



Texas Council on Consumer Direction Annual Report

**As Required by
Texas Government Code, Section
531.012**

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Table of Contents

Disclaimer	3
Executive Summary	4
Introduction.....	7
Council Activities.....	8
Background.....	9
Key Elements	10
Mission and Vision	10
Subcommittees	10
Associated Costs	11
Conclusion	12
List of Acronyms.....	13
Appendix A. Services Available Through the CDS Option	A-1
Appendix B. List of Appointed Members	B-1
Appendix C. List of State Agency Representatives	C-1
Appendix D. Attendance Record.....	D-1

Disclaimer

This report was not authored by, and does not reflect the views and opinions of, the Texas Health and Human Services system, its component agencies, or staff.

This report has been lightly edited by HHSC staff for formatting and grammar.

Executive Summary

The Texas Council on Consumer Direction (the Council) is a 17-member advisory committee established under the authority of Texas Government Code, Section 531.012. The adopted rules that outline the Council's membership, its statutory authority, purpose, and reporting requirements can be found in Texas Administrative Code (TAC) Title 1; Part 15; Chapter 351; Subchapter B; Rule 351.817 (effective July 1, 2016). The Council was scheduled for abolition in July 2020. However, rules in TAC Title 1, Section 351.817, have been amended, effective December 8, 2020, to extend the Council's abolition date to July 31, 2024.

The purpose of the Council is to advise and make recommendations to the Health and Human Services Commission (HHSC) and its Executive Commissioner on the development, implementation, expansion, and delivery of services through consumer direction, in all programs offering long-term services and supports (LTSS). These recommendations are made to enhance an individual's ability to have freedom of choice, and to exercise authority and control over their own choices, regardless of age or disability. The Council makes recommendations to HHSC to:

1. Expand the delivery of services through consumer direction to other programs serving persons with disabilities and elderly persons under Texas Government Code, Chapter 531, Subchapter B;
2. Expand the array of services delivered through consumer direction;
3. Increase the use of consumer direction models by consumers;
4. Optimize consumer choice of financial management services agencies (FMSAs);
5. Expand access to support advisors for consumers receiving LTSS through consumer direction;
6. Monitor and analyze research for best practices in self-determination, consumer direction, and training;
7. Provide guidance and support for consumer outreach efforts;
8. Increase informed choices, opportunities, and supports as a means to lead self-determined lives through the use of consumer direction models; and
9. Perform other tasks consistent with its purpose as requested by the HHS Executive Commissioner.

The Council's mission statement is:

To enhance the lives of individuals self-directing services and increase utilization of consumer directed services by improving quality, outreach, and education, and by establishing effective processes.

The vision statement adopted by the Council is:

Consumer-directed services (CDS) in Texas is envisioned to be a highly effective, person-centered delivery methodology that empowers individuals to realize their full potential to live independent lives.

Consistent with both the Council's mission statement and vision is the key observation that the CDS service delivery option is one of the very few service delivery methods in Texas that enables individuals to both:

1. exercise increased independence through person centered practices as required by Texas Government Code Section 534, and Centers for Medicare & Medicaid Services (CMS) rules; and
2. receive increased levels of community integration, including competitive employment within their communities, as required by CMS' Home and Community Based Settings (HCBS) rule requirements. (All states are required to be compliant with the federal CMS HCBS rule by March 2023.)

The CDS option — when compared to the agency option — offers more freedom, choice, and control over the supports and services for people who use LTSS and mental health services. Self-direction is a movement, philosophy, and a delivery model with approximately 20,000 Texans using the CDS option for services and supports through Medicaid managed care or fee-for-service home and community-based programs.

The Council first convened in September 2016 and has since met on a quarterly basis. Much of the work of the Council is led by its subcommittees. At its March 24, 2022, meeting, the Council voted to combine the Processes and Expansion (PE) subcommittee with the Training and Outreach (TO) subcommittee. The other subcommittee is the Quality Assessment and Performance Improvement (QAPI) subcommittee. The subcommittees develop systematic recommendations to the Council for further discussion, review, and approval.

This report will cover meetings, major activities, and outcomes undertaken by the Council in State fiscal year (SFY) 2023.

