



# **Texas Council on Consumer Direction**

**September 16, 2021**



[Texas Council on Consumer Direction](#) advises on the development, implementation, expansion, and delivery of services through consumer direction, in all programs offering long-term services and supports that enhance a consumer's ability to have freedom and exercise control and authority over the consumer's choices, regardless of age or disability.

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**1. Welcome and introductions**—The meeting was convened by Roger De Leon

**2. Consideration of June 17, 2021, draft meeting minutes.** The minutes were approved as written

**3. TCCD Subcommittees updates**

**Quality Assessment and Performance Improvement**—No report



**Training and Outreach**—The subcommittee met yesterday and received an update on EVV (Presentation later in this meeting). They discussed the upcoming report from the Advisory Committee and the successes. They reviewed the resource guide with plans to complete it by the end of the year. They will also be reviewing and revising the content of the website.

[Processes and Expansion](#)—No report but information can be found by following the link.

#### 4. [Consumer Directed Services \(CDS\) utilization data](#)

<b>Individuals Utilizing Consumer Directed Services (CDS)</b> <b>SFY 2020 Q2- SFY 2021 Q2</b> <b>Date Range: 12/01/219-02/28/2021</b>										
Fee for Service										
Program Label	Service Label	FY2020Q2	FY2020Q3	FY2020Q4	FY2021Q1	FY2021Q2	Current Quarter- Prior Quarter Change	Current Quarter - Prior Year Change	Current Quarter Program Enrollment	% Using CDS
CCAD	Community Attendant Service	697	674	683	702	673	-29	-24		
	Family Care	47	47	44	42	36	-6	-11		
	Primary Home Care	19	19	17	16	17	1	-2		
CCAD	<b>Unduplicated Total</b>	<b>761</b>	<b>736</b>	<b>743</b>	<b>760</b>	<b>726</b>	<b>-34</b>	<b>-35</b>	<b>79,808</b>	<b>0.9%</b>
CCP	Community First Choice	97	97	96	101	104	3	7		
	Personal Care Services	434	414	409	403	405	2	-29		
CCP	<b>Unduplicated Total</b>	<b>522</b>	<b>507</b>	<b>499</b>	<b>501</b>	<b>501</b>	<b>0</b>	<b>-21</b>	<b>*</b>	<b>n/a</b>
CLASS	Community First Choice	2,623	2,611	2,572	2,537	2,499	-38	-124		
	Employment Assistance	0	0	0	1	1	0	1		
	Habilitation Transportation	94	84	80	82	73	-9	-21		
	In-home Respite	1,367	1,309	1,218	1,336	1,223	-113	-144		
	Nursing LVN	30	29	29	26	23	-3	-7		
	Nursing RN	12	9	9	12	11	-1	-1		
	Nursing Specialized LVN	2	2	2	2	1	-1	-1		
	Occupational Therapy	2	3	2	2	2	0	0		
	Out-of-home Respite	60	38	13	19	15	-4	-45		
	Physical Therapy	1	1	1	0	0	0	-1		
	Speech Therapy	2	3	3	3	4	1	2		
	Supported Employment	20	18	14	12	10	-2	-10		
CLASS	<b>Unduplicated Total</b>	<b>2,651</b>	<b>2,636</b>	<b>2,593</b>	<b>2,561</b>	<b>2,519</b>	<b>-42</b>	<b>-132</b>	<b>5,598</b>	<b>44.6%</b>
DBMD	Community First Choice	97	92	94	93	88	-5	-9		
	Habilitation Transportation	1	1	1	0	0	0	-1		

