

## REGION 7E CDCS GUIDELINES

### 6.2 PERSONAL ASSISTANCE

Personal assistance includes a range of direct contact services provided in the consumer's home or community. Consumers determine the qualifications and training needs of their service provider and are responsible to assure these requirements are met. The assistance may be hands-on, cueing, prompting, or instructional. (Ref: Lead Agency Manual 6.2) The following are typically covered under this category:

Unlicensed support services for personal assistance, respite care and homemaker services. Usually, this assistance does not require a high level of clinical knowledge or skill. Consumers must provide the FSE a job description and work schedule for each paid support staff. Consumers must comply with Department of Labor laws and Fiscal Support Entity (FSE) standards.

**\*Individuals providing direct contact services may be subject to background studies prior to providing CDCS services and annually thereafter.** Contact your FSE for more information.

### CAMPS

Camps offer a variety of experiences and are often approved for therapeutic purposes and as caregiver relief.

If a consumer needs the support of a paid staff person in order to attend and participate in a summer camp, CDCS may fund the staff wages in accordance with the personal assistance guidelines, but not the cost of the camp for the paid staff person. CDCS may fund the cost of camp for the consumer.

*SUPPORT PLAN HINT: Document in the support plan how the camp will meet an identified need.*

## **CAREGIVER RELIEF (RESPITE)**

### **In Home:**

Primary caregivers may not provide caregiver relief services.  
Payment for caregiver relief must be paid via wages through the FSE.

### **Out of Home:**

Individuals providing out-of-home caregiver relief must be paid through the FSE. The FSE will provide a 1099 to the person(s) paid to provide out- of- home caregiver relief.

SUPPORT PLAN HINT: Parents of minor children cannot be paid for caregiver relief services regardless of the living arrangements.

## **DAYCARE**

Up to age 11, CDCS may fund personal assistance services (not the daycare itself) to support the consumer within the child care setting.

For consumers over the age of 11, personal assistance services within the consumer's home are to be utilized.

SUPPORT PLAN HINT: See Support Staff section for personal assistance within the consumer's home, regardless of age.

## **PEER COMPANION**

This is a covered service under the personal assistance category.

SUPPORT PLAN HINT: A child under the age of 16 will not be approved as a paid peer companion for reasons of safety, supervision, and skill set.

## **CHORE SERVICE /HOMEMAKING**

Chore and homemaking services are allowable if the service meets an identified need and is of sole benefit to the consumer.

This service may also be authorized as a caregiver support, which would be considered a direct benefit to the consumer.

SUPPORT PLAN HINT: When used as a caregiver support, indicate on the support plan how the service will allow the primary caregiver time to provide unpaid personal assistance to address identified needs of the consumer.

## SUPPORT STAFF

- A spouse or parent of a minor child may not receive payment for more than 40 hours of personal assistance services in a seven-day period. Parents are defined as biological parents, adoptive parents, and stepparents (Ref: Lead Agency Manual 13.5).
- No more than 40 hours per week can be paid to one or both parents (of a minor) combined, regardless of the number of children in the household receiving CDCS waived services, or the actual number of hours of care being provided by the parent(s), whichever is less. (Ref: Lead Agency Manual 13.5).
- If a person is both the spouse of a consumer and the parent of a minor consumer, that person may not receive payment for more than a total of 40 hours of personal assistance in a seven-day period.
- The spouse or parent of a minor must complete time reports and other required documentation, such as reporting on tasks performed during paid working hours.
- For spouses or parents of a minor child, the negotiated payment rate including wages, benefits and payroll-related taxes, may not exceed the public pay fee-for-service PCA rate established by the Department of Human Services for that fiscal year.
- The Community Support Plan must specify the frequency, duration, units, and payment rate negotiated for the personal assistance service provided by the spouse or parent of a minor separately from others who may be hired to provide personal assistance services.
- The service must NOT be an activity that a parent of a minor child or spouse would ordinarily perform. These activities include but are not limited to: supervision or transportation of children; household maintenance tasks, such as cleaning, meal preparation or laundry (Ref: Lead Agency Manual 13.2).
- Transportation for children under the age of 18 is considered a parental responsibility and therefore mileage reimbursement is an unallowable expenditure. Parents can be paid for their time spent transporting their minor child under personal assistance, within the allowed forty hours per week.
- Transportation for adults is allowed when the need for the transportation is due to a personal functional limitation. This could include costs for the person providing the transportation, the driver, or fares-up to the allowable Federal mileage rate (Ref: Lead Agency Manual 6.4).

SUPPORT PLAN HINT: The training needs of the personal assistance service provider must be specifically outlined in the support plan and must include training that is specific to the consumer's behavior and/or medical condition.

