

**COLORADO DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
CONSUMER DIRECTED ATTENDANT SUPPORT SERVICES (CDASS) PROTOCOL**

CDASS Two Attendant Requirement Protocol for FMS Vendors & Case Management Agencies
Effective 1.1.2016

I. PURPOSE AND AUTHORITY

A. PURPOSE

The purpose of this protocol is to establish policy and procedures for Financial Management Service (FMS) vendors and Case Management Agencies (CMA) in meeting the requirement for a CDASS client to have two attendants employed with the client selected FMS vendor. Because CDASS clients are responsible for managing their homemaker, health maintenance and personal care services, it is imperative that clients have at least two employees. Two employees provides backup services in the event that the primary attendant is unavailable.

B. AUTHORITY

Consumer Directed Attendant Support Services, [10 CCR 2505-10 8.510](#).

II. DEFINITIONS

- A. Attendant means the individual who meets qualifications in § 8.510.8 who provides CDASS as determined by § 8.510.3 and is hired by the client or client authorized representative.
- B. Authorized Representative (AR) means an individual designated by the client or the legal guardian, if appropriate, who has the judgment and ability to direct CDASS on a client's behalf and meets the qualifications as defined at §8.510.6 and §8.510.7.
- C. Case Management Agency (CMA) means a Department approved agency within a designated service area where an applicant or client can obtain Long Term Services and Supports case management services.
- D. Case Manager means an individual who meets the qualifications to perform case management activities by contract with the Department.
- E. Consumer Directed Attendant Support Services (CDASS) means the delivery option for services that assist an individual in accomplishing activities of daily living when included as a waiver benefit that may include health maintenance, personal care, and homemaker activities.

- F. Department means the Colorado Department of Health Care Policy and Financing
- G. Financial Management Services (FMS) means an entity contracted with the Department and chosen by the client/AR to complete employment related functions for CDASS attendants and track and report on individual client allocations for CDASS.
- H. Training and Operations Vendor means the organization contracted by the Department to provide training to CDASS clients/authorized representatives, provide training to case managers on participant direction, and provide customer service related to participant direction.

III. POLICY OVERVIEW

The purpose of this protocol is to provide guidance to FMS vendors and case management agencies on how to monitor and report CDASS client employment contracts in the CDASS service delivery option. Attendant management is a key element of the CDASS service delivery model as it gives clients the choice and control to select and manage their CDASS attendants. Clients or their CDASS authorized representative are responsible for hiring, training, scheduling and managing attendants. Assuring back up coverage is an essential part of management of attendant services in any model. CDASS clients take responsibility for arranging their own backup care and therefore must always have a backup attendant available. Prior to the case manager and the FMS vendor determining a start date for CDASS, the client or authorized representative is required to establish the employment of two attendants through the client's selected FMS vendor. Maintaining employment of a minimum of two CDASS attendants is essential for the health and welfare of CDASS participants to ensure they are able to access attendant services timely and have their personal care, homemaker, and health maintenance service needs met. **While the client or authorized representative must have established employment with two CDASS attendants, it is the determination of the client or authorized representative whether to utilize one or more attendants to perform services during any pay period.**

This policy overview does not provide guidance for every situation, but rather provides standards for use by FMS vendors and case management agencies.

IV. PROTOCOL

- A. Each FMS vendor is responsible for running a monthly report to identify any clients who do not have an employment relationship with at least two CDASS attendants. When the

FMS vendor identifies a client who does not have two CDASS attendants, the client's FMS vendor shall:

1. Contact the client or client's authorized representative to inform them that the two attendant employment requirement is not being met.
 - a. This contact will be initiated by the client's FMS vendor within five business days of the identification of the client not meeting the requirement. The FMS vendor will mail or email (based on client communication preferences) the client or the client's authorized representative notification regarding noncompliance with the two attendant protocol. The notification will include the CDASS Two Attendant Requirement Protocol for FMS Vendors & Case Management Agencies and FMS employment applications for completion. Client will also be advised of the opportunity for voluntary training through the Department's contracted training and operations vendor regarding locating, interviewing and hiring new attendants. Upon request, the client's FMS vendor will provide the client or client authorized representative with a list of available attendants that are seeking employment.
 - b. The client's FMS vendor will notify the client's case manager regarding the two attendant protocol violation.
2. The client, or client authorized representative is required to submit a completed employee application to hire at least one additional attendant in order to be in compliance with the two attendant requirement.
 - a. The completed employee application must be submitted to the client's FMS vendor within 30 calendar days of FMS notification.
 - b. The client's FMS vendor has five business days to process the employee application and inform the client, or client authorized representative of the employment eligibility determination. The FMS vendor must identify all errors in the employment application within the first three business days and report any errors to the client or AR.
 - c. The client, or client authorized representative will be required to submit additional employment applications within 30 calendar days of notification of selected employee being ineligible for hire.

