Consumer Directed Services (CDS)

Service Provision Requirements Addendum

Texas Home Living (TxHmL)

Services Available Under the CDS Option

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

Day Habilitation: Services allow participation in day habilitation for up to six hours a day, five days a week. These services are designed to help individuals learn, retain and improve self-help and socialization and to learn adaptive skills necessary to live successfully in the community. **An individual may not receive day habilitation at the same time as supported employment, employment assistance, respite or CFC PAS/HAB.**

Respite: Provided for the planned or emergency short-term relief of the unpaid caregiver of an individual when the caregiver is temporarily unavailable to provide supports due to non-routine circumstances. Respite includes an approved outdoor camp that meets the health and welfare requirements of the Texas Department of Aging and Disability Services (DADS) and has American Camping Association accreditation.

Behavior Support: Specialized interventions that help individuals increase adaptive behaviors to replace or modify maladaptive or socially unacceptable behaviors that prevent or interfere with the individual's inclusion in home and family life or community life. Provided by a licensed or certified psychologist or certified behavioral analyst, services include assessing targeted behaviors and analyzing assessment findings so that an appropriate behavioral support plan may be designed. Development of an individualized behavioral support plan is consistent with the outcome identified in the individual's person-directed plan.

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.

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.

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

CFC Support Management: Refer to the CFC Addendum.

Dietary: Provides for a licensed dietician to perform a face-to-face assessment, consultation and staff training. Services include basic and/or special therapeutic nutritional needs.

Dental: For individuals age 21 and older, provides emergency, preventive and therapeutic dental treatment, including routine examinations.

Audiology: Plan of care developed by a licensed professional.

Occupational Therapy: Plan of care developed by a licensed professional.

Physical Therapy: Plan of care developed by a licensed professional.

Speech/Language Pathology Services: Plan of care developed by a licensed professional.

Nursing: Includes a comprehensive assessment by a registered nurse (RN). Nursing services must be listed on a nursing plan of care and can be delivered by an RN or a licensed vocational nurse (LVN) under the supervision of an RN. An unlicensed employee may perform nursing tasks if an RN delegates the tasks.

Minor Home Modifications: Services are designed to assess the need for and the arrangement and provision of modifications and/or improvements to an individual's home to allow for community living and to ensure safety, security and accessibility. **In most cases, individuals must pay up front and then the Financial Management Services Agency (FMSA) will reimburse the individual.**

Adaptive Aids: Necessary medical supplies, devices, controls or appliances that allow individuals to retain or to increase their abilities to perform activities of daily living or control their environment. This service provides adaptive aids necessary to treat, rehabilitate, prevent or compensate for conditions resulting in disability or loss of functioning. **In most cases, individuals must pay up front and then the FMSA will reimburse the individual.**

Transportation (Community Support): Transportation activities, included on the individual's person-directed plan.

Services **must** meet a goal listed on the person-directed plan.

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

Who Cannot Be the Employee

- Employer
- Employer's spouse
- Individual receiving services
- 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
- Anyone living in the same residence as the individual
- For behavior support and adaptive aids — any relative by blood or marriage

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

Service Delivery Documentation

- Time sheet — Form 1745, Service Delivery Log with Written Narrative/Written Summary

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 service planning team determines are critical to the individual’s health and safety. The service coordinator must approve the backup plan.
- The service coordinator 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 provide services allowed on the plan.
- The employee may only provide services for the individual receiving program services, not for family members or other persons residing in the home.
- An 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 home. A licensed vocational 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 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 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;
- not be on the Employee Misconduct Registry or Nurse Aide Registry list; and
- not be on the state and federal lists of excluded individuals and entities.

If providing transportation services, the employee must:

- have a valid driver's license, and
- transport the individual in a vehicle insured in accordance with state law.

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.

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.

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 or on the nursing plan.

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

The service coordinator, FMSA or DADS utilization review staff can talk with the individual about the services available through the CDS option and can ask to review all CDS employer forms. Please keep forms easily accessible.

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