

**CAC CADI TBI DD EW AC**

**CONSUMER DIRECTED
COMMUNITY SUPPORT POLICY**

Consumer Directed Community Support (CDCS) is a flexible service option within Home and Community Based Waiver Services (HCBS) in which a client (or responsible party) can direct an assigned budget amount within established parameters and guidelines. CDCS allows the client to develop and direct individualized supports using informal, formal and generic services**. Dakota County has responsibility for determining the appropriateness of participation in CDCS. All funds must go through a contracted Fiscal Support Entity.**

## PARTICIPATION CRITERIA

To access the CDCS service, a participant must be a HCBS waiver recipient, a client of Dakota County Social Services/Public Health and Dakota County’s financial responsibility. A participant cannot reside in a licensed facility or foster home.

A client, their parent(s) if a minor child, and/or legal representative, if they have one, must:

1. Prior to CDCS start, attend a CDCS Orientation Session.
2. Follow the terms of the CDCS Participation Agreement and Policy.
3. With whomever they choose - develop, revise and update, as required/needed, a Community Support Plan (CSP) identifying and explaining how the funds will be used.
4. Decide who will arrange for the supports and services identified in the Plan.
5. Select a Fiscal Support Entity and method for paying staff and goods.
6. Submit documentation as required to the Fiscal Support Entity for payment and/or reimbursement.
7. Not use funds to pay parental fees or MA spenddown.

##### MAXIMUM RESOURCE ALLOCATION

Maximum resource allocations are determined by the Minnesota Department of Human Services (DHS). For clients using CAC, CADI, TBI, EW and AC, allocations are based on the client’s most recent Long Term Care Consultation or Reassessment. For clients using the DD waiver, maximum allocations are based on the client’s most recent full team screening. Clients have access up to that resource amount annually as determined by Dakota County and approved in their Community Support Plan. All CDCS participants must have a reassessment/rescreening annually. Resource allocations may change mid plan year due to screening or reassessment. To access an increase, a client must have unmet health and safety needs using their current resource allocation. Decreases will result in prorated resource amounts for the remainder of the plan year.

**SERVICE AUTHORIZATION SPANS**

The FSE must reimburse based on service authorization date spans.

**EXPENDITURE PARAMETERS**

Expenditures must be consistent with the following:

# Client Driven

* Proposed expendituresrelate tothe client’s needs and priorities.

# Health & Safety

* Proposed expenditures support the client’s health, safety and general well being.

# Fiscal Responsibility

* Proposed expenditures cannot be covered by other sources (e.g., private insurance, Medical Assistance, Social Security, Section 8, etc.), or those sources have been exhausted.
* Proposed expenditures fall within a customary cost range for similar support, goods and services.
* Proposed expenditures do not tie up funds (e.g., certificates of deposit, treasury bills/notes, life insurance premiums, etc.).

# Defensible Use of Taxpayer Dollars

* Proposed expenditures are defensible to the taxpayer and the funding source, as determined by Dakota County, applicable state-set CDCS policy and guidelines, and the Dakota County CDCS Waiver Expenditure Guide.

# MANAGEMENT OF FUNDS

Following approval of the Community Support Plan, funds will be disbursed as identified in the approved CSP. All funds, except for certain home care services, must flow through a state approved Fiscal Support Entity (FSE). Dakota County contracts with the following agencies for FSE services:

 Community Involvement Programs (CIP)

 MRCI

 Lifeworks

 Others upon request

FSE’s will only disburse funds according to the approved plan. Requests for payment for items or services not in the approved plan will be denied.

# HIRING AND PURCHASING

Expenditures must be designated in one of the following categories on the Community Support Plan:

**Personal Assistance**: direct assistance provided in client’s home or community.

**Treatment and Training:** services that promote the client’s ability to live in and participate in the community.

**Environmental Modifications and Provisions:** supports, services, and goods provided to the recipient to maintain a physical environment that assists the person to live in and participate in the community, or are required to maintain health and well being.

**Self Direction Support Activities:** services, supports, and expenses incurred for administering or assisting the client or their representative in administering CDCS.

When hiring individuals to provide support the client\* is responsible for complying with applicable federal and state laws (e.g., FICA, workers’ compensation, unemployment, withholding). Agency with Choice and Payroll Model (fiscal agent) services are available to assist in this area.

***Throughout the remainder of this document client may also mean, as is appropriate to each situation: parents/guardians of minor children, the legal representative for the adult, or an individual the client/their support team designates to assist in a particular area.***

Agency with Choice: Agency and client/managing party have a shared employer relationship. The agency provides primarily a payroll service, including issuing paychecks and meeting all state and federal requirements for taxes, withholding, unemployment and workers’ compensation, as well as coordinating background studies completed by DHS.

Payroll Model (Fiscal Agent): Client as common law employer may retain the services of a fiscal agent to perform some employer related responsibilities including issuing paychecks and meeting state and federal requirements for tax withholding. Client is responsible for obtaining unemployment and workers’ compensation insurance.

All direct care by paid and unpaid persons on the CSP must have a background study. Licensed service providers and FSE’s are responsible for coordinating background studies on prospective employees. Individuals who fail to pass the background study may not be hired to provide CDCS services. Your plan must indicate all persons who are working direct care.

# AMENDING THE PLAN

The approved Community Support Plan is considered the plan in effect unless and until any proposed changes are submitted to the social worker/public health nurse and approved. Clients are expected, except in extenuating circumstances, to limit their plan changes to no more than once per calendar quarter. The plan must be amended and reapproved when:

* Moving funds from one category to another (e.g. from Personal Assistance to Environmental Modifications/Provisions).
* Adding an item or service to the current Community Support Plan.
* Revising the pay and/or work schedule for a parent of minor or spouse.
* Substituting an item costing more than $500 for a similar previously approved item.
* The annual budget amount increases or decreases.

# UNEXPENDED FUNDS

Funds may not be carried over from year to year.

# EXITING

Clients may terminate their participation in CDCS by notifying their Dakota County social worker/public health nurse. Transition time for changes in services will be needed and determined on a case-by-case basis. When leaving CDCS, a client’s resource allocation is determined by Dakota County.

Clients who exit their CDCS service more than once in a plan year are ineligible for CDCS for the remainder of that plan year.

The County retains the right to require assistance with management of CDCS, or rescind the CDCS service option entirely if it has reason to believe that funds are not being used in accordance with the approved plan and state and county guidelines, or if the client does not meet the criteria for participation, and/or management of funds. The County does technical assistance notices following DHS guidelines on involuntary exits from CDCS.

# APPEAL RIGHTS

If there is a reduction in service level or termination of services, the appeal process is the same as for any other program or service. If there is a denial of a particular expenditure request by the Dakota County supervisor and/or social worker/public health nurse, the client may request that a deputy director review the expenditure. If the deputy director denies the request, the appeal process is the same as for any other program or service.

**HOSPITALIZATIONS**

No money can be spent when a client is in the hospital.