October 2, 2009

To: Community Living Assistance and Support Services (CLASS) Providers, Case Management Agencies (CMAs), and Consumer Directed Service Agencies (CDSAs)

Subject: Information Letter No. 09-134 Clarification on CLASS Provider and CMA Responsibilities Related to Consumer Directed Services (CDS) Option for Nursing Services

The purpose of the letter is to respond to questions raised on the September 14, 2009, CLASS conference call related to the CDS option for nursing. At the request of the Texas Association for Home Care this letter is in a question and answer format.

**What is the Direct Service Agency’s (DSA’s) nursing role if the person uses the CDS option for nursing services?**

The DSA nurse is responsible for conducting the initial assessment/annual re-assessments for the plan of care. If the Interdisciplinary Team (IDT) determines that an individual will need nursing, the registered nurse (RN) hired by the individual will be responsible for developing and overseeing the nursing plan of care. The DSA will have no involvement with the nursing services of an individual using the CDS option except to conduct the initial assessment/annual re-assessments for the level of care.

_The nurse hired by the individual, not the DSA nurse as stated in Information Letter 09-120, will be responsible for providing post-hospitalization services._

**Will the DSAs be held liable for nursing service delivered by the nurse hired by the individual?**

No. A DSA would not be liable for services provided by an employee of the individual, so there is no reason for a Home and Community Support Services Agency (HCSSA) to check their licensure requirements as was mentioned on the conference call.

**What oversight is there from the Texas Department of Aging and Disability Services (DADS) regarding the number of CDS nursing hours?**

Like DSA services, services delivered through the CDS option will need to be authorized by CLASS state office staff. The utilization review process will be the same regardless of whether the service is provided through a DSA or the individual uses the CDS option.
How will the adaptive aids process work if the individual hires a nurse using the CDS option?

The process will work the same as it does now. The professional requesting an adaptive aid, which could be the nurse, physical therapist, occupational therapist, or speech/hearing therapist hired by the individual, will notify the case manager who will provide assistance to the professional completing and processing Form 3660, Request for Adaptive Aids, Medical Supplies, and Minor Home Modifications. The case manager would then send Form 3660 to the DSA.

How will case managers authorize nursing services for those using the CDS option?

If the IDT determines there is a need for nursing services, the CMAs will authorize five (5) hours of CDS RN nursing services (13BV) to develop the nursing plan of care and to determine the number of service hours needed. In addition, the CMA will authorize a sufficient number of service units (minimum of five (5) hours) of “RN Nursing Services” (SVC 13B) to allow the DSA to conduct annual re-assessment.

Are back-up plans required for nursing delivered through the CDS option?

Yes. Per CDS rules, 40 Texas Administrative Code, Chapter 41, §41.217, the CDS individual is to develop a service back up plan, (Form 1740, Service Backup Plan) for each service that the IDT deems critical to health and safety. CLASS state office staff have determined that back up plans will be required for nursing and habilitation. It will be expected that the IDT will request and approve back-up plans submitted by the CDS employer. The case manager will send a copy of the approved back-up plan to the individual’s CDSA.

If you have additional questions, please contact the CLASS programs specialist at (512) 438-3015 or email patrick.koch@dads.state.tx.us or contact the CDS Coordinator at (512) 438-4855 or e-mail elizabeth.jones@dads.state.tx.us.

Sincerely,

[signature on file]

Tommy Ford
Director
Community Services

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