**\*\*Personal assistance service is the ONLY support for which a parent of a minor child or a spouse may be paid using CDCS funding\*\***

## **6.3 TREATMENT AND TRAINING**

Treatment and Training includes a range of services that promote the consumer's ability to live in and participate in the community. Providers must meet the certification or licensing requirements under state law related to the service. (Ref: Lead Agency Manual 6.3) The following are typically covered under this category:

- Specialized/Extended/Alternative treatments, therapy or training
- Life or Employment Skills Development and Community Integration
- Habilitative services
- Caregiver training and education to increase their ability to care for the consumer
- Consumer training and education to increase their ability to care for themselves or manage their CDCS plan, employees or budget

### **Treatments & Therapy**

If a requested treatment or therapy is not currently available through the state plan (MN Medical Assistance) or other waiver services, the consumer must ask the prescribing MHCP (Minnesota Health Care Programs) enrolled physician to complete the Alternative Treatment Form for MHCP-Enrolled Physicians Form (DHS 5788-ENG) before CDCS funding may be considered.

If approved, the Alternative Treatment Form for MHCP-Enrolled Physicians Form (DHS 5788-ENG) must be completed every year.

If the physician indicates the treatment is experimental, it **cannot** be funded by CDCS.

*Support Plan Hint: Experimental treatment means: drugs, therapies or treatments that are unproven, have been confined largely to laboratory use or have progressed to limited application and trials and lack wide recognition from the scientific community as a proven and effective measure of treatment.*

## **BEHAVIORAL REINFORCEMENTS**

Behavioral Reinforcements are not allowable as they are generally recreational in nature and considered to be a parental responsibility in the case of a minor child.

## **LICENSED WAIVER SERVICES**

All costs must be included in the consumer's CDCS budget and paid through the FSE. Examples of licensed waived services are DTH, pre-vocational services, supported employment, in-home family support and independent living skills.

## **HABILITATION ACTIVITIES**

Habilitative activities (skill building) are fundable and must be described clearly in the plan. DD waiver participants are **required** to include at least one habilitative activity/service component in their support plan.

- Activities must be directed toward increasing and maintaining physical, intellectual, emotional, and/or social functioning.
- May include therapeutic activities, assistance, training, supervision and monitoring in the areas of self-care, sensory and motor development, interpersonal skills, communication, socialization, reduction or elimination of maladaptive behavior, community living and mobility, health care, leisure and recreation, money management, and household chores.

*SUPPORT PLAN HINT: The support plan should identify those services that are part of the required habilitative plan, meeting either the definition of personal assistance service or treatment and training.*

## **TRAINING AND EDUCATION**

Training and education must be directly related to the provision of care or support to the consumer.

The direct cost of training/education and related expenses can be considered for consumers and caregivers.

Consumers cannot pay themselves to attend the training.

*SUPPORT PLAN HINT: Training and education proposals must be directly related to an identified need resulting from a disability or health condition, must be cost effective, and must be approved as part of the overall plan to meet the consumer's needs in the community (Ref: Lead Agency Manual 6.3)*

## **6.4 ENVIRONMENTAL MODIFICATIONS AND PROVISIONS**

Environmental modifications and provisions include supports, services and goods provided to the consumer to maintain a physical environment that assists the person to live in and participate in the community, or that are required to maintain health and well-being. The following are typically covered under this category:

- Assistive technology
- Home and vehicle modifications
- Transportation
- Environmental supports
- Transitional supports
- Supplies and equipment
- Prescribed special diets
- Adaptive clothing
- Home delivered meals

Services, goods or supports provided to or benefiting persons other than the consumer are not allowed.

### **AIR CONDITIONERS/AIR FILTERS**

In order to be considered for an air conditioning unit or an air filter, there must be a physician order and the need must be related to the consumer's disability.

Air conditioners may be approved as a wall unit. Central air conditioning is not allowable.

*SUPPORT PLAN HINT: The item must not be prescribed for comfort or convenience (Ref: Lead Agency Manual 8.1).*

### **ADAPTIVE BIKES**

Cost must be reasonable with a maximum of \$2,500. If the cost exceeds \$1,000 the client must be assessed for fit and functionality of the bike prior to the purchase.

CDCS funds cannot purchase: bike trailers, helmets and carriers (these items are not disability related).

*SUPPORT PLAN HINT: Second bikes are an unallowable expenditure.*

## **ADAPTIVE CLOTHING AND FOOTWEAR**

Adaptive clothing and footwear are items designed to increase a person's independence in dressing, grooming, toileting, or bathing, or designed to endure abnormal movement patterns or acting out. They could also include items prescribed by a physician that are not covered under state plan, such as orthopedic shoes.