Fee for Service										
Program Label	Service Label	FY2020Q2	FY2020Q3	FY2020Q4	FY2021Q1	FY2021Q2	Current Quarter - Prior Quarter Change	Current Quarter - Prior Year Change	Current Quarter Program Enrollment	% Using CDS
	In-home Respite	73	70	64	58	49	-9	-24		
	Intervener	57	57	58	55	52	-3	-5		
	Out-of-home Respite	0	1	0	0	0	0	0		
<b>DBMD</b>	<b>Unduplicated Total</b>	<b>117</b>	<b>114</b>	<b>113</b>	<b>114</b>	<b>106</b>	<b>-8</b>	<b>-11</b>	<b>345</b>	<b>30.7%</b>
<b>HCS</b>	Community First Choice	1,072	1,105	1,122	1,139	1,152	13	80		
	Employment Assistance	5	2	1	2	2	0	-3		
	Nursing LVN	5	4	3	4	3	-1	-2		
	Nursing RN	11	8	8	8	7	-1	-4		
	Nursing Specialized LVN	1	2	2	2	2				
	Nursing Specialized RN	1	1	1	1	1	0	0		
	Respite	589	592	564	593	602	9	13		
	Support Consultation	1	10	7	5	0	-5	-1		
	Supported Employment	14	13	12	11	12	1	-2		
	Supported Home Living Transportation	520	513	470	492	462	-30	-58		
<b>HCS</b>	<b>Unduplicated Total</b>	<b>1,077</b>	<b>1,111</b>	<b>1,127</b>	<b>1,145</b>	<b>1,162</b>	<b>17</b>	<b>85</b>	<b>28,496</b>	<b>4.1%</b>
<b>TxHmL</b>	Adaptive Aids	0	1	1	2	1	-1	1		
	Behavioral Support	11	8	13	12	11	-1	0		
	Community First Choice	1,306	1,269	1,234	1,219	1,140	-79	-166		
	Community Support Transportation	463	419	366	387	326	-61	-137		
	Day Habilitation	230	175	66	86	73	-13	-157		
	Dental	103	52	85	84	69	-15	-34		
	Dietary	1	0	0	0	0	0	-1		
	Employment Assistance	7	3	1	2	1	-1	-6		
	Minor Home Modifications	0	0	1	0	1	1	1		
	Respite	1,026	993	956	962	890	-72	-136		
<b>(TxHmL cont)</b>	Speech Therapy	15	15	11	15	13	-2	-2		
	Support Consultation	3	3	9	7	0				
	Supported Employment	16	15	11	11	10	-1	-6		
<b>TxHmL</b>	<b>Unduplicated Total</b>	<b>1,440</b>	<b>1,393</b>	<b>1,352</b>	<b>1,338</b>	<b>1,247</b>	<b>-91</b>	<b>-193</b>	<b>5,209</b>	<b>23.9%</b>

Fee for Service										
Program Label	Service Label	FY2020Q2	FY2020Q3	FY2020Q4	FY2021Q1	FY2021Q2	Current Quarter - Prior Quarter Change	Current Quarter - Prior Year Change	Current Quarter Program Enrollment	% Using CDS
<b>Unduplicated Total</b>		<b>6,548</b>	<b>6,483</b>	<b>6,416</b>	<b>6,400</b>	<b>6,232</b>	<b>-168</b>	<b>-316</b>	<b>85,750</b>	<b>7.3%</b>

\*Enrollment data for CCP unavailable

Managed Care										
Program Label	Service Label	FY2020Q2	FY2020Q3	FY2020Q4	FY2021Q1	FY2021Q2	Current Quarter - Prior Quarter Change	Current Quarter - Prior Year Change	Current Quarter Program Enrollment	% Using CDS
<b>MDCP</b>	Community First Choice	1,402	1,430	1,432	1,493	1,441	-52	39		
	Flexible Family Support Services Attendant	8	12	11	16	17	1	9		
	Flexible Family Support Services Nursing RN	0	0	1	0	0	0	0		
	In-home Respite Attendant	2,627	2,654	2,683	2,697	2,584	-113	-43		
	In-home Respite Nursing LVN	67	67	68	65	61	-4	-6		
	In-home Respite Nursing RN	30	28	26	25	22	-3	-8		
	In-home Respite Nursing Specialized LVN	7	4	4	5	6	1	-1		
	In-home Respite Nursing Specialized RN	9	8	8	8	6	-2	-3		
	PAS Protective Supervision (CDS) (HCBS)	0	0	1	0	0	0	0		
	Personal Attendant Services	0	1	0	0	0	0	0		
	Personal Care Services	91	83	68	81	57	-24	-34		
<b>MDCP</b>	<b>Unduplicated Total</b>	<b>2,965</b>	<b>2,991</b>	<b>3,014</b>	<b>3,050</b>	<b>2,955</b>	<b>-95</b>	<b>-10</b>	<b>6,626</b>	<b>44.6%</b>
<b>MMP</b>	Community First Choice	26	22	18	16	21	5	-5		
	In-home Respite	2	2	2	1	2	1	0		
	Personal Attendant Services	295	277	269	262	271	9	-24		
<b>MMP</b>	<b>Unduplicated Total</b>	<b>314</b>	<b>296</b>	<b>287</b>	<b>276</b>	<b>289</b>	<b>13</b>	<b>-25</b>	<b>33,648</b>	<b>0.9%</b>
<b>STAR Health</b>	Personal Care Services	1	4	4	2	3	1	2		
<b>STAR Health</b>	<b>Unduplicated Total</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>43,165</b>	<b>0.0%</b>
<b>STAR Kids</b>	Community First Choice	647	696	766	785	721	-64	74		
	In-home Respite Attendant	16	14	13	10	11	1	-5		
	In-home Respite Nursing LVN	0	0	0	0	1	1	1		
	Personal Care Services	2,892	2,811	2,842	2,791	2,617	-174	-275		

