DIVISION OF TENNCARE OPERATIONAL PROTOCOL

PROTOCOL TITLE: PROTOCOL FOR CONSUMER DIRECTION IN THE 1915(C) WAIVERS
EFFECTIVE DATE: JANUARY 1, 2025

Background:

Consumer Direction (Statewide Waiver (SW) and Comprehensive Aggregate Cap (CAC) Waiver) and Self-Direction (Self-Determination (SD) Waiver) are **models** of service delivery for home and community-based services (HCBS). They are not services. This model of service delivery affords members (or someone's representative) designated on the member's behalf as the employer of record) the opportunity to have choice and control over how eligible 1915(c) Waiver HCBS are provided, who provides the services, and how much workers are paid, up to a maximum amount specified by TennCare. For purposes of this protocol, the term "consumer direction" will be used to reference both Consumer Direction for CAC and SW Waivers as well as Self-Direction in the SD Waiver. Services eligible for consumer direction are Personal Assistance, Respite, and Individual/Community Transportation.

Services for each individual are facilitated by an Independent Support Coordinator (ISC) or a Case Manager (CM), depending upon the 1915(c) Waiver in which the individual is enrolled. Individuals enrolled in the Comprehensive Aggregate Cap (CAC) or Statewide Waiver are assigned an ISC from the ISC agency they select; individuals enrolled in the Self-Determination Waiver are assigned a CM who is employed by the Department of Disability and Aging (DDA). They will be referred to as "ISC/CMs" for the purposes of this document. Individuals enrolled in and receiving services through a 1915(c) Waiver will be referred to as "the member" throughout this document.

The member or representative, ISC/CM, Managed Care Organization (MCO), Fiscal Employer Agent (FEA), Supports Broker, and DDA have responsibilities at different points throughout the process related to requesting, authorizing, overseeing, and paying for consumer directed services. This protocol outlines each entity's responsibility as well as the processes related to service requests and continued authorization.

I. Responsibilities

A. Independent Support Coordinator/DDA Case Manager

During the annual person-centered planning process, and/or at any time the member expresses interest, the ISC/CM shall offer consumer direction of eligible 1915(c) Waiver Services (Comprehensive Aggregate Cap, Statewide Waiver, Self-Determination Waiver) HCBS to all 1915(c) Waiver members who are determined to need such services. The services available in the 1915(c) waivers for consumer direction are Personal Assistance, Respite, and

Individual/Community Transportation. Members assessed to need one or more of these services are informed of the opportunity to participate in consumer direction as part of educational materials developed by TennCare and the FEA and discussed with the member by the ISC/CM during the annual person-centered planning meeting. The educational materials describe the benefits and potential risks of consumer direction, the member or representative's responsibilities, and the supports that will be available if consumer direction is elected.

ISCs/CMs will monitor on an ongoing basis to ensure that the person's needs are being met through consumer direction and are responsible for reporting any concerns to DDA.

The ISC/CM will:

- Provide an orientation to consumer direction so that the person supported has the information necessary to understand the requirements and responsibilities associated with consumer direction;

- Inform members who elect consumer direction of the required use of the TennCare contracted FEA/Supports Brokerage entity;

- Continuously review the status of the approved budget for each service and assist the Employer of Record (EOR) in managing the budget, as needed and requested;

- Conduct ongoing monitoring of the implementation of the PCSP and health and welfare of the member, including as it relates to participate in consumer direction;

- Act as a liaison when there are communication challenges between the member and FEA, including but not limited to an inability to reach the member; and

- Support the EOR in activating the back-up plan when needed.

For each consumer directed service, a budget shall be established based on the member's needs and preferences and the units of service necessary to meet the member's needs as reflected in the PCSP. Any requests for adjustments in the budget amount or in waiver services are submitted through the ISC/CM.

B. Member or Representative Responsibilities

The member or the conservator will decide whether to directly manage these services or receive them from a contracted, qualified provider. A member who does not have a legally appointed representative may designate an individual (including family members, friends, or other persons) to serve as a representative for

consumer direction. Requirements that the representative must meet are set forth in TennCare Rules. The ISC/CM will verify that a representative meets these qualifications, and the Fiscal Employer Agent (FEA) will confirm and approve.

When a representative for consumer direction has been designated, the member will participate in consumer direction activities to the extent they are able and allowed under the legal representation. A member may elect to participate or withdraw from participation in consumer direction at any time. A member can elect to change a representative at any time.

Members in 1915(c) Waivers have authority to manage the schedule at which each of the authorized services provided through Consumer Direction are needed. It is the member's responsibility to ensure that the worker does not work more than forty (40) hours per week. The approved annual or monthly budget for consumer directed services in combination with all other authorized 1915(c) Waiver HCBS must not exceed the member's annual expenditure cap, as applicable.

C. DDA Responsibilities in Consumer Direction

DDA will authorize consumer directed services based on the member's specific monthly or annual budget, as applicable.

D. FEA Responsibilities in Consumer Direction

The Fiscal Employer Agent is the entity contracting with the State, MCOs, and/or DDA that helps participants in Consumer Direction and Self-Direction.