*SUPPORT PLAN HINT: Not intended to provide funds for replacement clothing. If clothing is in need of replacement due to disability related damage, alternative clothing should be pursued. Indicate on support plan how the adaptive clothing will meet the consumer's needs. Verification of non-MA coverage should be provided to your FSE.*

## **ASSISTIVE TECHNOLOGY**

Assistive technology includes assistive, adaptive, and rehabilitative devices for people with disabilities (Wikipedia).

Items must be recommended in writing by an appropriate professional as an effective means of communication and/or learning for the consumer, including specific reference to the use and direct relationship to the consumer's assessed need that is related to their disability (Ref: Lead Agency Manual 6.4).

There must be sufficient documentation to support a request for a consumer to have a computer dedicated only for their use. If approved for purchase, the consumer must be the sole user of the technology.

A request to purchase similar technology and related components will be considered once in a three year period.

Monthly internet fees and data plans are not allowable.

*SUPPORT PLAN HINT: Exceptions for equipment that is damaged, lost or stolen will be considered through a collaborative consultation with a minimum of three supervisors of the regional counties. Stolen items must be reported to the police.*

## **CELL PHONES AND SERVICE**

Cell phones and service are items of convenience and therefore not allowed under CDCS.

*SUPPORT PLAN HINT: Cell phones are not considered assistive technology, environmental supports, or supplies and equipment that are related to a person's disability (Ref: Lead Agency Manual 6.4).*

## **FENCES**

The reason for the fence must be related to the consumer's disability. A 6 foot high fence for a completely enclosed area, with a cost not to exceed \$5,000.00 per household may be approved, regardless of the number of consumers.

## **FITNESS AND EXERCISE PROGRAMS**

Health clubs and fitness centers that provide fitness and exercise programs, when the service is necessary and appropriate to treat/improve or maintain the individual's physical condition, may be considered for approval.

The consumer's physical condition must be identified in the individual's plan of care and monitored by a MHCP enrolled physician (Ref: Lead Agency Manual Appendix C2).

Fitness and exercise program funding is limited to adults. If authorized, the payment structure shall be based on the most cost effective payment option (i.e.: daily rates, annual memberships, etc.) (Ref: Lead Agency Manual Appendix C2).

*SUPPORT PLAN HINT: At the time of the annual plan renewal, consumers with such memberships must provide verification that they are using the health club or fitness center 8-12 times per month or more.*

## **HOME DELIVERED MEALS**

May be authorized for consumers who, due to disability, are not able to prepare their own meals and for whom there is no other person available to do so, and the provision of a home delivered meal is more cost-effective than staff preparation of a nutritionally adequate meal.

Meals from a congregate dining site or a restaurant may be approved in place of a home delivered meal; the same guidelines apply.

The purchases of restaurant meals for the purpose of socialization or integration are not an allowable expenditure.

*SUPPORT PLAN HINT: Home delivered meals are an unallowable expenditure for children under age 18 (as meals are a parental responsibility).*

## **HOME-BASED SCHOOLING**

Home-based schooling is specifically excluded from purchase with CDCS funding (Ref: Lead Agency Manual 8.2). It is the combined responsibility of the parent, school district and Department of Education to provide education services.

## **INSURANCE**

Insurance expenses are unallowable, including consumer premiums and co-pays.

*SUPPORT PLAN HINT: Insurance expenses related to employees are allowable expenses and fall under category - 6.5 Self-direction Support Activities.*

## **MODIFICATIONS TO THE HOME**

Home modifications are limited to \$40,000.00; the first \$5,000.00 of the modification expense must be included in the consumer's CDCS budget. The consumer may request additional funds from the county's aggregate waiver budget for expenses beyond the \$5,000.00 required to be included in the CDCS budget.

Requests for additional funds will be approved at the discretion of the county.

Home modifications must be related to the disability of the consumer. Home modifications that add square footage are not allowed, except to a bathroom. Home modifications are considered only for the primary residence of the consumer, or the primary residence(s) of the parents for a minor child.

Providers of home modifications must have a current license or certificate and must meet all professional standards and/or training requirements required by Minnesota Statutes or administrative rules for the services they provide (Ref: Lead Agency Manual 7.3).

Home modifications must meet building codes and be inspected by an appropriate building authority.