STAR Kids (cont)										
	Supported Employment	0	0	0	1	0	-1	0		
STAR Kids	Unduplicated Total	3,476	3,448	3,539	3,481	3,303	-178	-173	158,570	2.1%
STAR+PLUS	Community First Choice	592	563	556	577	514	-63	-78		
	In-home Respite	17	9	5	6	5	-1	-12		
	Nursing LVN	2	2	0	0	0	0	-2		
	PAS Protective Supervision (CDS) (HCBS)	13	6	6	2	4	2	-9		
	Personal Attendant Services	3,636	3,571	3,570	3,469	3,320	-149	-316		
STAR+PLUS	Unduplicated Total	4,163	4,084	4,070	3,963	3,773	-190	-390	422,642	0.9%
STAR+PLUS HCBS	Community First Choice	3,276	3,306	3,343	3,355	3,227	-128	-49		
	In-home Respite	1,438	1,405	1,406	1,439	1,270	-169	-168		
	In-home Respite Attendant	1	0	0	0	0	0	-1		
	Nursing LVN	47	50	47	54	51	-3	4		
	Nursing RN	8	11	8	12	13	1	5		
	Occupational Therapy	1	0	0	0	0				
	PAS Protective Supervision (CDS) (HCBS)	708	707	681	673	628	-45	-80		
	Personal Attendant Services	1,549	1,508	1,458	1,443	1,731	288	182		
	Physical Therapy	2	2	2	2	2	0	0		
STAR+PLUS HCBS	Unduplicated Total	4,773	4,772	4,792	4,748	4,559	-189	-214	65,491	7.0%
Program Label	Service Label	FY2020Q2	FY2020Q3	FY2020Q4	FY2021Q1	FY2021Q2	Current Quarter - Prior Quarter Change	Current Quarter - Prior Year Change	Current Quarter Program Enrollment	% Using CDS
Unduplicated Total		15,435	15,455	15,614	15,441	14,799	-642	-636	724,173	2.0%
FFS and MCO Unduplicated Total		21,955	21,916	22,011	21,817	21,009	-808	-946	842,590	2.5%

### Individuals Utilizing Consumer Directed Services (CDS)

SFY 2020 Q2-SFY 2021 Q2

Date Range: 12/01/2019-02/28/2021

Fee-For-Service	Fiscal Quarter State Fiscal Year 2020				State Fiscal Year 2021				% Change from Prior Quarter
	1st	2nd	3rd	4th	1st	2nd	3rd	4th	
Program									
CCAD		761	736	743		760	726		-34
CCP		522	507	499		501	501		0
CLASS		2,651	2,636	2,593		2,561	2,519		-42
DBMD		117	114	113		114	106		-8
HCS		1,077	1,111	1,127		1,145	1,162		17
TxHmL		1,440	1,393	1,352		1,338	1,247		-91
Unduplicated Total		6,548	6,483	6,416		6,400	6,232		-168

Managed Care	Fiscal Quarter State Fiscal Year 2020				State Fiscal Year 2021				% Change from Prior Quarter
	1st	2nd	3rd	4th	1st	2nd	3rd	4th	
Program									
MDCP		2,965	2,991	3,014		3,050	2,955		-95
MMP		314	296	287		276	289		13
STAR Health		1	4	4		2	3		1
STAR Kids		3,476	3,448	3,539		3,481	3,303		-178
STAR+PLUS		4,163	4,084	4,070		3,963	3,773		-190
STAR+PLUS HCBS		4,773	4,772	4,792		4,748	4,559		-189
Unduplicated Total		15,435	15,455	15,614		15,441	14,799		-642

## 5. COVID-19 updates

When faced with an emergency, states have several authorities available to pursue that allow for flexibilities in their response efforts. Several types of waivers are available.

## **Federal**

- 1115 Waiver
- 1135 Waiver
- Appendix K
- Medicaid and CHIP Disaster SPA

## **State**

- Emergency Rules

**COVID Flexibilities.** Details on flexibilities can be found at [Coronavirus \(COVID-19\) Provider Information | Texas Health and Human Services](#)

- Remote delivery
- Face-to-face requirements
- Authorizations
- Provider revalidation and enrollment
- COVID-19 testing
- Appeals and fair hearings
- Durable Medical Equipment

## **Ending and Extending Flexibilities**

- Reviewed on month-to-month basis
- Flexibilities ended so far have primarily been administrative flexibilities.
- Many Medicaid and CHIP flexibilities have been extended through September 30, 2021.