This 2023 Texas Council on Consumer Direction Annual Report reflects the views and opinions of the majority of the Council's membership. The Council, for purposes of this report, refers only to those members named to the Council by the HHS Executive Commissioner and does not include state agency representatives. Unless otherwise noted, the views and opinions expressed in these recommendations do not necessarily reflect the policies of HHSC or any state agency represented on the Council.

Introduction

The Council completed its seventh year of activity in August 2022. Meetings are held quarterly; however, when determined necessary by the Council, additional meetings can be scheduled. Meetings for reporting period 2023 were held on September 22, 2022, April 17, 2023, and June 15, 2023. See Appendix D for a record of members' attendance.

Council Activities

At the September 22, 2022 meeting, the Council met but did not have a quorum. The Council received reports on direct services workforce training, American Rescue Plan Act (ARPA) coordination, and the electronic visit verification (EVV) system transition.

In April of 2023, the Council met for the first time in over six months with a quorum. The Council was unable to conduct business due to a lack of quorum but now had enough members due to new appointments made in late 2022. At the April meeting, the Council received an extensive orientation on the laws and statutes governing their work and meetings.

At the June 2023 meeting, the Council received reports from HHSC Office of Disability Services Coordination staff on a new initiative for matching employers participating in consumer directed services with employees who are interested in working with individuals. This online portal has the potential of greatly assisting individuals searching for employees. The Council was also provided with an update on the new EVV system that the State is transitioning to and provided feedback on the transition as well as voiced concern over the number of transitions that financial management service agencies (FMSAs) and employers had to make in order to use the State-approved EVV system.

Background

Consumer directed services in Texas began as a pilot for two attendant services programs as authorized by the 75th Texas Legislature in 1997. The pilot proved successful and Senate Bill (S.B.) 1586, 76th Legislature, Regular Session, 1999, authorized “the vendor fiscal intermediary” (VFI) option—the forerunner of the CDS option.

In 2001, the CDS option was implemented in two Medicaid waiver programs—Community Living Assistance and Support Services (CLASS) and Deaf Blind Multiple Disabilities (DBMD). Additional programs added the CDS option as follows:

1. 2002 – Community Based Alternatives (CBA) and Primary Home Care (PHC)
2. 2003 – STAR+PLUS
3. 2005 – Medically Dependent Children’s Program (MDCP)
4. 2007 – Personal Care Services (PCS)
5. 2008 – Home and Community based Services (HCS) and Texas Home Living (TxHmL)

A brief description of these programs is found in Appendix A. Since the implementation of CDS, there has been growing acceptance and support for expanding consumer direction options and promoting it as empowering for people with disabilities and people who are older who want to live in the community and have maximum choice and control over their lives. Given state agency interest and support for expanding consumer direction, it is evident there is a growing recognition that CDS is an effective means of helping people live as independently as possible in their communities and not in costly institutions.

There are a number of reasons CDS can be a more desirable option than the provider agency option. Individuals who opt for CDS hire and train their own employees (including family, friends, or neighbors); decide how much to pay employees (within program rates); make schedules to meet their needs; and select an FMSA that will pay employees and taxes on their behalf. In contrast, in the provider agency option, the agency selects, schedules, and manages the people paid to help individuals as well as sets wages and benefits.

Key Elements

Mission and Vision

The Council as a whole has focused on learning, developing its mission and vision statements, agreeing on goals and assigning those goals to the appropriate subcommittee.

The Council's mission statement is:

To enhance the lives of individuals self-directing services and increase utilization of consumer directed services by improving quality outreach and education and establishing effective processes.

The vision statement adopted by the Council is:

Consumer Directed Services in Texas is envisioned to be a highly- effective, person-centered delivery methodology that empowers individuals to realize their full potential and to live independent lives.

Subcommittees

Most of the Council's work is done through its two subcommittees. Issues are discussed by subcommittees and recommendations are brought back to the Council for discussion and possible adoption.

