Consumer Directed Services (CDS)

Service Provision Requirements Addendum

Medically Dependent Children Program (MDCP)

Services Available Under the CDS Option

Respite Services (provided by either a nurse or an attendant): Respite is a service that provides temporary relief from caregiving to the primary caregiver of a waiver individual during times when the individual's primary caregiver would normally provide care. Respite may not be used during the time the primary caregiver is at work, attending school or in job training. Respite is provided in the individual's home or foster home, the home of the individual's relative, the respite provider's home, or community settings such as a park.

Flexible Family Support Services (Adjunct Support Services): Flexible family support services are a diverse array of approved, individualized, disability-related services that support independent living, participation in community-based child care and participation in post-secondary education. Flexible family support services may be used only when the primary caregiver is working, attending job training or attending school. Flexible family support services may not be used in place of child care that is paid for by the primary caregiver.

Employment Assistance: Helps the individual locate competitive employment in the community. Employment assistance 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.

An individual cannot receive employment assistance at the same time as respite, flexible family support services or supported employment.

Supported Employment: 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. An individual cannot receive supported employment at the same time as respite, flexible family support services or employment assistance.

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

Who Cannot Be the Employee

- Primary caregiver(s)
- Employer
- Employer's spouse
- Designated representative (DR)
- 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

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 for select regions, depending on level of participation

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

Service Backup Plans

- All individuals receiving MDCP must have a service backup plan.
- The CDS employer (individual or LAR) is responsible for developing a backup plan (Form 1740, Service Backup Plan). 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 for the individual receiving services, not for other family members. For example, your respite provider cannot cook dinner for everyone in the household.
- The individual must utilize services monthly to maintain eligibility for MDCP.
- The individual or the individual's primary caregiver may change the service schedule for respite and flexible family support services if the change:
  - does not exceed the individual's cost ceiling per individual plan of care (IPC) year,
  - only uses hours not used in a previous month, and
  - does not increase the individual's total monthly hours by more than three times the monthly hours authorized.
- The same provider cannot provide more than 16 hours of services within a 24-hour period.
- Services cannot be delivered outside the state of Texas.
- A registered nurse (RN) 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. A licensed vocation nurse 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 reports, 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 a high school diploma or a certificate recognized by a state as the equivalent of a high school diploma; or
  - documentation of a proficiency evaluation of the employee’s experience and competence to perform job tasks, including an ability to provide the services needed by the individual, as demonstrated through a written competency-based assessment; and
  - at least three personal references from people not related by blood that evidence the person’s ability to provide a safe and healthy environment for the individual;

- 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;
- have no criminal convictions listed by state law that prohibit employment in a health care setting;
- have no conviction of Medicaid fraud or abuse; and
- not be on the Employee Misconduct Registry or Nurse Aide Registry list.

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

If providing supported employment or employment assistance: The employee must satisfy one of the following combinations of education and experience:

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 general equivalency diploma (GED), and
- two years of paid or unpaid experience providing services to people with disabilities.

For respite and flexible family support providers: Must have cardiopulmonary resuscitation (CPR) certification and first aid training.

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

Training Requirements for All Service Providers

- Before providing direct services to an individual, the service provider must complete specific training provided by the CDS employer.
- The CDS employer must document all initial and ongoing training activities 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.

If the employer chooses to use the CDS exemption from nursing delegation (Form 1733, Employer and Employee Acknowledgement of Exemption from Nursing Licensure for Certain Services Delivered through Consumer Directed Services), the employer provides training for any nursing tasks listed on Form 1733.

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

The case manager, FMSA, or Texas Department of Aging and Disability Services (DADS) utilization review staff can talk with the individual about the services available through the CDS option and ask to review all CDS employer forms.

I have read, understand and agree to comply with the MDCP 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