are not changing as part of this initiative.

3 - Question: Is there an interest list for CFC or is it an "entitlement" like Personal Care Services (PCS)?

3 - Answer: No, there is not an interest list for CFC. CFC is a Medicaid State Plan entitlement service and must be provided to those individuals that meet the eligibility criteria. Individuals receiving services through the DADS Intellectual and Developmental Disabilities (IDD) waivers who have an identified need for CFC will receive these entitlement services through their current IDD waiver provider.

4 - Question: Will individuals leaving a nursing facility (NF) and going into the community qualify for CFC?

4 - Answer: If an individual is transitioning from a nursing facility and continues to meet the eligibility criteria for CFC (outlined in question 1), they would be able to receive CFC services, if they have an identified need.

5 - Question: Will people with IDD who meet the eligibility criteria for CFC have access to CFC services, regardless of whether they are currently enrolled in STAR+PLUS or receiving/not receiving services through one of the four IDD waivers?

5 - Answer: Individuals in the IDD waiver programs who have an identified need for CFC services will be able to receive CFC if they reside in their own home, or the home of a family member (own home, family home setting). Individuals in residential settings (i.e., assisted living, Home and Community-based Services 3 or 4-person homes, host home/companion care) cannot access CFC services.

6 - Question: In the HCS and TxHmL programs, the Intellectual Disability/Related Condition (ID/RC), DADS form 8578, documents Level of Need (LON) not LOC; Please explain how this assessment document will now provide LOC.

6 - Answer: In all of the IDD waiver programs the ID/RC is used to document assessment information captured through the use of assessment tools. The ID/RC includes information from other assessments (i.e., determination of intellectual disability, adaptive behavior level, etc.). Information documented on this form includes an individual's Intermediate Care Facility LOC, and, for HCS and TxHmL also indicates LON. LOC information will continue to be included on the ID/RC assessment tool to determine CFC and IDD waiver program eligibility.

7 - Question: Will people who are dual eligible, meaning they have both Medicaid & Medicare, be eligible to receive CFC?

7 - Answer: Yes, individuals who are eligible for "full" Medicaid state plan benefits and meet the other eligibility criteria for CFC will be able to receive CFC services. Full dual-eligible means an individual who is enrolled in Medicare and Medicaid and is eligible to receive full Medicaid state plan benefits, and is not limited to payment of Medicare premiums and co-share.

8 - Question: Who will conduct assessments for CFC?

8 - Answer: For individuals in a DADS IDD waiver program, existing processes will continue to be used to conduct eligibility assessment, functional needs assessment and person-centered planning for CFC. Waiver

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providers will use existing forms (i.e., ID/RCs, person-directed planning documents, implementation plans and CLASS habilitation plans) to document the need for CFC. DADS has revised program forms where necessary to include CFC. For individuals in STAR+PLUS who meet medical necessity, the MCO will be responsible for assessing and authorizing CFC services. Individuals with IDD will be assessed by the Local Intellectual and Developmental Disability Authority (LIDDA).

SERVICES

1 - Question: What is the greatest difference between Personal Assistance Services (PAS), Primary Home Care (PHC), and CFC?

1 - Answer: PAS and PHC provide hands on assistance with activities of daily living and instrumental activities of daily living. CFC includes personal assistance services, but adds habilitation, which is assistance with skills necessary for the individual to perform Activities of daily living (ADLs) and Instrumental activities of daily living (IADLs). In addition, individuals receiving CFC must meet institutional level of care requirements. Individuals in PHC and many receiving PAS do not have needs, which meet an institutional level of care.

2 - Question: Is there a limit on the amount of CFC services an individual may receive?

2 - Answer: There is not a defined annual cost limit for CFC. However, the amount of CFC services an individual receives is based on an assessment of an individual's need for the service as developed by the service planning team, using a person-centered planning process.

3 - Question: What are ADLs and IADLs?

3 - Answer:

- ADLs means basic personal everyday activities including, tasks such as eating, toileting, grooming, dressing, bathing, and transferring.*
- IADLs means activities related to living independently in the community, including meal planning and preparation, managing finances, shopping for food, clothing, and other essential items, performing essential household chores, communicating by phone or other media, and traveling around and participating in the community.*

4 - Question: Will habilitation be accessible to all individuals regardless of their level of functioning?