The Council's subcommittees are listed below, along with the objectives of each subcommittee:

Processes and Expansion & Training and Outreach (PETO) subcommittee

Objectives include:

1. Expand the delivery of services through consumer direction to other programs serving persons with disabilities and elderly persons under Texas Government Code, Chapter 531, Subchapter B.
2. Expand the array of services delivered through consumer direction.

3. Monitor and analyze research for best practices in self-determination, consumer direction, and training (also assigned to the Quality Assessment and Performance Improvement (QAPI) subcommittee).
4. Increase informed choices, opportunities, and supports as a means to lead self-determined lives through the use of consumer direction models.
5. Work on goals listed in the sections below, formerly established by the Processes and Expansion subcommittee and the Training and Outreach subcommittee, now as a joint subcommittee, approved by the Council's on 3/24/22.

The PETO subcommittee did not meet in 2023 due to a lack of members.

Quality Assessment & Performance Improvement (QAPI) subcommittee

Objectives include:

1. Optimize consumer choice of FMSAs.
2. Monitor and analyze research for best practices in self-determination, consumer direction, and training.

The QAPI subcommittee did not meet in 2023 due to a lack of members.

Associated Costs

The costs related to the Council, including the cost of HHSC staff time spent supporting the Council's activities, is budgeted at \$40,030 for fiscal year 2024. The approximate annual cost for fiscal year 2023 was \$31,527, and approximate cost for fiscal year 2022 was \$31,939.

Conclusion

Consumer direction plays an important role in expanding the opportunities for persons receiving LTSS to remain active and integrated within their communities. The Council can play an important role in preserving and expanding these opportunities.

The challenges that lie ahead include:

1. Attracting qualified attendants to positions that require substantial work but offer low reimbursement.
2. Providing new or updated outreach and training materials that effectively meet informational needs.

List of Acronyms

Acronym	Full Name
CAS	Community Attendant Services
CBA	Community Based Alternatives
CDS	Consumer Directed Services
CDW	Consumer Direction Workgroup
CLASS	Community Living Assistance and Support Services
CMPAS	Consumer Managed Personal Attendant Services
DBMD	Deaf Blind with Multiple Disabilities
FMSA	Financial Management Services Agency
HCS	Home and Community-based Services
LAR	Legally Authorized Representative
LIDDA	Local Intellectual and Developmental Disability Authority
MDCP	Medically Dependent Children Program
PCS	Personal Care Services
QAPI	Quality Assessment and Performance Improvement
SDC	Self-Directed Care
TxHmL	Texas Home Living

Appendix A. Services Available Through the CDS Option

Program	Services Available Through the CDS Option
Community First Choice (CFC)	<ul style="list-style-type: none"> ● Personal Assistance Services (PAS)/ Habilitation (HAB)
Community Living Assistance and Support Services (CLASS)	<ul style="list-style-type: none"> ● Cognitive rehabilitation therapy ● Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB) ● Employment assistance ● Nursing ● Occupational, physical, hearing, speech, and language therapies ● Respite ● Support consultation ● Supported employment ● Transportation (habilitation)
Consumer Managed Personal Assistance Services (CMPAS)	<ul style="list-style-type: none"> ● Personal Assistance Services
Deaf Blind with Multiple Disabilities (DBMD)	<ul style="list-style-type: none"> ● Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB) ● Employment assistance ● Intervener ● Respite ● Support consultation ● Supported employment ● Transportation (habilitation)

Program	Services Available Through the CDS Option
Home and Community Based Services (HCS)	<ul style="list-style-type: none"> ● Cognitive rehabilitation therapy ● Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB) ● Employment assistance ● Nursing ● Respite ● Support consultation ● Supported employment ● Transportation (Supported Home Living)
Primary Home Care (PHC); Family Care (FC); Community Attendant Services (CAS)	<ul style="list-style-type: none"> ● Personal assistance services ● Support consultation
STAR Health Medically Dependent Children Program (MDCP)	<ul style="list-style-type: none"> ● Adaptive aids ● Employment assistance ● Flexible Family Support ● Minor home modifications ● Respite ● Support consultation ● Supported employment
STAR Kids	<ul style="list-style-type: none"> ● Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB) ● Personal Care Services (PCS)