The FEA provides both Financial Administration and Supports Brokerage functions for Participants. The FEA acts as the agent to members for the purpose of filing certain federal tax forms and paying federal income tax withholding, FICA and FUTA taxes. The FEA also files unemployment insurance tax forms and pays the associated taxes and processes payroll based on the Eligible 1915(c) waiver HCBS authorized and provided.

For members who consumer direct services, the FEA prepares and submits monthly budget status reports to the member and to the ISC/CM. In addition, the FEA is required to alert the member or representative, as appropriate, and the ISC/CM whenever the pattern of expenditures reveals the potential that the budget would be prematurely exhausted. The ISC/CM will review the monthly expenditure report with the member or representative, as appropriate, to identify and discuss potential problems, including potential over-expenditure of funds or expenditure patterns that might indicate that the member is having difficulty in accessing authorized services. The ISC/CM will assist the participant as needed to ensure the PCSP is adequate to meet the member's needs and the member or representative is properly trained on how to manage the budget.

E. Supports Broker

The Supports Broker is an individual assigned by the FEA to each Member who assists the Member/Representative as requested by the Member/Representative in performing certain Employer of Record functions as follows: developing job descriptions; recruiting, interviewing, and hiring Workers; Member and Worker enrollment in Consumer Direction and Consumer Direction training or Self-Direction and Self-Direction training, as applicable; and, if requested, assist in developing (as part of the onboarding process for new Workers) a schedule for the Member's Workers that aligns with the schedule at which services are needed by the Member as reflected in the Member's PCSP. The Supports Broker shall also assist the Member as needed with developing and verifying the initial Back-up Plan. The Supports Broker collaborates with the Member's ISC/CM, as applicable and appropriate. The Supports Broker does not have authority or responsibility for Consumer Direction or Self-Direction. The Member/Representative must retain authority and responsibility for Consumer Direction or Self-Direction, as applicable.

The Supports Broker is also responsible for training the member/representative and workers on Electronic Visit Verification (EVV) compliance. This training should include an overview on h o w to use the EVV application and alternative entry methods should the application be down or internet services unavailable. The Supports Broker and FEA will monitor EVV compliance to ensure established standards are being met **and provide retraining** when a member or worker is not following EVV guidelines. When issues are identified, the FEA and Supports Broker will notify the ISC/CM. Trainings and reeducation for EVV compliance should be an ongoing activity for Supports Brokers. Additionally, the FEA will share monthly c o m p l i a n c e data for each waiver program with TennCare and DDA and complete ad hoc requests in accordance with TennCare and DDA's requests and timelines.

II. Authorization, Referral, and Service Implementation Process

The model of Consumer Direction in the 1915(c) waivers is a prior authorization model. The determination regarding the services a member will receive will be based on a comprehensive assessment performed by an ISC/CM which identifies the member's needs, the availability of family and other caregivers to meet those needs, and the gaps in care for which paid services may be authorized. Once the type and amount of services that a member needs have been determined, the member can elect to have certain consumer-directed services provided by a more traditional

"Contract Provider," or to participate in Consumer Direction and employ the persons who will deliver needed services. Members electing consumer direction are empowered and have the responsibility for managing, in accordance with waiver service definitions and limitations, a budget affording flexibility in service design and delivery.

In 1915(c) Waivers, each authorization for consumer directed services shall include the type of service authorized; the dollar amount for each month of service authorized (i.e., the monthly budget for that service), or for Respite services, the dollar amount (applicable for hourly respite) for the year of service authorized (i.e., the annual budget); or, for Individual and Community Transportation, the dollar amount of approved expenditures up to the authorized maximum per member. Services provided through Consumer Direction shall be authorized in accordance with the PCSP.

A. New requests for consumer directed services – When a new request for consumer directed services is made by a member, a comprehensive assessment will be performed by the ISC/CM to determine if the requested service is needed and at what amount and frequency the service is needed. Once it has been determined that the service is needed and that the member desires to consumer direct, the referral should be sent to the FEA by the ISC/CM via the agreed upon data sharing interface. If the member is with an ISC agency, the ISC should notify the FEA.

B. Identification of workers – It is the responsibility of the member or the member's representative to identify and hire workers. While the FEA may offer assistance such as writing job descriptions or offer ideas on where to post a job, it is up to the member or the member's representative to identify, interview, hire, and manage workers.

C. Requesting Services – When a member in the SW or CAC waiver requests CD services, the ISC agency should notify the FEA of the intent. The FEA will then communicate with the DDA to process the referral and begin the CD process.

D. Referral to FEA– When a request for CD services has been made and approved by DDA, ISC/CM will send the referral to the FEA via the agreed upon electronic process. Once the referral has been received, the FEA will assign a Supports Broker who will then contact the member following all contractual timeframes.

