



COMMISSIONER
Jon Weizenbaum

Memorandum

To: Community Services Regional Directors
Community Services Program Managers

From: Jennifer Chancellor
Manager
Long Term Services and Supports Policy

Subject: Consumer Directed Services Option Procedural Changes for Abuse,
Neglect, and Exploitation Allegations in the Medically Dependent Children
Program

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This memorandum outlines case manager procedures for handling abuse, neglect, and exploitation (ANE) notifications and findings for individuals in the Medically Dependent Children Program (MDCP) program who have authorized services through the Consumer Directed Services (CDS) option.

Effective September 1, 2015, the Department of Family and Protective Services (DFPS) Adult Protective Services (APS) Provider Program will investigate all allegations of ANE for individuals receiving services through Medicaid-funded programs, instead of the APS In-home Program. The purpose of the Provider investigations is to better protect individuals and prevent future ANE from occurring. Responsibilities for DADS case managers in association with ANE investigation procedures specifically for the CDS option when a CDS employee, Designated Representative, or representative of a Financial Management Service Agency (FMSA) is the alleged perpetrator are as follows:

Responsibilities of DADS Case Managers

Initial Intake Actions When a CDS Employee or Designated Representative is the Alleged Perpetrator

When DFPS receives an allegation of ANE for an individual using the CDS option, APS will provide the initial intake report to the CDS employer and the individual's case manager. The case manager must notify the individual's financial management services agency (FMSA) of the initial allegation. The case manager is required to hold a service planning team (SPT) meeting in

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person or by telephone within four business days of receipt of the initial report, with the CDS employer to:

- discusses the actions the CDS employer has taken or will take to protect the individual during the APS investigation, which may include implementing the service backup plan to allow someone other than the CDS employee who is the alleged perpetrator to provide services;
- inform CDS employers of their responsibilities to protect evidence, such as timesheets and other employee-related documentation; and
- if appropriate, the case manager may recommend termination of the CDS option, in accordance with 40 TAC, §41.407(e).

The case manager documents in writing the responses provided by the CDS employer during the SPT and any actions that have been or will be taken as a result of the allegation pending the outcome of the final investigative report.

Final Report Actions

After the investigation is complete, APS will release a final investigatory report, including findings, to the CDS employer and the case manager. The case manager will convene an SPT meeting in person or by phone, within four business days after receipt of the final report, if there is a confirmed or inconclusive finding of ANE or if concerns and recommendations are included in the report, in which:

- the SPT discusses the findings or concerns and recommendations; and
- the case manager documents, in writing, any actions that have been or will be taken by the CDS employer as a result of the findings or concerns and recommendations. (DADS Form 1741, Corrective Action Plan, may be used for this purpose.)
- if appropriate, the case manager may recommend termination of the CDS option, in accordance with 40 TAC, §41.407(e).

Initial Intake Actions if a FMSA Representative is the Alleged Perpetrator

When DFPS receives an allegation of ANE related to services delivered through the CDS option and an FMSA representative is the alleged perpetrator, APS will provide the initial intake report to the CDS employer and the FMSA of the initial allegation. The FMSA must provide a copy of the initial intake report to the individual's DADS regional office within one business day. The DADS Regional Director or designee will ensure that the individual's case manager receives the intake report and a copy of IL 15-83 "ANE Investigation Procedures for the CDS Option in the PHC and to the MDCP Programs" as soon as possible.

The case manager will convene a service planning team (SPT) meeting in person or by phone within four business days after receipt of the initial intake report, in which:

- the SPT discusses the actions the CDS employer has taken or will take to protect the

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individual during the APS investigation, which may include transferring to a different FMSA; and

- the case manager documents in writing any actions that has been or will be taken as a result of the allegation, pending the outcome of the final investigative report.

Final Investigation Report

After the investigation is complete, APS will send a final investigation report, including findings, to the CDS employer and to the individual's FMSA. The FMSA must provide a copy of the final investigation report, within one business day after receipt of the report, to the individual's DADS regional office. The DADS Regional Director or designee will ensure the final investigative report is given to the case manager as soon as possible.

The case manager will convene an SPT meeting in person or by phone, within four business days after receipt of the final report, if there is a confirmed or inconclusive finding of ANE or if concerns and recommendations are included in the report, in which:

- the SPT discusses the findings or concerns and recommendations; and
- the case manager documents, in writing, any actions that have been or will be taken by the CDS employer as a result of the findings or concerns and recommendations. (DADS Form 1741, Corrective Action Plan, may be used for this purpose.)
- if appropriate, the case manager may recommend termination of the CDS option in accordance with 40 TAC, §41.407(e)

If you have questions about this memo, please contact DADS at mdcp@dads.state.tx.us.