- d. The FMS vendor will notify the client's case manager upon receipt of the employment application and also upon determination of employment eligibility.
 - e. If a client submits incomplete applications and fails to correct them or continuously submits applications for ineligible employees resulting in no additional hires over a three month period, the client or AR will be required to attend mandatory retraining with the Department's contracted training and operations vendor.
3. If the client, or client authorized representative does not submit an employee application within the first 30 calendar days following FMS identification and notification of the client not meeting the two attendant requirement:
- a. The FMS vendor will notify the client's case manager within five business days of the requirement not being met.
 - b. Within five business days after notification from the client's FMS vendor, the case manager will refer the client or client authorized representative to the Department's contracted training and operations vendor for mandatory retraining. The case manager shall inform the client, or client authorized representative if applicable, that retraining must be completed within 45 days from the date the case manager contacts, and submits the retraining referral to the training and operations vendor. The case manager will send written notification to the client, or client authorized representative informing them of the mandatory training and the time frame for training to be completed.
 - c. The client, or client authorized representative will no longer be required to complete training if an eligible employee is hired before the established 45-day timeframe.
 - d. If the client or AR notifies the FMS with good cause for not complying and has made reasonable efforts to secure a second attendant the FMS will contact the Department to request an extension. The maximum extension is an additional 20 days.
4. If the client, or client authorized representative does not complete the required training through the training and operations vendor by the established 45-day timeframe and does not have two attendants approved for employment through the FMS vendor:

- a. The training and operations vendor will notify the client's case manager within five business days of the timeframe for retraining not being met.
 - b. The case manager will notify the client within five business days of notification from the training and operations vendor that the client is required to designate an authorized representative; or a new authorized representative will need to be designated if one is being utilized. The case manager will provide the client with written notification of the requirement and timeframe to designate an authorized representative or a new authorized representative. The authorized representative shall be identified and scheduled for training with the Department's contracted training and operations vendor within 15 calendar days. The authorized representative's training and paperwork with the CDASS training and operations vendor and the client selected FMS vendor shall be completed within 60 calendar days.
 - c. The client authorized representative will be required to submit a complete employment application within 30 calendar days of completing the required CDASS training and paperwork.
 - d. The client's FMS vendor has five business days to process the employee application and inform the client, or client authorized representative of the employment eligibility determination. The FMS vendor must identify all errors in the employment application within the first three business days. The authorized representative will be required to submit at least one additional employment applications within 30 calendar days of notification of the selected employee being ineligible for hire.
5. If the client does not designate an authorized representative or a new authorized representative, or the client authorized representative does not complete all required CDASS training and paperwork within 60 calendar days, the case manager shall:
- a. Inform the client and AR that the client will be terminated from the CDASS service delivery option in accordance with §8.510.12 and 8.510.9.C within 30 calendar days.
 - b. The case manager will work collaboratively with the client to secure IHSS or agency based waiver services.
 - c. The case manager shall provide the client with a Notice of Action, in accordance with §8.510.12.A.1 and §8.510.12.A.2. This notice provides the client with their appeal rights.

- d. The case manager shall notify the client FMS organization of the date on which the client is being terminated from CDASS.
6. If the client's authorized representative does not submit an employee application within 30 calendar days following training or does not have two attendants approved for employment through the FMS vendor within 60 calendar days following training, the case manager shall:
- a. Inform the client and AR that the client will be terminated from the CDASS service delivery option in accordance with §8.510.12 and 8.510.9.C within 30 calendar days.
 - b. The case manager will work collaboratively with the client to secure IHSS or agency based waiver services.
 - c. The case manager shall provide the client with a Notice of Action, in accordance with §8.510.12.A.1 and §8.510.12.A.2. This notice provides the client with their appeal rights.
 - d. The case manager shall notify the client FMS organization of the date on which the client is being terminated from CDASS.