4 - Answer: All individuals who meet the eligibility criteria for CFC are eligible to receive habilitation if the individual has an identified need for the service as determined by the individual and the service planning team using a person-centered planning process.

5 - Question: Will the implementation of CFC impact the number of hours of service an individual is eligible to receive?

5 - Answer: Individuals who have an identified need for CFC Personal Assistance Services/Habilitation (PAS/HAB) will continue to access the level of service appropriate to meet their needs, including PAS/HAB as determined by the individual and the service planning team using a person-centered planning process, and authorized by DADS.

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6 - Question: Does CFC PAS/HAB replace Respite?

6 - Answer: Respite is not a CFC service, and will remain a service in the waiver programs. Respite is not changing as part of this initiative. Respite cannot be provided at the same time as CFC PAS/HAB.

7 - Question: Does CFC have an impact on Day Habilitation?

7 - Answer: Day habilitation is not a CFC service. Day habilitation is not changing as a part of this initiative. CFC may not be provided at the same time as day habilitation.

8 - Question: Can an individual in CLASS who will now be able to access CFC receive CLASS specialized therapies at the same time as CFC services?

8 - Answer: In the CLASS program, there is not currently a prohibition against providing both habilitation and specialized therapies at the same time, to the same individual, when an individual has a justified need for both services. The implementation of CFC does not change this practice.

9 - Question: If an individual chooses the Consumer Directed Services (CDS) service delivery option, does the individual hire a provider to provide Support Management and pay that service provider, similar to how Support Consultation works?

9 - Answer: Support Management is a voluntary training benefit rather than a service. There will be no reimbursement rate for it. Provider agencies or Financial Management Services Agency (FMSA) are required to offer support management. Support consultation is available for CDS employers who choose additional support for hiring, dismissing and training attendants.

10 - Question: Will CFC be available under the Service Responsibility Option (SRO) service delivery option?

10 - Answer: Yes.

11 - Question: Is it mandatory for individuals in the IDD waiver programs to access services through CFC instead of the waiver program?

11 - Answer: Non-waiver resources must be exhausted before an individual can receive services through the waiver program. CFC is a state plan service and therefore must be used prior to receiving services through the waiver program.

12 - Question: Can an individual in an IDD waiver program continue to receive a similar waiver service (Supported Home Living [SHL], Community Support [CS], habilitation or residential habilitation) and also receive PAS or another CFC service?

12 - Answer: An individual may not receive the similar waiver service as defined in the question above and CFC at the same time. CFC PAS/HAB will be delivered as a non-waiver, state plan service.

13 - Question: Individuals over the age of 21 in STAR+PLUS have a service coordinator through managed care and an HCS or TxHmL service coordinator, or CLASS or DBMD case manager. Will they have a third

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service coordinator or case manager with CFC?

13 - Answer: No, the HCS or TxHmL service coordinator, or CLASS or DBMD case manager is responsible for coordinating CFC and waiver services. Acute care services are coordinated by the Managed Care Organization (MCO) service coordinator who works with the HCS or TxHmL service coordinator, and the CLASS or DBMD case manager.

14 - Question: Since the similar waiver service (SHL, CS, habilitation or residential habilitation) will be removed from the IDD waiver program service array will the annual cost limits of the IDD waiver programs be reduced?

14 - Answer: Annual cost limits for the IDD waiver programs are not changing at this time.

15 - Question: For individuals who receive Emergency Response Services (ERS), who will be contacted when they press the button (family member, 9-1-1, program provider, outside agency)?

15 - Answer: ERS is provided in an individualized manner. Who is contacted at the time an ERS button is activated will be determined by the individual/LAR, and the company providing the ERS service.

16 - Question: Will CFC ERS be available for individuals who do not live in their own home, or a family home setting (3- or 4-person home, host home/companion care, assisted living)?

16 - Answer: Individuals in host home/companion care, residential homes (3 or 4-person homes), and assisted living facilities will not be able to receive this service under CFC. CFC ERS will only be available to individuals who reside in their own home/family home. ERS may be available as an adaptive aid in the waiver for individuals in some residential settings if the individual is left alone and the individual and service planning team determines ERS services are necessary.

17 - Question: Can an individual in an IDD waiver program request to convert his similar waiver service (SHL, CS, habilitation or residential habilitation) in the IPC to CFC prior to his IPC renewal date?