E. Background checks – As part of the hiring process, the FEA will conduct all necessary background and registry checks in compliance with the FEA contract. The FEA will also inform the member of the outcome of each check and if there are any concerns about hiring the potential worker. After review of the background results, the member has the final decision-making authority on offering employment, which must be documented in the member's PCSP to reflect the member's understanding and acknowledgement of any risks associated with hiring the worker.

F. Paperwork/what to expect – The FEA will furnish all of the new employee paperwork to be completed such as tax documents, worker agreements, background checks, etc. The

Supports Broker will make weekly phone calls if paperwork is not received and is preventing service initiation. The FEA will also work with the member to ensure that all workers are aware and trained on EVV compliance. This training should be thorough and comprehensive to stress the necessity of EVV compliance. When there is an issue of EVV noncompliance, the Support Broker shall work with the person and the Employer of Record (EOR) for additional training or support needed to maintain compliance. With support from the Support Broker as needed, the EOR will determine when a worker who is noncompliant with EVV can no longer be a worker and needs to be terminated. The FEA is responsible for re-training and education with the member as it relates to EVV compliance. Should workers not maintain EVV compliance they may no longer be able to serve as a CD worker. Should members fail to follow EVV compliance, they may no longer be able to utilize CD services. If a worker, member, or EOR are not able to maintain EVV compliance, the FEA will notify DDA. The member would be notified that they would be disenrolled from CD and have the option to hire a provider agency for their services rather than consumer direct.

G. Choosing rates – The rate paid to each worker is determined by the member/representative in conjunction with the ISC/CM in order to ensure the rate of pay stays within the member's authorized budget for consumer directed services as listed on the PCSP. Overtime is not allowed.

H. Supports Broker responsibilities – Upon initial enrollment into CD services, the Supports Broker will conduct a face-to-face visit within 10 business days of assignment to begin the paperwork process and assist the member in completing the necessary steps for workers to begin. The Supports Broker is expected to participate in the development of the PCSP, Backup Plan, schedule, and rates, whenever requested by the member or member's representative.

I. **Back-up Plan** - A written plan that is a required component of a Member's PCSP, as applicable which specifies family members, other unpaid persons as well as Workers who are available, have agreed to serve as back-up, and who will be contacted to deliver needed care or support in situations when regularly scheduled Workers are unavailable or do not arrive as scheduled. A member shall not elect, as part of the Back-up Plan, to go without services. The Back-up Plan shall include the names and telephone numbers of contacts (workers, agency staff, organizations, natural supports) for alternate care, the order in which each shall be notified, and the services to be provided by each of the listed contacts. The member and his/her representative (as applicable) or other legal guardian shall have primary responsibility for the development and implementation of the Back-up Plan for Consumer-Directed or Self-Directed services, as applicable. The FEA will assist as needed with the development and verification of the initial Back-up Plan. The ISC/CM as applicable, shall be responsible for assistance as needed with implementing the Back-up Plan and for updating and verifying the Back-up Plan on an ongoing basis. MCOs shall not be expected or required to maintain contract providers

on standby to serve in a back-up capacity for services a member has elected to receive through Consumer Direction.

J. Prior to beginning the provision of CD services, the FEA shall notify DDA that all requirements have been fulfilled, including verification of all worker qualifications, criminal background checks, signed service agreements, and that the member is ready to begin CD.

III. Services available for Consumer Direction

A. Personal Assistance

Consumer directed Personal Assistance (PA) is available to all members in the 1915(c) Waivers, who are not receiving residential services, and shall be authorized on a monthly basis. The monthly budget amount shall be determined as follows:

- The ISC/CM shall determine the number of hours of PA services needed per month based on the member's comprehensive assessment
- The assessed need and hours of service required to meet the member's need shall be documented in the PCSP

The member may not exceed the approved monthly budget amount when managing his/her consumer directed PA service. The ISC/CM must ensure the amount of consumer directed PA authorized in combination with all other 1915(c) Waiver HCBS the member receives does not exceed the member's annual expenditure cap.

B. Respite

Consumer directed Respite services shall be available for 1915(c) Waiver members who are not receiving residential services and are assessed to need the service. Consumer directed Respite shall be authorized by DDA on a monthly and annual basis.

The annual budget amount shall be determined as follows:

- The ISC/CM shall determine the number of hours of Respite services needed based on the member's comprehensive assessment;
- The assessed need and hours of service required to meet the member's need shall be documented in the PCSP.

DDA shall submit to the FEA service authorizations containing the approved annual budget (dollar) amount electronically using the agreed-upon data interface or transmission method.

The member may not exceed the approved annual budget when managing his/her consumer directed Respite service. The ISC/CM must ensure the amount of consumer directed Respite authorized in combination with all other 1915(c) waiver HCBS the member receives does not exceed the member's annual expenditure cap.

C. Individual and Community Transportation

The ISC/CM will work with the member or their representative to determine the appropriate transportation service: Individual Daily Transportation or Monthly Community Transportation and the number of days per month the member will need to pay for or reimburse a transportation expense (bus fare, mileage, taxi, etc.).