Program	Services Available Through the CDS Option
STAR Kids Medically Dependent Children Program (MDCP)	<ul style="list-style-type: none"> ● Adaptive aids ● Employment assistance ● Flexible Family Support ● Minor home modifications ● Respite ● Support consultation ● Supported employment
STAR+PLUS	<ul style="list-style-type: none"> ● Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB) ● Personal assistance services
STAR+PLUS Home and Community Based Services (HCBS)	<ul style="list-style-type: none"> ● Cognitive rehabilitation therapy ● Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB) ● Employment assistance ● Nursing ● Occupational, physical, speech and language therapies ● Personal assistance services ● Respite ● Support consultation ● Supported employment

Program	Services Available Through the CDS Option
Texas Home Living (TxHmL)	<ul style="list-style-type: none"> ● Adaptive aids ● Audiology ● Behavioral support ● Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB) ● Dental ● Dietary services ● Employment assistance ● Individual Skills and Socialization ● Minor home modifications ● Nursing ● Occupational and physical therapies ● Respite ● Speech/language pathology ● Support consultation ● Supported employment ● Transportation (Community Supports)

Appendix B. List of Appointed Members

Name	From City/Town	Membership Type	Term Ends Dec 31st	Subcommittee and Position
Mika Bradford*	Keller	Advocate	2021	QAPI
Stephanie Martinez*	Round Rock	Service Representative, Personal care Attendant	2021	PETO, Co-chair
Amy Litzinger	Austin	Person who receives services	2023	n/a
Ashley Pfannenstiel	Abilene	LIDDA	2025	n/a
Carol Sloan*	The Woodlands	Advocate	2022	QAPI
Chad Wooten	Mt. Vernon	FMSA	2025	n/a
Darla Hill	Arlington	Personal Care Attendant	2025	n/a
David Blackerby	San Antonio	Advocate for elderly Advocate	2024	n/a
Ellen Bauman*	Joshua	Advocate	2022	PETO
Helen Baker	San Antonio	FMSA	2023	QAPI, Chair
Karen Daly	Georgetown	Family member of a child receiving services	2024	n/a
Len Davis	Aubrey	FMSA	2023	QAPI
Stephanie Wagers	Kyle	STAR Kids Managed Care Organization	2025	n/a
Tolu Opeloye	Cypress	Advocate for pediatric clients	2025	n/a

QAPI = Quality Assessment & Performance Improvement subcommittee

PETO = Processes and Expansion & Training and Outreach joint subcommittee

Members listed as n/a had not yet been appointed to a subcommittee in SFY 2023.

*Membership expired.

Appendix C. List of State Agency Representatives

Name	Category Type	Agency	Subcommittee
Angela Medina	Expert, Adult Protective Services	DFPS	n/a
Demetria Alexander	Expert, STAR+PLUS Program	HHSC	All
Dena Stoner	Expert, Mental Health	HHSC	n/a
Eileen Murphy	Expert, Consumer Directed Services	HHSC	All
Jacqueline Clark	Consumer Directed Services	HHSC	All
Lauren Chenoweth	Expert, State Employment Services	TWC	n/a
Michelle Thomas	Coordinator	HHSC	All
Shawn Cuffee	Expert, State Unemployment Services	TWC	n/a

DFPS = Department of Family and Protective Services

TWC = Texas Workforce Commission

Appendix D. Attendance Record

Name	9/22/22	12/15/22 Cancelled	4/17/23	6/15/23
Mika Bradford*	yes		-	-
Stephanie Martinez*	yes		-	-
Amy Litzinger	n/a		yes	yes
Ashley Pfannenstiel	n/a		yes	yes
Carol Sloan*	yes		yes	yes
Chad Wooten	n/a		yes	yes
Darla Hill	n/a		yes	yes
David Blackerby	n/a		yes	yes
Ellen Bauman*	yes		yes	yes
Helen Baker	no		no	yes
Karen Daly	n/a		yes	yes
Len Davis	yes		no	yes
Stephanie Wagers	n/a		yes	yes
Tolu Opeloye	n/a		yes	no

Members listed as n/a had not yet been appointed to the TCCD.

*Membership expired.