Information on the flexibilities and extensions can be found on the following webpages:

- TMHP Coronavirus (COVID-19) Information [Coronavirus \(COVID-19\) | TMHP](#)
- HHS Provider (PL) and Information (IL) letters [HHS Letters to Long-term Care Providers \(texas.gov\)](#)
- HHS Coronavirus (COVID-19) Provider Information [Medicaid and CHIP Services Information for Providers | Texas Health and Human Services](#)

**Telemedicine/Telehealth**--HHSC recognizes the importance of telemedicine/telehealth flexibilities.

- Internal workgroup developed to consider current flexibilities related to HB4 and other telemedicine/telehealth flexibilities.
- Considering what can be made permanent and establishing timelines.

## 6. Winter storm response/emergency and disaster resources

### **Emergency Management & Office of Disability Services Coordination**

Mission: To improve outcomes for Texans with disabilities through access to a seamless array of HHS services using solutionfocused strategies and cross-division partnerships.

This is accomplished by:

- Continuing to enhance HHSC's delivery of services for people with disabilities by focusing on longterm solutions across the HHS system.
- Coordinating and communicating with other state agencies as well as external parties to ensure highquality programs that are easy to
- Seeking stakeholder engagement, support, and feedback.
- Advising HHSC leadership on disability services and supports history, processes, and impacts.

### **Mission Objectives**

#### **Connect**

- We connect external stakeholders with the HHSC team members or programs that can best assist with an issue or answer questions.
- This ensures continuity of the user's experience and eases navigation of HHSC's programs, services, and supports.

#### **Share**

- We promote, partner, or share beneficial opportunities with our internal collaborators and external stakeholders within the disability community.

#### **Engage**

- We promote, partner, or share beneficial opportunities with our internal collaborators and external stakeholders within the disability community.

### [Emergency Planning for Individuals with Functional and Access Needs \(texasready.gov\)](https://www.texasready.gov)

HHS Emergency Response—

- 2-1-1 Information about available services which may be available during an emergency.
- Disaster Behavioral Health Response/IDD/Behavior Health
- Disaster Response Teams & Coordination- Medicaid Services
- Texas Department of Emergency Management (TDEM), STEAR & FEMA

## External Partnerships

Disability Rights Texas

- Passport Discussions

Governors Committee on People with Disabilities

- Webinar Series: <https://gov.texas.gov/organization/disabilities/training> webinars Check out - Before, During and After Disasters: Key Considerations for People with Disabilities
- GCPD Recommendations & Inquires • Role of ODSC as ex-officio

Next Steps

Opportunities for ODSC

- Stakeholder Engagement
  - What is missing? Share needs & initiatives!
- HHS MAP of EM
  - Understand Boundaries or Limitations
  - Awareness of Resources
  - Ensure Accessibility & Inclusion

## Questions/Answers/Comments

### 7. [87th Legislative Session update](#)

#### Telehealth / Telemedicine

Bill	Impacts
<b>HB 4:</b> Telemedicine, telehealth, and tech-related healthcare services	<ul style="list-style-type: none"> <li>• Expands the services that may be delivered via telemedicine and telehealth and expands telemonitoring services under certain circumstances</li> <li>• HHSC must establish policies to allow MCOs to conduct assessments and service coordination activities via telecommunications</li> <li>• HHSC must revise Medicaid application and renewal form to collect applicants' preferred method of contact, and publish guidance for MCOs to communicate with members via email and text</li> </ul>



## Eligibility

Bill	Impacts
<b>HB 3720:</b> Interest lists and eligibility criteria for certain Medicaid waiver programs	<ul style="list-style-type: none"> <li>Requires HHSC to develop a questionnaire for clients on interest lists in specific programs</li> </ul>

## New Benefits/Providers

Bill	Impacts
<b>SB 672:</b> Medicaid coverage of collaborative care management services	<ul style="list-style-type: none"> <li>Implement collaborative care management services—behavioral health services provided by a PCP-led team that includes behavioral health providers</li> </ul>

## Operations

Bill	Impacts
<b>HB 2658:</b> Operation and administration of certain health insurance programs and medical assistance program	<ul style="list-style-type: none"> <li>HHSC must develop and implement: <ul style="list-style-type: none"> <li>Protocol allowing the Ombudsman to collect contact info from people on interest lists and study online interest list portal</li> <li>Increase participation in disease management programs</li> <li>Preventative dental services for adults with disabilities enrolled in STAR+PLUS</li> <li>Oversight of nursing facility minimum performance standards and staff-resident ratios as quality measure</li> <li>Implement medication therapy management services</li> <li>HHSC must study and report on several topics</li> </ul> </li> </ul>