17 - Answer: An individual may request his service planning team convene to discuss CFC services based on identified need. An individual may request a change to the individual's service plan any time there is a change in the individual's identified need for services.

CFC SETTINGS

1 - Question: Would an Assisted Living Facility (ALF) or an ICF/IID be considered an institutional setting for CFC purposes?

1 - Answer: An individual will not be able to receive CFC services in an Assisted Living Facility (ALF) or Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions (ICF/IID) as these settings are considered residential settings that provide 24-hour care or assistance with care. In order to receive CFC, the individual would need to leave the ICF/IID or ALF setting.

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2 - Question: How is the term “community based setting” defined?

2 - Answer: Federal requirements for home and community-based settings can be found at the following link: <http://www.medicaid.gov/medicaid-chip-program-information/by-topics/long-term-services-and-supports/home-and-community-based-services/downloads/requirements-for-home-and-community-settings.pdf>

3 - Question: Please clarify the availability of CFC to children in foster care.

3 - Answer: Children in Department of Family and Protective Services (DFPS) conservatorship can receive CFC in a foster care setting. The DFPS licensed or Child Placing Agency verified foster care setting cannot be a residential setting in an IDD waiver program (e.g., HCS host home/companion care, 3 or 4-person home, DBMD ALF).

CFC OVERSIGHT

1 - Question: How will monitoring of CFC services occur?

1 - Answer:

- For CFC services provided by HCS and TxHmL providers, DADS Waiver Survey and Certification (WS&C) will continue to monitor these services as they do today for individuals in these waiver programs.
- For CFC services provided by a DBMD or CLASS provider, DADS Community Services Contracts unit will continue to monitor these services as they do today for individuals in these waiver programs.
- Utilization Review (UR) for CFC services provided to individuals in CLASS, DBMD, HCS or TxHmL will be handled in the same manner UR is handled today. Requests for CFC must continue to meet existing UR criteria for the similar waiver service (SHL, CS, and habilitation/residential habilitation).

2 - Question: How long does DADS have to make a determination of authorization for CFC?

2 - Answer: Existing service planning and authorization timeframes for the IDD waiver programs will remain the same.

3 - Question: Will providers, LIDDA service coordinators and case management agencies continue to monitor CFC in the IDD waiver programs?

3 - Answer: Monitoring waiver service provision and the provision of CFC services will occur in the same manner this activity takes place currently.

CFC AND EVV

1 - Question: Will providers have to use Electronic Visit Verification (EVV)?

1 - Answer: If you are a provider in a waiver program that currently uses EVV you will continue to use EVV for CFC services. If you are contracting to provide CFC services to an individual through an MCO (e.g., non-

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waiver), you will be required to use EVV even if you are not required to use EVV for DADS waiver programs. For more information about EVV, please reference the HHSC EVV website at: http://www.tmhp.com/Pages/Medicaid/Medicaid_home.aspx

CFC PROVIDERS, RATES AND BILLING

1 - Question: How do providers qualify to provide CFC services?

1 - Answer: Providers delivering IDD waiver services will qualify to deliver CFC. Senate Bill 7, 83rd Texas Legislature, Regular Session, 2013 requires MCOs to contract with Significant Traditional Providers (STP), which includes CLASS licensed home and community support service agencies (HCSSAs), and certified HCS and TxHmL providers. HHSC has also included DBMD HCSSAs as STPs. STPs can contract with MCOs to deliver CFC services to non-waiver individuals who are MCO members.

2 - Question: How will CFC hours be requested?

2 - Answer: Existing service planning processes will be used to request and justify CFC services in the IDD waiver programs.

3 - Question: What type of Home and Community-based Support Services Agency (HCSSA) license do we need to participate in CFC?

3 - Answer: Eligible CFC providers include an entity with a PAS or a Home Health HCSSA license or a certified TxHmL or HCS provider.

4 - Question: Will there be any impact to my cost reporting requirements?

4 - Answer: DADS waiver providers will be required to include their CFC units of service in their Cost Report, but otherwise all requirements will remain the same. The only change will be providers will have to breakout their CFC units of service from their non-CFC units of service on their cost and accountability reports.

