



COMMISSIONER
Jon Weizenbaum

Memorandum

To: Community Services Regional Directors
Community Services Program Managers

From: Lisa Akers-Owen
Manager
Community Services Policy Curriculum and Development

Subject: Use of Services Outside of the Provider's Contracted Service Delivery Area

Issuance Date: September 16, 2013 CSPO 13-09-011

Effective Date: October 1, 2013

This memorandum applies to the Community Based Alternatives (CBA), Community Care for the Aged and Disabled (CCAD) and Medically Dependent Children Program (MDCP).

This memorandum is being issued to establish new policy regarding the use of certain CBA, CCAD and MDCP services outside of the provider's contracted service delivery area for services that are provided through the agency service delivery option. Effective with this memorandum, an individual receiving services in the following programs may receive certain services while he is temporarily staying at a location outside of the provider's contracted service delivery area, but within the state of Texas:

- An individual in CBA may receive personal assistance services (PAS), nursing, adaptive aids and medical supplies.
- An individual in CCAD may receive personal attendant services (PAS) but must not exceed the weekly hours authorized for Primary Home Care (PHC), Community Attendant Services (CAS), Family Care (FC) and Client Managed Personal Attendant Services (CMPAS).
- An individual in MDCP may receive respite and adaptive aids.

This change will help prevent a disruption in services and protect an individual's health and welfare while the individual is traveling or staying at a location other than his location of residence.

CBA, PHC, CAS, FC, MDCP Services Outside of the Contracted Service Delivery Area

When an individual makes a request for services outside of the contracted service delivery area to the provider, the provider may accept or decline this request. If the provider accepts the individual's request, the provider may provide the allowed service to the individual during a period of no more than 60 consecutive days. The provider is not required to pay for expenses incurred by the provider's employee who is delivering services outside the contracted service delivery area. Within three working days after the provider begins providing services outside of the contracted service delivery area, the provider is required to send a written notice to the case manager notifying him:

- the individual is receiving services outside of the provider's contracted service delivery area;
- the location where the individual is receiving services;
- the estimated length of time the individual is expected to be outside the provider's contracted service delivery area; and
- contact information for the individual.

The case manager will receive written notification from the provider when the individual has returned to the provider's contracted service delivery area within three working days after the provider becomes aware of the individual's return.

If the provider declines the individual's request for services outside of the service delivery area, the provider will inform the individual or his primary caregiver, parent, guardian or responsible party, orally or in writing of the reason(s) for declining the request. The provider's notice will also indicate that the individual or his primary caregiver, parent, guardian or responsible party, may request a meeting with the case manager and the provider to discuss the reasons for declining the request. The provider will also inform the case manager in writing, within three working days after declining the request, that the request was declined and the reason(s) for declining the request.

If the individual requests an interdisciplinary team (IDT) meeting, the case manager must convene an IDT meeting with the provider and the individual or his primary caregiver, parent, guardian or responsible party, to discuss delivery of services outside the provider's contracted service delivery area and possible resolutions. The case manager must document the contacts with the individual and the provider in the case record. If a resolution cannot be reached, the case manager must offer the individual choice of providers or the Consumer Directed Services (CDS) option for PAS in CBA or

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CCAD or for respite in MDCP following current procedures.

Out of Area Service Limitations for CBA, PHC, CAS, FC and MDCP

If an individual receives services outside the provider's contracted service delivery area during a period of 60 consecutive days, the individual must return to the contracted service delivery area and receive services in that service delivery area before the provider may agree to another request from the individual for the provision of services outside the provider's contracted service delivery area.

If the individual intends to remain outside the provider's contracted service delivery area for a period of more than 60 consecutive days, the case manager must transfer the individual to a provider selected by the individual that has a contracted service delivery area that includes the area in which the individual is receiving services, following current procedures.

Procedures for CMPAS

When an individual makes a request for services outside of the contracted service delivery area to the CMPAS provider, the provider may accept or decline this request. If the provider accepts the individual's request, the provider may provide the allowed service to the individual during a period of no more than 60 consecutive days. The provider is not required to pay for expenses incurred by the provider's employee who is delivering services outside the contracted service delivery area. Within three working days after the provider begins providing services outside of the contracted service delivery area, the provider is required to send a written notice to DADS CMPAS staff notifying him:

- the individual is receiving services outside of the provider's contracted service delivery area;
- the location where the individual is receiving services;
- the estimated length of time the individual is expected to be outside the provider's contracted service delivery area; and
- contact information for the individual.

DADS CMPAS staff will receive written notification from the provider when the individual has returned to the provider's contracted service delivery area within three working days after the provider becomes aware of the individual's return.

If the CMPAS provider declines the individual's request for services outside of the

service delivery area, the provider will inform the individual orally of the reason(s) for declining the request. The provider's notice will also indicate that the individual may request a meeting with the provider and the DADS CMPAS staff to discuss the reasons for declining the request. The provider will also inform DADS CMPAS staff in writing, within three working days after declining the request, that the request was declined and the reason(s) for declining the request.

If the individual requests an IDT meeting, the CMPAS provider is required to convene an IDT meeting by telephone conference call or in person, to discuss delivery of services outside the provider's contracted service delivery area.

If an individual receives services outside the CMPAS provider's contracted service delivery area during a period of 60 consecutive days, the individual must return to the contracted service delivery area and receive services in that service delivery area before the provider may agree to another request from the individual for the provision of services outside the provider's contracted service delivery area.

If the individual intends to remain outside the provider's contracted service delivery area for a period of more than 60 consecutive days, the CMPAS provider must convene an interdisciplinary team meeting, including the DADS CMPAS staff, to consider options available to the individual for continuation of services.

If you have any questions regarding this memorandum, your regional representative may contact Alfredo Cervantes at 512-438-5459.

LAO:cw