## Continuity of Care

Bill	Impacts
<b>SB 1648:</b> Provision and reimbursement of certain benefits under Medicaid, including the coordination of private health benefits	<ul style="list-style-type: none"> <li>Modifies SB 1207 requirements from 86<sup>th</sup> Session: <ul style="list-style-type: none"> <li>Members with complex medical needs can keep their specialty care provider whether or not they have other insurance</li> <li>Requires MCOs to attempt single-case agreements and that providers be reimbursed by Medicaid fee schedule until one is reached</li> </ul> </li> <li>Initiate a pilot program under Advancing Care for Exceptional Kids (ACE)</li> <li>Other amendments: external medical review for STAR Health denials, interest list management, notification of consumer directed services, adult dental benefits</li> </ul>

## Employment

Bill	Impacts
<b>SB 50:</b> Competitive and integrated employment initiative	<ul style="list-style-type: none"> <li>HHSC must: <ul style="list-style-type: none"> <li>Develop a uniform process to assess competitive and integrated employment goals and opportunities available to people in waivers and use to direct plans of care</li> <li>Identify strategies to increase the number of people receiving employment services through waiver programs and Texas Workforce Commission programs</li> <li>Set targeted increases in those numbers</li> <li>Report on the progress and status every two years to the governor and legislature</li> </ul> </li> </ul>

### Riders.

Rider 23- Individualized Skills and Socialization (Exceptional item related to day-hab replacement)

Rider 25- STAR+PLUS Pilot Program and Medically Fragile Policy (Exceptional Item)

Rider 38- HCS Study-- Study of Home and Community based Services (HCS) enrollees with high medical or behavioral needs that must: – Define the scope of high medical and behavioral needs which may require enhanced services or service coordination – Identify the number of individuals in HCS meeting the definition. Report is due September 1, 2022

#### Rider 41- IDD Interest Lists--

- With IDD SRAC, revise the Questionnaire for Long-term Services and Supports (LTSS) Waiver Program Interest Lists
- Administer the questionnaire to all individuals on IDD interest lists
- Evaluate available technology to create a “no wrong door” portal for applicants to request placement on interests lists and the questionnaire

#### **Questions/Answers/Comments**

The people at the HMOs have very limited knowledge about IDD and we would like to help fix that. HHSC suggested different ways to get involved including through other advisory committees.

#### **8. Electronic visit verification.**

- EVV Policy handbook is close to publication consolidating all policies
- Compliance information will be in the handbook
- We are working with employers about rounding (but there is no update)
- Information letter is being written addressing noncompliance for the FSAs

#### **Compliance issues**

- The system is mandatory for clocking in and out and is monitored through the payment process
- Landline use is verified
- Compliance measures are in a grace period for all of 2021
- Manually created visits should be the exception and not the rule, looking at percentage of CDS visits creation
- More information will be available through the handbook

#### **Training**

2 trainings took place in August

Webinars are available on the HHS Learning Portal

Meeting with the training and outreach subcommittee regularly for input

FMSAs processing visit maintenance should be looked at

#### **FMSA Cost Update**

Cost surveys have been conducted looking at administrative costs

#### **Questions/Answers/Comments**

When the new person comes in for orientation will they receive the new handbook. HHSC will see if that can occur. Policy training is required before having access to the system.

On the 1723 form there is confusion especially about cell phone usage. HHSC stated that 1722 is where employers state their intention on how they will participate. HHSC will check on the 1723 issue. A cell phone cannot be used as a land line.

July of 2022 is the full compliance date. There was a grace period for all of 2021.

## **9. State agency representative reports**

**Texas Workforce Commission**—Finished the fiscal year strong and continue to change systems to adapt to COVID 19 restrictions. Unemployment numbers are dropping, and fraud waste and abuse has increased.

**Behavioral health**—No new update

**Department of Family and Protective Services**—No new update

**CDS Policy and Operations**— Eileen Murphy has joined the team. The in-person requirement for employers has been suspended per COVID flexibilities through the end of September. FMSA training is occurring next month for new FMSAs.

## **10. Public comment.** No public comment offered

## **11. Review of action items and agenda items for next meeting**

HHSC will check on how TCCD will participate in Rider 41 activities

HHSC will look at how new employers will access the EVV handbook as well as land line usage

Availability of Legislative Funds

Office of Disability Services participation at the next meeting

IDDSRAC presentation and HB3720

Billing issues with EVV matching claim



**12. Adjourn.** Next meeting December 16, 2021. There being no further business, the meeting was adjourned.

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