5 - Question: If someone has already attended the 2 day person-centered planning training, will they be able to use that past training to qualify for the training requirement for CFC?

5 - Answer: Provider staff will need to send inquiries about person-centered training qualifying for CFC to the appropriate agency (MCO, DADS) that contracts with the CFC provider. For DADS, the inquiry should be sent to Cfcpolicy@dads.state.tx.us.

6 - Question: Will attendant pay be reduced when CFC is implemented?

6 - Answer: Minimum attendant wage requirements are outlined in Chapter 49 and are applicable to CFC services delivered under DADS waiver programs. Rates will not be reduced.

7 - Question: As in the current IDD waiver programs (or any Medicaid program) providers may limit ('cap') the number of individuals they serve. Will providers still be allowed to limit the number of individuals they serve after CFC is implemented?

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7 - Answer: Processes under the current DADS IDD waiver provider contracts will continue once CFC implements. If a provider is allowed to limit the number of people served under an existing DADS waiver contract that process will continue after the implementation of CFC.

8 - Question: Do IDD waiver providers have to obtain a new contract or something to deliver CFC?

8 - Answer: Providers who hold contracts with DADS to provide HCS, TxHmL, CLASS and DBMD services can deliver CFC under their existing contracts. If providers wish to deliver CFC under managed care, the provider must contact managed care organizations to inquire about enrolling as a managed care CFC provider. Information about contracting with MCOs to deliver CFC services can be found at:

<http://www.hhsc.state.tx.us/medicaid/managed-care/community-first-choice/>

9 - Question: SB 7 states the LIDDA may not be a provider of CFC services. How will this impact the delivery of these services in the HCS and TxHmL Programs they currently operate? Will the LIDDAs be required to offer the individuals they serve who qualify for CFC a choice of CFC providers, or will these services be 'grand-fathered in' just for persons whom they currently serve?

9 - Answer: LIDDAs providing HCS and TxHmL Program services will be able to deliver CFC services to individuals receiving HCS and TxHmL Program services through the LIDDA. However, for individuals receiving CFC through managed care, LIDDAs cannot contract with MCOs to deliver CFC services.

10 - Question: Will individuals already enrolled in the DADS IDD programs receive CFC through their current IDD waiver providers? Will this change for individuals enrolling in the IDD waivers after June 1, 2015?

10 - Answer: Individuals currently enrolled in an IDD waiver program who are eligible to receive CFC services will receive CFC services from their comprehensive waiver provider or CFC PAS/HAB through the CDS option.

11 - Question: How will the rate enhancement work with CFC?

11 - Answer: DADS rate enhancement will remain the same when CFC services are implemented.

12 - Question: If a provider is not participating in a specific program, such as CLASS, will they be responsible for providing CFC services and will attendants be required to meet the primary programs requirements (i.e. first aid training, etc.)?

12 - providers delivering CFC. Existing waiver program staff qualifications apply to any service providers or direct care staff delivering waiver services.

13 - Question: How will providers be trained in Support Management?

13 - Answer: The State will provide resources to providers and FMSAs to use as training material for the individuals who request support management.

14 - Question: Will there be training about CFC for DADS providers?

14 - Answer: DADS is hosting webinars for HCS, TxHmL, CLASS, and DBMD providers. DADS providers can access the DADS CFC website at: <http://www.dads.state.tx.us/providers/CFC/index.cfm>. The DADS site has

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dates and times for webinars on CFC. Materials covering CFC delivered via managed care are available on the HHSC CFC website at: <http://www.hhsc.state.tx.us/medicaid/managed-care/community-first-choice/>

15 - Question: Will you be holding trainings in person, non-webinar?

15 - Answer: DADS and HHSC conducted in person trainings across the state beginning in December 2014-February 2015. Additional in-person trainings are not planned. DADS is certainly willing to attend provider conferences to share information on CFC.

GENERAL QUESTIONS

1 - Question: Is Day Activity and Health Services (DAHS) being replaced by CFC benefits?

1 - Answer: Day activity and health services (DAHS) is a separate Medicaid State Plan benefit. Both CFC and DAHS are Medicaid entitlement services. An individual can receive both CFC and DAHS, but they cannot receive both of these services at the same time.

2 - Question: Who will be conducting CFC assessments for individuals in MDCP?