*SUPPORT PLAN HINT: If the parents of a minor child do not live in the same home, home modifications may be considered for both residences. Home modifications made to rental properties will be considered through a collaborative consultation with a minimum of three supervisors of the regional counties. The owner of the rental property must grant permission and agree to any stipulations applied regarding the modification (i.e. removal of track system upon moving).*

## **OVER THE COUNTER MEDICATIONS/COMPOUNDS AND SOLUTIONS (NON-COVERED SERVICE)**

All prescription and over the counter medications, compounds and solutions, are excluded items under CDCS.

*SUPPORT PLAN HINT: Definitions:*

***Over the Counter Medications:** A drug that can be purchased without a prescription including vitamins and supplements (i.e. Thicket).*

***Compound prescriptions:** Not commercially available products that the pharmacist must prepare individually.*

***Solution:** A dose form of prescription or over the counter medication. Examples of solutions are irrigating solutions, wound care solution, solution made from tablets or capsules for patients who cannot swallow a tablet or capsule (Ref: Lead Agency Manual 8.2).*

## **PREMIUMS & CO-PAYS**

Premiums and co-payments of the consumers are excluded items therefore not allowable under CDCS.

## **REPLACEMENT AND ADDITIONAL HOUSEHOLD ITEMS**

Replacement of everyday items (i.e. bedding) is not allowable, regardless of the reason (i.e. above average wear & tear or property destruction) or it being directly related to the consumer's disability.

The purchase of additional household supplies (i.e. laundry detergent or cleaning supplies) is not allowable.

*SUPPORT PLAN HINT: Adaptive and specialized items should be considered as an alternative and may be considered for approval.*

## **SECURITY SYSTEMS/ALARMS**

The safety of the consumer must be dependent on having security systems/alarms/monitors within their home in order to be considered.

Funds may be used to purchase, install and repair basic/standard security systems/devices.

Ongoing monitoring fees may be funded at a maximum of \$100 per month.

**Security systems** will not be approved for consumers under the age of 18 , as they are designed to notify the home owner of intruder entrance.

**Alarms** may be approved for consumers under the age of 18, when they are necessary to notify caregivers of an elopement attempt.

Alarms/monitors/security systems are not designed to take the place of parental supervision and protection.

*SUPPORT PLAN HINT: Document in the support plan the specific need related to the consumer's disability that will be met by this product.*

## **SPECIAL DIETS**

Special diets under CDCS must meet the following criteria:

- They are prescribed by a MD who is enrolled as a MHCP provider
- They are required to address nutritional needs, which are directly related to the disability or health condition, and for which no MHCP coverage is available
- They are a part of the stated community support plan with identifiable outcomes
- They are approved by the lead agency to meet the health and/or safety needs of the consumer.
- Thicket is a non-allowable expense under CDCS in all waivers

Additional or specialized foods for the following diets are allowable for payment under CDCS *if the above criteria are met*:

- Anti-dumpling diet
- Controlled protein diet (40-60 grams and requires special products)
- Controlled protein diet (less than 40 grams and requires special products)
- Gluten free diet
- High protein diet
- High residue diet
- Hypoglycemic diet
- Ketogenic diet
- Lactose free diet
- Low cholesterol diet
- Pregnancy and lactation diet

CDCS funds up to the MSA-Special Needs Diet Allowance amount may be authorized for the **above listed special diets**. (Ref: Minnesota Combined Manual Special Diets 0023.12). If a consumer is on MFIP or MSA special needs payments, these programs would be the payer of special diets indicated above before CDCS would be considered.

Funding for prescribed special diets will be authorized based upon the difference between the current United States Department of Agriculture (USDA) thrifty food plan amount and the expense of the prescribed special diet, not to exceed \$100.00 per month. A receipt reflecting only special diet foods must be submitted to the FSE.

The MHCP enrolled physician prescribing the special diet must complete the Verification of Prescribed Diet form and the Alternative Treatment Form (DHS 5788-ENG) before funding is approved. These forms must be completed every year.

*SUPPORT PLAN HINT: Indicate on the plan how the special diet addresses nutritional needs which are directly related to a disability or health condition. Experimental diets are an unallowable expenditure.*

## **STROLLERS**

Adaptive strollers are allowable expenditures. Typical strollers for babies and toddlers are considered parental responsibility and therefore not fundable.

A signed recommendation from a physical therapist, which includes evidence that the stroller will meet an identified need related to the physical disability of the consumer, is required. Strollers are not intended to be used as a behavioral support or mechanical restraint and will not be approved for such.

*Support Plan Hint: Documentation in the support plan should show that the need for an adaptive stroller is directly related to the consumer's disability.*

## **SUPPLIES & EQUIPMENT**

Supplies and equipment include devices, controls, or appliances not specifically excluded in Section 8.2 of the Lead Agency Manual. Items must increase the consumer's ability to perform activities of daily living, instrumental activities of daily living, or perceive, control or communicate with the environment in order to be more independent or increase community integration.