Consumer directed Monthly Community Transportation shall be authorized as follows:

1. DDA shall submit to the FEA service authorizations containing the approved monthly transportation budget amount electronically using the agreed upon data interface. Authorizations submitted to the FEA shall not, in totality, exceed the approved monthly transportation budget.
2. The member will purchase their transportation services and maintain receipts/mileage log for reimbursement.
3. Receipts/mileage logs will be submitted by the member using the expense reimbursement form to the FEA
    a. The FEA will review all receipts/mileage logs to ensure appropriate community transportation expense per the member's needs documented in the PCSP.
4. Upon approval of the receipts/mileage log, DDA provides the Community Transportation authorization to the FEA so the FEA can pay out after verifying the supporting documents submitted for the services.
    a. DDA will **not** authorize additional funds retroactively. The member is expected to manage the benefit within the authorized amount for that month. If changes are appropriate, amendments to the CD Community Transportation benefit in the PCSP shall be made prospectively.
    b. Each subsequent month will follow the same pattern.

Members are expected to submit receipts/mileage log within 30 days of the end of the month of service.

- The member is expected to submit receipts within 30 days of the end of each month and may submit more frequently if they prefer and will be reimbursed per the FEA monthly schedule.
- If at any point after participation in CD Transportation a member does not submit appropriate documentation for CD transportation services within 120 days, the member will not be reimbursed. Any extension of the 120-day timeframe shall be approved by DDA or the MCOs.
- The ISC/CM will work with the member when issues arrive in a delay of submitted receipts prior to the 120-day period.

If a member submits receipts/mileage log in excess of the monthly budget amount, only the approved budget amount will be authorized by DDA and reimbursed to the member. If a member submits receipts/mileage log that total an amount less than the budgeted

amount, only the total amount of the receipts/mileage log submitted will be reimbursed to the member. If the member consistently submits receipts/mileage log in an amount greater or less than the authorized amount, the ISC/CM must reassess the member's needs to ensure the approved service authorization for transportation continues to be appropriate. Retroactive authorizations in an amount greater or less than the assessed documented need will not be permitted.

If the member will no longer be eligible to receive the Community Transportation benefit through Consumer Direction, the member may be able to receive the Individual Transportation Benefit.

D. Payment Process

DDA will provide authorizations to the FEA that contain dollar amounts as described above. The FEA will submit claims to DDA in dollar amounts that do not exceed service authorizations and that align with services rendered. Any claim submitted in an amount exceeding the service authorization will be denied. DDA will submit claims to TennCare and TennCare will submit claims to MCOs for payment to the FEA.

References:

Applicable References include:

- Comprehensive Aggregate Cap Waiver (Control #0357)
- Statewide Waiver (Control #0128)
- Self Determination Waiver (Control #0427)
- Rules of Tennessee Department of Finance and Administration Division of TennCare Chapter 1200-13-01
- Contract Between the State of Tennessee Department of Finance and Administration and Division of TennCare and the FEA

Division of TennCare

Statewide (SW) and Comprehensive Aggregate Cap (CAC) 1915(c) Waiver Programs

Consumer Direction Participation Form

What is Consumer Direction?

Consumer Direction is a way of getting some of the supports you need. It gives you more choice over who gives your support. And how your support is given. These support services are in the 1915 (c) Statewide or CAC Waiver Programs.

In Consumer Direction, **you** will employ the people who provide some of your services. They work for you instead of a provider agency. You must be able to do the things that an employer would do. These are things like:

- Find, interview, and hire workers
- Decide how much workers will be paid. There are limits set by the State.
- Define worker(s) job duties
- Develop a job description for workers
- Set a schedule for workers
- Train workers to provide the support you need
- Make sure workers provide only as much support as you need, and you give
- Make sure there are enough workers to provide all of the support you need. This includes times when the scheduled worker can't come.
- Make sure the services you need are within the approved budget
- Make sure that no worker provides more than 40 hours of support each week
- Make sure your workers use the Electronic Visit Verification (EVV) system to clock in and out at each Personal Assistance and Respite visit.
- Provide training on how to use the EVV system when needed
- Make sure your workers do not change their time after EVV clock ins and clock outs. They are recorded.
- Make sure the time workers report in the EVV system is right
- Supervise workers
- Review a workers' job performance. This includes using the EVV the right way.
- Talk to workers about problems or concerns with their performance
- Fire a worker when needed
- Make a back-up plan for days when a scheduled worker doesn't show up. You can't go without services.
- Make sure workers complete Daily Communication & Activity Logs for each shift worked

What if you can't do some or all of these things? Then, you can choose a family member, friend, or someone close to you to do these things for you. This is called a "Representative for Consumer Direction." It's important that you pick someone that you can depend on. To be your Representative or helper for Consumer Direction, the person must:

- Be at least 18 years of age.
- Know you very well.
- Know the kinds of support you need and how you want support to be given.
- Know your schedule and routine.
- Know your health care needs and the medicine you take.
- Be willing and able to do **all** of the things that are required to be in Consumer Direction. This includes using the EVV system management.
- Live with you in your home or is in your home often enough to supervise workers.
- Be willing to sign a Representative Agreement, saying they agree to do these things.