2 - Answer: Individuals in the MDCP waiver will not receive CFC services through their MDCP waiver provider. Any assessments for CFC services and services delivered will be conducted through managed care or fee-for-service Medicaid through the Department of State Health Services (DSHS).

3 - Question: Can an individual in a waiver pick one provider to deliver their CFC services and a different provider to deliver their IDD waiver program services?

3 - Answer: An individual's IDD comprehensive waiver provider delivering waiver services will also deliver CFC services.

4 - Question: Removing personal assistance and habilitation from the waiver budget could provide individuals with more therapies and nursing—is that the goal?

4 - Answer: While not the primary goal of CFC, moving CFC services to the state plan will allow individuals to access additional waiver services, if necessary.

5 - Question: Will individuals who qualify for CFC be able to keep their position on the interest lists for the IDD waiver programs? Is the intent of CFC to provide services to eligible individuals based on need as they wait for a waiver slot offer from DADS, or is it meant to serve as a more long-term benefit?

5 - Answer: Individuals will retain their position on a DADS IDD program interest list, unless they choose to be removed from the list and make such a request to DADS. CFC is an entitlement service that will be available to all individuals who qualify for the services as a long-term service and support. CFC will provide services to individuals who may be registered on a DADS IDD program interest list, in addition to other individuals who qualify for CFC.

6 - Question: Will CFC reduce the size of the DADS program interest lists?

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6 - Answer: An individual could begin CFC services and decide CFC adequately meets their long-term support needs. In such cases, the individual may choose to remove his name from a program interest list. However, individuals may remain on the interest list while receiving CFC services; DADS will not remove an individual's name from a waiver program interest list if the individual begins receiving CFC. CFC will not affect an individual's status on the interest list, although CFC will provide services to individuals who are on the interest list and qualify for the service.

7 - Question: Who will Aging and Disability Resource Centers (ADRCs) refer individuals to if they are asking for CFC services?

7 - Answer: ADRCs will refer individuals to the appropriate resource depending upon the individual's situation and which specific services the individual needs.

8 - Question: Will there still be a requirement for an individual to have a habilitation need in order to qualify for CLASS once the habilitation services are removed?

8 - Answer: Yes— CLASS still requires individuals demonstrate a need for habilitation to be eligible for the program. Qualifying for CFC PAS/HAB will meet this requirement.

9 - Question: When individuals receiving CFC through a managed care organization are offered a slot in an IDD waiver program, how will they choose a provider? Does the individual pick a licensed provider or will the individual have to pick a certified provider to deliver CFC?

9 - Answer: Individuals offered an IDD waiver slot while receiving managed care CFC services, upon determination of eligibility for the IDD waiver program, will receive waiver services and CFC, from a licensed home and community support services agency or a certified HCS or TxHmL provider. Provider requirements for licensure or certification vary based upon the waiver program and are not changing as part of this initiative.

10 - Question: Please clarify in more detail about cueing for children where their development independent of their disability may require "reminders."

10 - Answer: CFC definition of PAS/HAB includes cueing which could include reminders for activities such as personal hygiene, diet, dressing, toileting, and social behavior.

11 - ongoing support to complete tasks such as eating, bathing, and dressing? If the child continues to need CFC year after year, would they have to consider using Personal Care Services (PCS) as they have not gained sufficient skills to complete tasks by themselves?

11 - Answer: CFC services are not time or age limited. Eligible individuals will be able to access CFC services as long as needs are present.

12 - Question: Are Texas Administrative Code (TAC) rules currently being drafted for CFC?

12 - Answer: DADS is currently revising the HCS, TxHmL, CLASS, and DBMD TAC, Chapter 49 Contracting for Community Services, Chapter 41, the Consumer Directed Services Option, and Chapter 2 Service Coordination for Individuals with Intellectual and Developmental Disabilities with a target effective date of March 2016. Providers will refer to DADS information letters to implement CFC from June 2015 – February 2016.

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13 - Question: If a family member provides CFC to an individual, will the pay the family member receives for the provision of this service be taxable?

13 - Answer: The IRS provides guidance to family members providing attendant services.

14 - Question: Do LIDDAs bill for service coordination provided to individuals in HCS and TxHmL for CFC the same way that targeted case management is billed now?

14 - Answer: Yes, since coordination and assessment functions will be reimbursed under targeted case management.