Consumer Directed Services (CDS)

Service Provision Requirements Addendum

Community Living Assistance and Support Services (CLASS)

All services must meet a need you discussed with your service planning team (SPT) and must be approved on your service plan (Form 3621, CLASS — Individual Plan of Care, or Form 3621-Revised, CLASS — Individual Plan of Care).

Services Available Under the CDS Option

Community First Choice (CFC) Personal Assistance Services/Habilitation (PAS/HAB): Refer to the CFC Addendum.

In-Home Respite: Respite is provided for the planned or emergency short-term relief of the unpaid primary caregiver who lives with the individual. Respite is provided when the primary caregiver is temporarily unavailable to provide supports due to non-routine circumstances. Respite tasks are the same as habilitation. If your respite provider does nursing tasks listed on your habilitation plan, then you must either name the tasks that you will train and supervise on Form 1733 or work with the CDS nurse to delegate and supervise these tasks. The respite provider cannot live with the individual receiving services if the primary caregiver is the CFC PAS/HAB service provider and resides in the same household as the individual.

Out-of-home respite can be provided in:

- an adult foster home licensed or certified by the Texas Department of Aging and Disability Services (DADS),
- a licensed assisted living facility,
- a licensed nursing facility,
- a licensed intermediate care facility, or
- an approved outdoor camp that meets health and welfare requirements of DADS and has American Camping Association accreditation.

Nursing: A registered nurse (RN), or a licensed vocational nurse (LVN) under the supervision of an RN, must provide only those tasks listed on the approved nursing plan developed by your CDS RN and approved by a medical practitioner.

Physical Therapy: The therapist must follow the plan of care.

Occupational Therapy: The therapist must follow the plan of care.

Speech, Hearing and Language Services: The therapist must follow the plan of care.

Cognitive Rehabilitation Therapy (CRT): Cognitive rehabilitation therapy is a service that assists an individual in learning or relearning cognitive skills that have been lost or altered because of damage to brain cells/chemistry in order to enable the individual to compensate for the lost cognitive functions, including reinforcing, strengthening or reestablishing previously learned patterns of behavior or establishing new patterns of cognitive activity or compensatory mechanisms for impaired neurological systems. Services are provided in accordance with the plan of care developed by the assessor.

Employment Assistance: Employment assistance helps the individual locate paid employment in the community and includes:

- identifying an individual's employment preferences, job skills, and requirements for a work setting and work conditions;
- locating prospective employers that offer employment compatible with an individual's identified preferences, skills and requirements; and
- contacting a prospective employer on behalf of an individual and negotiating the individual's employment.

Supported Employment: Supported employment is provided in order to sustain competitive employment for an individual who, because of a disability, requires intensive ongoing support to be self-employed, work from home or perform in a work setting at which individuals without disabilities are employed. Individuals receiving supported employment earn at least minimum wage (if not self-employed). Supported employment includes employment adaptations, supervision and training related to an individual's assessed needs.

Support Consultation: Individuals may also access support consultation if they and their SPT decide it is a necessary support to assist the individual in successfully using the CDS option.

Transportation (Habilitation): Provided for the use of transportation activities, as outlined in an individual's transportation plan.

CFC Support Management: Refer to the CFC Addendum.

I have read and understand the services ..... _____
Initials

Who Cannot Be Hired to Provide Your Services

- Employer or employer's spouse
- Individual receiving services or individual's spouse
- Designated representative (DR), if you have one
- DR's spouse
- Legally authorized representative (LAR) — if under age 18, the individual's parent, foster parent, managing conservator, stepparent or court-appointed guardian; if age 18 or over, the individual's court-appointed guardian
- LAR's spouse

Note: The respite provider cannot live with the individual receiving services if the primary caregiver is the CFC PAS/HAB service provider and resides in the same household as the individual.

I have read and agree not to hire any of the above as a service provider ..... _____
Initials

Service Delivery Documentation

- Time sheet

or

- Electronic Visit Verification (EVV) record, if applicable

I have read and agree to follow the service delivery documentation requirements ..... _____
Initials

Service Backup Plans

- The CDS employer (individual or LAR) is responsible for developing a backup plan (Form 1740, Service Backup Plan) for services that the SPT determines are critical to the individual's health and safety. The case manager must approve the backup plan.
- The case manager will review the backup plan on an annual basis and may request a revised backup plan if it is found ineffective.