The Fiscal Employer Agent will help you or your helper doing some of the things you must do as an employer. There are 3 kinds of help you will get:

1. They will help you and your workers fill out and complete all of the paperwork. They will pay your workers for the support they give you. And they will fill out and file the payroll tax forms that you must fill out as an employer.

2. They will assign a Supports Broker to you. A Supports Broker is a person who will help you complete actions as an employer. These are things like:

   - Finding and interviewing workers
   - Writing job descriptions
   - Training workers on things TennCare requires. **You** must train them on your needs and how you want support to be given.
   - Scheduling workers
   - Making the first back-up plan for days when a scheduled worker doesn't show up

   Your Supports Broker can't help you supervise your workers. You or your helper must be able to do that by yourself.

3. The Fiscal Employer Agent is available to train workers how to use the EVV system the right way. And they will train you as an employer on how to use the EVV system. If your workers do not use the EVV system the right way, then the Fiscal Employer Agent will tell your Independent Support Coordinator (ISC). Your ISC is a qualified individual that provides you with support coordination services and is responsible for the assessment, planning, implementation, coordination, and monitoring of your services, supports, and Person-Centered Support Plan (PCSP). Your ISC will talk to you about changing your worker or helper. If you can't find a worker that will use the EVV system the right way, then you will not be able to stay in Consumer Direction.

Services that can be provided through Consumer Direction include:

- **Personal Assistance**–This is someone to help you with your personal care needs. And help you with daily living activities in your home, at work, or in the community. They can help you do things like get out of bed, take a bath, and get dressed so you are ready to go to work or out into the community. They can also help you with **your** household chores. But not other people you live with. This includes things like **your** cleaning and laundry, help you make and eat **your** meals, and run **your** errands. They can support you in the community to do the things you want to do.

- **Respite—**This is someone to support you for a short time when your unpaid caregiver is away or needs a break.
- **Individual and Community Transportation**–This helps you get to work or to other places in the community when you don't have any other way to get there. In Consumer Direction, you can pay bus fare or pay for someone's gas to drive you to work or other places. You might be able to share a ride with a co-worker or friend and save money to help get to places you want to go.

To get these services in Consumer Direction, they must be in your Person-Centered Support Plan ("PCSP") or Individual Support Plan. The kind and amount of services you'll get depends on what support you need. And help you reach your goals. You will have a budget for each service you choose to get through Consumer Direction. The budget will be based on how much of that service your support plan says you need.

Most services will have a monthly budget. This includes Personal Assistance. You will schedule your workers to give you the supports you need. You can only pay workers up to the amount of your monthly budget for that service. Be sure you don't ask them to (or let them) provide more. If you use all of your monthly budget for a service in the first part of the month, then you can't get more services approved for the rest of the month. If you can't manage your monthly budget for services, then you may not be able to stay in Consumer Direction.

Community Transportation also has a monthly budget. You can choose how to use your budget to pay for the help you need to go where you want to go.

If you get Respite through Consumer Direction, it will have a yearly budget (January 1st through December 31st of each year). You can pay workers to get up to a total of 30 days each year.

Can you pay a family member or friend to provide support in Consumer Direction? Yes. The workers you hire can be people you know, including family members or friends. But TennCare won't pay family members or friends to provide support they would have given for free. TennCare only pays for support to meet needs that **can't** be met by family members or friends who help you. You **can't** pay anyone who lives in the home with you to provide Personal Assistance or Respite.

You can decide if you want to join Consumer Direction or use providers contracted with the Department of Disability and Aging (DDA) to give your services. You can change your mind any time.

Do you have questions about what Consumer Direction is and how it works?

Be sure you ask those questions **before** you decide if you want to be in Consumer Direction.

Please check a box below:

☐ I DO want to be in Consumer Direction.
☐ I DON'T want to be in Consumer Direction.

What if you change your mind? You can sign up or leave Consumer Direction any time. If you join Consumer Direction and then decide to leave, tell your Independent Support Coordinator right away. Don't just tell your workers to stop giving your support.

After you tell your Independent Support Coordinator, you can pick providers contracted with

DDA to give the support you need. They must be willing and able to give your support services. Your Independent Support Coordinator will need time to get those services ready **before** you leave Consumer Direction.

Member Name	**Medicaid MCO Member ID or Social Security Number**
Member/Representative Signature	_____/_____/_____ **Date**

Meeting Your Needs While You Get Started in Consumer Direction

It may take a while to get your support started through Consumer Direction. You must complete required paperwork and training. Then, you must find workers to hire. They must complete required paperwork, training and pass a background check.

We want to make sure you get the support you need while you're getting started in Consumer Direction. So, your ISC will help you choose DDA contract providers that can give your support until your Consumer Direction workers are ready. Then, you can start getting your support through Consumer Direction.

What if you don't want to get support from a contract provider until your Consumer Direction workers are ready? Then, you can choose not to get your support from a contract provider for up to 60 days. You must tell us by checking the box below. **Only check this box if you don't want support from a contract provider until your Consumer Direction workers start. This is your decision.** No one should try to talk you out of getting the support you need.