Approved supplies and equipment must not be available under state plan (Ref: Lead Agency Manual 6.4) to be approved for CDCS funding.

Unallowable expenses under this section would include:

- Items that are for comfort and convenience
- Items that are normally furnished by the consumer's parents, family, or spouse

*SUPPORT PLAN HINT: Document in the support plan how the supplies and equipment will meet the functional limitations of the consumer. Verification of non-MA coverage should be provided to the FSE.*

## **WIPES**

Disposable sanitary wipes are an allowable expenditure under CDCS.

*SUPPORT PLAN HINT: Document in the plan the disability related need that is being addressed.*

## **THERAPEUTIC COMMUNITY ACTIVITIES**

Must be recommended by and include written documentation, from an appropriate therapist, that the activity is a strategy/intervention that is part of a larger therapeutic plan.

Activities must be necessary to address an assessed need related to the consumer's disability.

Documentation of the consumer's progress toward achievement of the goal or outcome must be maintained as a part of the plan.

Caregiver expenses related to the consumer's participation in the activity are not reimbursable. Staff wages can be paid using the Personal Assistance Guidelines.

Tickets and related costs to attend sporting or other recreational events are an unallowable expenditure (Ref: Lead Agency Manual 8.2).

*SUPPORT PLAN HINT: The activity must be a strategy or part of a strategy being used to achieve a documented, measurable outcome or goal included in the support plan.*

## **THERAPEUTIC PLAY EQUIPMENT/MATERIALS/SUPPLIES**

Items must be documented as necessary for the implementation of a therapeutic intervention recommended by the appropriate therapist and part of a larger therapeutic program.

There must be a signed recommendation, from an appropriate professional, which must include evidence that the requested item has been tested with the consumer and found to be a successful intervention.

Items may include sensory equipment, specialized toys, supplies and other items up to \$1,500.00 per year.

Items must meet an assessed need directly associated with the consumer's disability.

The item(s) must be for the sole use and benefit of the consumer.

Swing/Play sets are not allowable.

Adaptive equipment or adaptations to the consumer's swing/play sets may be approved as related to the consumer's disability.

Home pools are not allowable.

## **THERAPEUTIC PLAY EQUIPMENT/MATERIALS/SUPPLIES - CONTINUED**

Age appropriate items and items that are the responsibility of the parent or spouse to provide are not allowable.

Items must meet a therapeutic need of the consumer, as recommended by an appropriate professional.

\*\*Items that are diversionary or recreational in nature are an unallowable expense under CDCS (Ref: Lead Agency Manual 8.1).

SUPPORT PLAN HINTS: Behavior/treatment plans must be written by and include monitoring from a mental health professional, therapist, or behavior analyst. A copy of the behavioral/therapy plan needs to be included when requests for specific items are submitted for approval.

## **VEHICLES**

The purchase of a vehicle and general vehicle maintenance is an unallowable expenditure.

Only modifications to the consumer's primary vehicle can be approved; exceptions may be made in the instance of separate parental households of a minor consumer.

Providers of vehicle modifications must have a current license/certificate and meet all professional standards required by Minnesota statutes or administrative rules for the services they provide (Ref: Lead Agency Manual 7.3).

Vehicle modifications must meet all required inspections.

Maintenance and repair of a modification or its components are allowable.

Requests for duplicate vehicle modifications will be considered through a collaborative consultation with a minimum of three supervisors of the regional counties.

SUPPORT PLAN HINT: Consideration for modification should include the documented value of the proposed vehicle to be modified in relationship to the cost of the modification.

## **WARRANTIES/SERVICE CONTRACTS**

Warranties and service contracts are an allowable expense; they must be cost effective and meet a need described in the support plan.

*SUPPORT PLAN HINT: Service contracts are preferred to warranties when available.*

## **6.5 SELF- DIRECTION SUPPORT ACTIVITIES**

This is the CDCS service category that is used for Fiscal Support Entity service, Flexible Case Management and some employer-related expenses.

Review the Self-direction Support section of the Lead Agency Manual for detailed information regarding this area.

### **\*\*SPECIAL NOTE\*\***

*CDCS documents created by the Minnesota Department of Human Services (i.e. CDCS Lead Agency Operations Manual and Disabilities Service Program Manual) will overrule any variations or contradictions in the Region 7E Guidelines.*

*Items not specifically described will be considered through a collaborative consultation with the supervisors of a minimum of three regional counties. Guidelines may be revised as a region as needed.*

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