I have read and agree to the service backup plan requirements ..... _____
Initials

Other Special Requirements

- The employee may only perform tasks authorized on the individual plan of care (IPC).
- The employee cannot provide services to other family members.
- Nurses must sign Form 1747, Acknowledgement of Nursing Requirements, and conform to the Texas Board of Nursing (BON) Nursing Practice Act before providing services and must keep required documentation in the individual’s home. An LVN must sign Form 1747-LVN, Licensed Vocational Nurse (LVN) Supervision, and conform to the BON Nursing Practice Act before providing services and must keep required documentation in the individual’s home.
- Employee bonuses must be included in the CDS employer budget and must be accrued from hours that the employee has worked. Hours not used during the service plan year cannot be converted to a bonus.
- The employer cannot submit a time sheet to the Financial Management Services Agency (FMSA) for time the employee worked while the individual was in the hospital or any other institutional setting.
- The employer must keep a copy of all CDS employer forms for each employee, except the criminal history report, in the home.

I have read and agree to follow the special requirements ..... _____
Initials

Employee Qualifications

For all services, the employee must:

- be age 18 or older;
- have no criminal convictions listed by state law that prohibit employment in a health care setting;
- have no conviction of Medicaid fraud or abuse;
- not be listed on the Employee Misconduct Registry (EMR) or Nurse Aide Registry (NAR);
- meet and maintain provider qualifications as required by the program and/or by state or federal law;
- be able and willing to meet the needs of the individual receiving services and, with training, be able to follow direction from the employer and the designated representative;
- have a valid Social Security number, regardless of residence, and provide appropriate documentation required for the completion of Form I-9, Employment Eligibility Verification, for verification of citizenship and immigrant status as required by the federal government; and
- maintain a current driver's license and insurance if transporting the individual.

For nurses and therapists: Nurses and therapists must meet and maintain professional licensure qualifications as required by the program and/or state or federal law.

For supported employment and employment assistance: If providing supported employment or employment assistance, the employee must be at least age 18 or older and satisfy one of these options:

Option 1: Have —

- a bachelor's degree in rehabilitation, business, marketing or a related human services field; and
- six months of paid or unpaid experience providing services to people with disabilities.

Option 2: Have —

- an associate's degree in rehabilitation, business, marketing or a related human services field; and
- one year of paid or unpaid experience providing services to people with disabilities.

Option 3: Have —

- a high school diploma or a Certificate of High School Equivalency (general equivalency diploma [GED] credentials), and
- two years of paid or unpaid experience providing services to people with disabilities.

For cognitive rehabilitation therapy: The service provider must be:

- a **psychologist** licensed by the Texas State Board of Examiners of Psychologists under Title 3 of the Texas Occupations Code, Subtitle H, Chapter 501, Psychologists;
- a **speech-language pathologist** licensed under Title 3 of the Texas Occupations Code, Subtitle G, Chapter 401, Speech-Language Pathologists and Audiologists; or
- an **occupational therapist** licensed under Title 3 of the Texas Occupations Code, Subtitle H, Chapter 454, Occupational Therapists.

I have read and agree to hire providers who meet the qualifications ..... _____
Initials

Training Requirements for All Service Providers

- Must have current training certification in cardiopulmonary resuscitation (CPR) and choking prevention that includes an in-person evaluation by a qualified instructor verifying the service provider's ability to perform these actions.
- Must complete orientation and training as specified by the individual/employer.
- Must pass criminal history and other applicable registry checks.
- Must maintain a current driver's license and insurance if transporting the individual.

Training Requirements for All Service Providers (continued.)

- Must complete orientation, including an overview of related conditions and training in the necessary activities, before delivering services. The CDS employer is responsible for providing this training and must document all initial and ongoing training, including what was discussed, on Form 1732, Management and Training of Service Provider, and send Form 1732 to the FMSA within 30 calendar days after hiring the service provider and every year within 30 calendar days after the service provider's hire anniversary date.
- Must complete training on the nursing tasks listed on Form 1733.

I have read and agree to ensure providers meet the training requirements ..... _____
Initials

The case manager, FMSA or DADS utilization review staff can look at your CDS paperwork. It is important to keep a copy of all your CDS forms, except the criminal history report, easily accessible.

I have read, understand and agree to comply with the CLASS program requirements. If I do not follow these requirements, I understand that I can be reported to the appropriate authorities for Medicaid fraud.

Employer or Designated Representative Signature	Date