What if it takes longer than 60 days to get your Consumer Direction workers ready? After 60 days, you must get your support from a contract provider until your Consumer Directed workers are ready.

☐ I DON'T want to get support from a contract provider until my Consumer Direction workers are ready. I know my support won't start until my workers are ready to begin. This is MY decision. If my Consumer Direction workers are not ready in 60 days, I know I must get my support from contract providers until my workers are ready.

_____ _____/_____/_____

Member/Representative Signature **Date**

Department of Disability and Aging

CONSUMER DIRECTION REFERRAL FORM

Programs

☐ Comprehensive Aggregate Cap Waiver ☐ Statewide Waiver
☐ Self Determination Waiver ☐ Katie Beckett Part B

Referral

☐ New Referral ☐ Re-Enrollment ☐ Reimbursement Service

Today's Date:		
Last Name:	First Name::	Region:
SSN:	Date of Birth:	Referral ID:
Address:		
City:	ST:	ZIP:
Phone:	Alt. Phone:	Email:

Requested Consumer Directed Services

☐ Supportive Home Care ☐ Hourly Respite ☐ Health Insurance Premium Assistance
☐ Community Transportation ☐ Vehicle Modification ☐ Non-Traditional Therapies
☐ Personal Assistance ☐ Daily Respite ☐ Individual Transportation

Employer of Record/Primary Contact

Last Name:	First Name:	SSN:	DOB:
Address (if different than above)			
City:	State:	Zip:	
Relationship:	Phone:	Alt Phone:	
Email:			

ISC/Case Manager

ISC/CM Name:	Phone:	Email:
CM Supervisor Name:	Phone:	Email:
DDA Region/ ISC Agency:		

*Email completed form to CDTNForms@ConsumerDirectCare.com

1915(c) Statewide (SW) and Comprehensive Aggregate Cap (CAC) Waiver Programs

Consumer Direction *Representative Questionnaire*

Member Name: _____

TennCare MCO Member ID or SSN:_____

Phone #: (_____)_____- _____

Name of Proposed Representative: _____

Address:_____City _____State____Zip_____

Phone #: (_____)_____-_____Email Address: _____

Relationship to the member: ____Family Member ____Friend ____Legal guardian

How long have you known the member? _____

Describe the member's medical conditions and/or physical disabilities:

_____

_____

_____

Describe the member's support needs:

_____

_____

_____

Describe the member's likes/dislikes that someone providing support should know:

_____

_____

_____

Do you know the member's daily schedule and routine? ____Yes ____No

Will Consumer Directed workers be assisting the member with medications? ____Yes ____No

If yes, do you know the types and schedule of the member's medications? ____Yes ____No

How often will you be in the home when services are provided?

____Every Day ____Once a week ____Less than Once a Week ____Other (please specify)____

Do you get money to support the member? ____Yes ____No

_____

If yes, please tell us who gives us this money and why:_____

Do you understand the role and duties as a representative for Consumer Direction, and are you willing to accept these duties? ____Yes ____No

Do you understand that you are in charge for making sure your workers use the Electronic Visit Verification (EVV) system when giving care? ____Yes ____No

Will you sign an agreement stating that you accept these duties? ____Yes ____No

Do you understand that you cannot be paid for being a Representative, or become a paid worker for the member in Consumer Direction? ____Yes ____No

1915(c) Waiver Programs
Consumer Direction *Representative Agreement*

Member Designation of Representative

Member Name: _____

TennCare MCO Member ID or SSN:_____Phone #: (___)_____- _____

Address:_____City_____State_____Zip _____

Type of Representative:____Voluntary___Legally Appointed

I_____, choose to serve as my Representative for Consumer Direction. They will be the employer of record for the workers who give my support. They will decide who to hire and fire. They will manage the support my workers give me. I choose to let them do all of these things for me and to make these decisions on my behalf.

Representative Name: _____

Address:_____City _____State_____Zip _____

_____ _____

Member's Signature Date

Representative Agreement

I,_____, agree to serve on behalf of _____ as the Representative for Consumer Direction.

By checking each box below, I agree I meet all the requirements to be a Representative.

- ❑ I am at least 18 years of age.
- ❑ I know the member very well.
- ❑ I understand the kinds of support they need and how they want support to be given.
- ❑ I know the member's schedule and routine.
- ❑ I know the member's health care needs and the medicine they take.
- ❑ I am able to do **all** the things as needed to be a Representative.
- ❑ I will be present in the member's home enough to manage staff.
- ❑ I understand that I cannot be paid to be a Representative.
- ❑ I understand that I cannot be a paid worker in Consumer Direction if I am a Representative.

