



COMMISSIONER  
Chris Traylor

July 1, 2011

To: Consumer Directed Services Agencies for Community Based Alternatives Program

Subject: Information Letter No. 11-78  
Consumer Directed Services Changes to Personal Assistance Services in Community Based Alternatives Program

This letter is to notify you that the Department of Aging and Disability Services (DADS) is proposing to create two categories of personal assistance services (PAS) in the Community Based Alternatives (CBA) Program. This letter also outlines operational procedures for Consumer Directed Services Agencies (CDSAs).

To comply with directions given by the 82<sup>nd</sup> Legislature, Regular Session, DADS is creating two categories of personal assistance services (PAS) in the Community Based Alternatives (CBA) program.

This action complies with the 2012-13 General Appropriations Act (Article II, Special Provisions Relating to All Health and Human Services Agencies, H.B. 1, 82<sup>nd</sup> Legislature, Regular Session), and Article II, Special Provisions, Section 17, H.B. 1, 82<sup>nd</sup> Legislature, Regular Session, 2011, concerning Additional Cost Containment Initiatives.

PAS Category I is proposed to include tasks delegated by a registered nurse (RN) to an unlicensed attendant, health maintenance activities, and extension of therapy.

PAS Category II is proposed to include tasks that do not require delegation by an RN, such as assistance with activities of daily living, cleaning, laundry, shopping, escort, and protective supervision.

The proposed consumer directed services (CDS) service rates for PAS Categories I and II will remain the same as the current CDS CBA rate. The proposed financial management services (FMS) fee for CBA is lower than the current CBA FMS monthly fee. The rate packet for the proposed rates is available on the Health and Human Services Commission (HHSC) Rate Analysis webpage at <http://www.hhsc.state.tx.us/rad/rate-packets.shtml>.

The DADS proposed rules will be published in the July 1, 2011, edition of the *Texas Register*, followed by a 30-day comment period. DADS will present the proposed amendments at the July 20, 2011, DADS Council meeting. Subsequent to submitting the proposed rules to the *Texas Register*, DADS has continued to review the proposed amendments. As a result, DADS has determined that revisions will be needed to refine the proposed definitions of extension of therapy, health maintenance activities, protective supervision and PAS. Additional work will also be needed to clarify the proposed sections on PAS Category I, PAS Category II, and delegation of tasks by a registered nurse. These and any other additional revisions will be discussed at the July 20, 2011 Council meeting.

Final rules will be proposed with an effective date of September 1, 2011.

701 W. 51st St. ★ P.O. Box 149030 Austin, Texas 78714-9030 ★ (512) 438-3011 ★ [www.dads.state.tx.us](http://www.dads.state.tx.us)

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### **New Service and Billing Codes for CDS CBA PAS**

CDS CBA PAS Category I will be authorized as Service Code 67V. CDS CBA PAS Category II will be authorized as Service Code 68V. Effective on September 1, 2011, CDS PAS Category I, claims must be submitted using HCPC S5125, with modifier 3 as UC. Claims for Category II, must be submitted using HCPC S5125, with modifier 3 as UC and modifier 4 as KX.

DADS will publish a new bill code crosswalk no later than September 1, 2011.

For funds accrued prior to September 1, 2011, for payment at a later date, such as employer taxes, CDSAs will still be able to bill using the 17V service code for up to a year.

### **Service Plan Revisions for Individuals using the CDS Option**

DADS case managers will be conducting a desk review of all CDS consumers and processing an Individual Service Plan (ISP) change in the Service Authorization System (SAS).

DADS case managers will be submitting a revised Form 3671-1 Individual Service Plan and Form 2065 to CDSAs affected by this change before September 1, 2011. The revised Form 3671-1 will show a reduction in authorized amount for the FMS fee, effective on September 1, 2011, and will authorize the two categories of CDS PAS using the new service codes.

### **Revisions to the Community Based Alternatives (CBA) Consumer Directed Services Budget Workbook**

The CBA CDS Budget workbook will be updated to include the two PAS categories and will be posted at <http://www.dads.state.tx.us/providers/cds/handbook.html> prior to September 1, 2011.

To streamline the process, CDSAs will not need to revise the CDS budget workbook until the **annual renewal** of the ISP, which includes authorizations for CDS PAS using the two categories.

If you have questions regarding this letter, please contact the Policy Development and Oversight line at (512) 438-3015.

Sincerely,

*[signature on file]*

Teresa Richard  
Director  
Center for Policy and Innovation

TR:cp