



COLORADO
Department of Health Care
Policy & Financing
Office of Community Living
1570 Grant Street
Denver, CO 80203

December 5, 2015

Dear CDASS Member,

This is to notify you of an upcoming change to the Consumer Directed Attendant Support Services (CDASS) Financial Management Services (FMS) employer models. The Department of Health Care Policy and Financing is presenting a policy change to Medical Services Board on December 11, 2015 to remove the Agency with Choice Model from the CDASS regulation.

The approval of this policy change will mean that individuals participating in CDASS must use the Fiscal Employer Agent CDASS FMS model. Please contact your FMS vendor if you are not aware of which CDASS FMS model you are using.

Why is this change happening?

The U.S. Federal Government amended the Fair Labor Standards Act (FLSA) to allow home care workers to be eligible for minimum wage and overtime requirements. FLSA requires compensation for attendants whose work time exceeds 12 hours in a single day or 40 hours in a week.

Attendants who worked for more than one member would also have to be compensated for their travel time from one member's home to another

member's home to perform services. CDASS members may not be aware they are employing an attendant who is working for other individuals which could negatively affect their allocations by unforeseen travel time and overtime costs.

To address these issues, the Department worked with CDASS members, family members, attendants, providers, and others to develop a plan to implement the Fair Labor Standards Act (FLSA) into CDASS.

This collaborative effort resulted in the decision to remove the Agency with Choice model from CDASS and to require all CDASS members to use the Fiscal Employer Agent model.

How will this impact me?

All CDASS members or authorized representatives must obtain a Federal Employer Identification Number (FEIN) if they don't already have one. Using the FEIN to bill for CDASS attendant services allows the member or their authorized representative to more effectively control costs that affect their allocation for services. A member using an FEIN will not share overtime or travel time costs with other CDASS members because the member will be the sole employer of the attendant. Members who share both an authorized representative and attendant(s) will be required to make scheduling changes to ensure there are no overtime and/or travel time costs.



Next steps:

CDASS members currently using the Agency with Choice model should begin working with their selected FMS vendor to prepare for this upcoming policy change. The Department will waive the open enrollment deadline to change Financial Management Service models or vendors to accommodate members who need to convert from the Agency with Choice model to Fiscal Employer Agent model. Please work with your case manager and selected Financial Management Service vendor to facilitate this change.

Consumer Direct Colorado is available to assist in answering your questions related to the Fiscal Employer Agent model. Additional information related to the Fiscal Employer Agent model will be posted on the Consumer Direct Colorado website when available.

Website: consumerdirectco.com

Phone: 844-381-4433

Additional information on FLSA: www.dol.gov/whd/homecare

FMS Agencies

There are three Financial Management Service agencies available in CDASS. You can choose to stay with your current agency or you can change agencies.

The three agencies are:

- ACES\$ Financial Management Services – www.MyCIL.org
(844) 776-7595



- Morning Star Financial Services – www.morningstarfs.com
(844) 450-5444
- Public Partnerships, LLC – www.publicpartnerships.com
(888) 752-8250

If you have questions or need additional information, please contact your case manager or any one of the FMS agencies.

Bonnie Rouse

FMS Specialist

Department of Health Care Policy and Financing