I understand that I will be the employer of record for the Consumer Directed workers who will provide support for this member and that they will work for me (instead of a provider). I accept that I will be in charge of most of the things that any other employer would do. By checking each of the boxes below, I agree to do these things:

- ❑ Find, interview, and hire workers to offer support for the member
- ❑ Decide how much workers will be paid (within limits set by the State)
- ❑ Define worker(s) job duties
- ❑ Develop a job description for workers
- ❑ Set a schedule at which workers will give the member's support
- ❑ Train workers to bring support based on the member's needs and wishes.
- ❑ Make sure workers offer much support the member needs
- ❑ Make sure there are enough workers to provide all the support the member needs (this includes times when the scheduled worker can't come)
- ❑ Make sure the services the member needs are within the approved budget for each service
- ❑ Make sure workers do not provide more than 40 hours of support each week
- ❑ Make sure workers use the EVV system to clock in and out at each Personal Assistance and Respite visit (this includes added training of the EVV system when needed)
- ❑ Make sure workers do not change their time after EVV clock ins and clock outs
- ❑ Review the time workers report (including within the EVV system) to be sure it's right
- ❑ Supervise workers
- ❑ Review workers' job performance, including but not limited to compliant EVV usage
- ❑ Address problems or concerns with workers' performance
- ❑ Fire a worker when needed
- ❑ Develop a back-up plan to report times that a scheduled worker doesn't show up
- ❑ Start a back-up plan when needed to be sure the member doesn't go without needed support
- ❑ Make sure workers complete Daily Communication & Activity Logs for each shift worked

I accept **all** responsibilities of serving in this role. I understand that I will receive help from CDTN in serving as an employer in Consumer Direction.

1. A Fiscal Employer Agent will help me and the workers I hire fill out employer/employee paperwork. They will pay the workers for their support and they will complete the payroll tax forms that I must fill out as an employer.
2. A Fiscal Employer Agent will assign a Supports Broker to help me. A Supports Broker is a person who will offer advice to complete tasks as an employer. They **can't** do these things for me, but they can help **me** get ready to do them. These are things like:
    - Finding and interviewing workers
    - Writing job details
    - Training and scheduling workers
    - Reviewing, and approving or denying workers' reported time within the EVV system
    - Developing a back-up plan when a listed worker doesn't show up
    - Being aware how to manage each service within the approved budget

BUT, a Supports Broker CAN'T help me manage workers. I understand that I must do that myself.

A Fiscal Employer Agent is committed to offer training so that you can make sure your workers use the EVV system in the right way. Your Fiscal Employer Agent Supports Broker will offer training to you as an employer to use the EVV system the right way. If your workers continue to not use the EVV system as needed, you will be involved with the member's Independent Support Coordinator (ISC). The member's ISC will talk to you about changing your worker. If you can't find a worker that will use the EVV system as needed, you or the member will not be able to stay in Consumer Direction.

By signing below, I agree that I have completed this Agreement. I have read and understood my duties and agree to perform **all** of them as a Representative.

_____ _____

Representative Signature Date

_____ _____

Independent Support Coordinator Signature Date

Statewide (SW) and Comprehensive Aggregate Cap (CAC) 1915(c) Waiver Programs

Consumer Direction Self-Assessment

To be in Consumer Direction, you must be able to do all of these things. OR, you must have someone who can do all of these things for you.

- Find, interview, and hire workers to give you support
- Decide how much workers will be paid (within limits set by the State)
- Define worker(s) job duties
- Make a job description for workers
- Set a schedule for when workers will give you support
- Train workers to provide support based on your needs and preferences
- Make sure workers are assigned and provide only as much support as needed
- Make sure there are enough workers to provide all the support you need. This includes times when the scheduled worker can't come.
- Manage the services you need within the approved budget for each service
- Make sure that no worker provides more than 40 hours of support each week
- Make sure your workers use the Electronic Visit Verification (EVV) system to clock in and out at each Personal Assistance and Respite visit
- Provide initial and additional training on use of the EVV system when necessary.
- Make sure your workers do not change their time after EVV clock ins and clock outs because they are recorded
- Review and confirm that the worker's reported time is correct (including within the EVV system)
- Supervise workers
- Evaluate workers' job performance, including but not limited to compliant EVV usage
- Address problems or concerns with workers' performance
- Fire a worker when needed
- Make a back-up plan to address times that a scheduled worker doesn't show up (you can't just go without services)
- Activate the back-up plan when needed to be sure you don't go without needed support
- Make sure workers complete Daily Communication & Activity Logs for each shift worked

Things you need to know about Consumer Direction:

You will have a budget for each service you choose to receive through Consumer Direction. The budget will be based on how much of that service your Person-Centered Support Plan says you need.

Most services will have a monthly budget. This includes Personal Assistance. You will schedule your workers to give you the services you need. You can only pay workers up to the amount of your monthly budget for that service. Be sure you don't ask them to (or let them) provide more. If you use all of your monthly budget for a service in the first part of the month, you can't get more services approved for the rest of the month. If you can't manage your services within your monthly budget,

you may not be able to stay in Consumer Direction.

Community Transportation also has a monthly budget. You can decide how to use your monthly transportation budget to pay for the help you need to go where you want to go.

If you get Respite through consumer direction, it will have a yearly budget. You can pay workers to provide up to a total of 30 days each year. BEFORE completing this assessment, do you think you understand what Consumer Direction is and how it works? If not, please stop and ask questions before you begin.

1. Do you have a family member or friend that you want to help you with Consumer Direction?

   ____Yes If yes, who is that person? _____
   Please answer questions 2-4 below.

   ____No If no, please skip to the Self-Assessment Questions on the next page.

2. How often is that person in your home?

   ____Every day ____At least once a week ____Less than once a week

3. Where does the person live?

   ____With you
   ____In the same city (or town)
   ____In another city (or town) in Tennessee – tell us where _____
   ____In another state – tell us where _____

4. Do you think they'll be willing to do **all** of the things you must do to be in Consumer Direction, including but not limited to EVV system management? (You can review the list above.)

   ____Yes ____No

Self-Assessment Questions

The questions below will help decide if you can do all of these things by yourself, or if you will need help to be in Consumer Direction.		
1. Do you know people you can hire to provide support for you?	❑ **Yes**	❑ **No**
2. If not, do you know how to find people you can hire to provide support for you?	❑ **Yes**	❑ **No**
3. Do you understand that you will be your workers' employer—they will actually work for you?	❑ **Yes**	❑ **No**
4. Can you define the kinds of help you need and the specific tasks you want your workers to do for you?	❑ **Yes**	❑ **No**
5. Can you put together a job description for your workers?	❑ **Yes**	❑ **No**
6. Can you train your workers on how to give the support you need?	❑ **Yes**	❑ **No**
7. Can you set a schedule for when you need your workers to provide your support?	❑ **Yes**	❑ **No**
8. Can you make sure you have enough workers to provide all of the support you need, including times when the worker you scheduled can't come?	❑ **Yes**	❑ **No**
9. Can you make sure your workers use the EVV system to check in and out at each visit?	❑ **Yes**	❑ **No**
9. Can you make sure your workers provide only as much support as you need and assign them to provide?	❑ **Yes**	❑ **No**
10. Can you make sure that no worker provides more than 40 hours of support each week?	❑ **Yes**	❑ **No**
11. Can you manage the services you need based on your approved budget for each service?	❑ **Yes**	❑ **No**
12. To direct your own support, you must be able to supervise your workers. This includes making sure your workers: • show up on time • stay for the amount of time they are scheduled to be there • do the specific tasks they are supposed to do • AND do a good job. Can you supervise your worker(s) and make sure they do all of those things?	❑ **Yes**	❑ **No**
13. If you aren't happy with the support a worker gives you, will you be able to tell them why and what they must do to improve?	❑ **Yes**	❑ **No**
14. Will you be able to fire a worker if you need to?	❑ **Yes**	❑ **No**
15. Can you decide how much your worker(s) should be paid (within limits set by the State)?	❑ **Yes**	❑ **No**
16. Can you review the time your workers report, make sure they actually worked the hours it says, and sign off so they can be paid?	❑ **Yes**	❑ **No**
17. Can you make sure your workers write good notes about the support they give you, like the specific tasks they do for you each time they come, and keep it in your home?	❑ **Yes**	❑ **No**

18. It is important to make sure you receive the support you need, so you must have a backup plan. Do you have family, friends, neighbors, or others that will come over to help you if a scheduled worker doesn't show up?	❑ **Yes**	❑ **No**
19. Can you call those people when a scheduled worker doesn't show up to make sure you get the support you need?	❑ **Yes**	❑ **No**

Help from a Supports Broker in Consumer Direction

If you qualify and choose Consumer Direction, you will receive training and support from the Fiscal Employer Agent and a Supports Broker. Your Supports Broker can help you with some of the things you must do in Consumer Direction. They **can't** do these things for you, but they can help **you** get ready to do them. Check the box below for each task that you will need help with. If you do not check any boxes below, you will still receive training and support from Fiscal Employer Agent and a Supports Broker.

TASK	Yes, I need help
Finding workers	❑
Interviewing workers	❑
Putting together a job description	❑
Tips for training workers	❑
Scheduling workers	❑
Reviewing workers' reported time (including within the EVV system)	❑
Training workers to keep good notes in the home about support they give	❑
Putting together a back-up plan	❑
Understanding how to manage your services within your approved budget for each service	❑
EVV usage and compliance	❑

Member Name

MCO (Member) Medicaid ID or Social Security Number

Member Signature

____/____/____

Date

TN Department of Disability & Aging

Annual Consumer Direction of HCBS Services Form

_____
Name

_____
Name of Legal Representative

☐ Statewide (SW) Waiver ☐ Comprehensive Aggregate Cap (CAC) Waiver

Please indicate your choice for consumer direction of services:

☐ I do NOT want to consumer-direct my services at this time.
☐ I DO want to consumer-direct the following services:
- ☐ Personal Assistance
- ☐ Respite Services
- ☐ Individual and/or Community Transportation Services

Please sign and date below:

_____
Signature of Person or Legal Representative Date

_____
Signature of ISC ISC Agency Name Date