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Subchapter A, Introduction

§43.1. Introduction.

This chapter describes:

- (1) the SRO available to an individual or the individual's LAR;
- (2) the process for enrollment and participation of an individual in the SRO;
- (3) the responsibilities and requirements of an individual, LAR, or representative

participating in the SRO;

(4) the responsibilities and requirements of a person or entity providing services under the SRO; and

(5) the people and entities DADS oversees in the SRO.

§43.2. Application.

This chapter applies to the following:

- (1) an individual or LAR who elects to manage services delivered through the SRO;
- (2) a representative;
- (3) an SRO provider;
- (4) a support advisor;
- (5) a service provider; and
- (6) a case manager or service coordinator.

§43.3. Overview of the SRO.

(a) SRO is a service delivery option available to an individual or LAR who wants some control over the individual's service providers but does not want to assume all employer responsibilities, as required by the CDS option.

(b) In the SRO, the individual, LAR, or representative selects, trains, and supervises a service provider, while payroll and personnel functions remain with the SRO provider.

(c) DADS offers the SRO at the same time as the CDS option.

§43.4. Definitions.

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

- (1) **Adult** – A person who is 18 years of age or older.
- (2) **Applicant** – Depending on the context, an applicant is:
 - (A) a person applying for employment with an SRO provider;
 - (B) a person or legal entity applying for a contract with an SRO provider to deliver

services to an individual; or

(C) a person applying for services through a program.

(3) **Case manager** – A person who provides case management services to an individual. The case manager assists an individual who receives program services in gaining access to needed services, regardless of the funding source for the services, and assists with other duties as required by the individual's program.

(4) **CDSA** – Consumer directed services agency. A provider contracting with DADS that provides financial management services.

(5) **CDS option** – Consumer Directed Services option. A service delivery option in which an individual or LAR employs and retains service providers and directs the delivery of program services as described in Chapter 41 of this title (relating to Consumer Directed Services Option).

(6) **DADS** – The Department of Aging and Disability Services.

(7) **Entity** – An organization that has a legal identity such as a corporation, limited partnership, limited liability company, professional association, or cooperative.

(8) **Individual** – A person enrolled in a program.

(9) **LAR** – Legally authorized representative. A person authorized or required by law to act on behalf of an individual with regard to a matter described in this chapter, including a parent, guardian, managing conservator of a minor, or the guardian of an adult.

(10) **Management agreement** – A negotiated agreement between an individual and an SRO provider that establishes each party's responsibilities to create and sustain quality services. A management agreement also establishes a schedule for the individual or LAR and the SRO provider to meet to assess the individual's well-being and the quality of services provided.

(11) **Program** – A community services program administered by DADS.

(12) **Provider** – An entity that has a contract with DADS to provide program services.

(13) **Representative** – A willing adult who volunteers to assist an individual or LAR with selection, training, and daily management of a service provider.

(14) **Service back-up plan** – A documented plan to ensure that critical program services delivered through the SRO are provided to an individual when normal service delivery is interrupted.

(15) **Service coordinator** – An employee of a mental retardation authority who is responsible for assisting an applicant, individual, or LAR to access needed medical, social, educational, and other appropriate services, including program services. A service coordinator provides case management services to an individual.

(16) **Service plan** – A document developed in accordance with rules governing an individual's program to identify the program services to be provided to the individual, the number of units of each service to be provided, and the projected cost of each service.

(17) **Service planning team** – A group of people determined by the requirements of an individual's program that meet to discuss and make decisions or recommendations regarding an individual's program services. Some programs refer to the service planning team as an interdisciplinary team.

(18) **Service provider** – An employee, contractor, or vendor of the SRO provider.

(19) **SRO** – Service responsibility option. A service delivery option in which an individual or LAR selects, trains, and provides daily management of a service provider, while the fiscal, personnel, and service back-up plan responsibilities remain with an SRO provider.

(20) **SRO orientation** – A mandatory training provided by a support advisor to inform an individual or LAR about SRO responsibilities and tools to use for successful management of the SRO.

(21) **SRO provider** – A provider who volunteers to enroll as an SRO provider and amend its program services contract to allow an individual receiving one or more services from the provider to have a service delivered through SRO.

(22) **Support advisor** – A person who provides support consultation to an employer, representative, or individual receiving services through the SRO.

(23) **Support consultation** – A service provided by a support advisor that provides the required SRO orientation and additional support when needed by the individual to effectively carry out responsibilities under the SRO. Support consultation helps an individual or LAR meet the required daily management responsibilities of the SRO.

Subchapter B, Responsibilities of Individuals Choosing to Participate in the SRO

§43.11. Enrollment in the SRO.

(a) At the time an individual chooses to participate in the SRO, and, at least annually thereafter, a case manager, service coordinator, or other person designated by the individual's program must:

(1) provide the individual or LAR a copy of DADS' Service Responsibility Option Roles and Responsibilities form, the It's Your Choice brochure, and DADS' Acknowledgement of Information Regarding Support Consultation Services in the Consumer Directed Services (CDS) Option form;

(2) provide an oral explanation of the information contained in the Service Responsibility Option Roles and Responsibilities and Acknowledgement of Information Regarding Support Consultation Services in the Consumer Directed Services (CDS) Option forms to the applicant or LAR;

(3) document the individual's choice on DADS' Consumer Participation Choice form;

(4) present the SRO provider list and the

support advisor list to the individual;

(5) instruct the individual to contact the selected support advisor within one day after the individual signs DADS' Consumer Participation Choice form; and

(6) document the individual's SRO provider and support advisor on DADS' Consumer Participation Choice form.

(b) An individual or LAR may request that a case manager, service coordinator, or other person designated by the individual's program provide additional information to the individual or LAR regarding the SRO or assist with enrollment in the SRO at any time. The case manager, service coordinator, or designee must comply within five working days after receipt of the request.

(c) An individual or LAR who initially declines participation may elect to participate in the SRO at any time if the individual's program offers the SRO.

(d) The case manager or service coordinator will notify the SRO provider in the same manner as a program provider is notified of selection as directed by program rules and policy.

§43.12. Service Planning in the SRO.

(a) A case manager, service coordinator, or other person designated by the individual's program completes service planning in the SRO in the same manner as services delivered through a program provider.

(b) A service plan must identify and document:

- (1) an individual's services;
- (2) an individual's service needs;
- (3) an individual's service levels;
- (4) changes to the service plan, including an explanation of a change;
- (5) that the service plan does not exceed the individual's costs caps and cost limits; and
- (6) the approval for planned services.

§43.13. SRO Orientation.

(a) Upon choosing to participate in the SRO

and before the first meeting with an SRO provider, an individual or LAR must complete the SRO orientation.

(b) During the SRO orientation, the individual or LAR must complete:

(1) DADS' SRO Self-Assessment Checklist to identify additional training and other support needed to ensure the individual's success in daily management of services;

(2) DADS' SRO Roles and Responsibilities Agreement;

(3) DADS' Planning For Success and the Risk Planning Checklist to identify informal supports to be included in the individual's service back-up plan;

(4) a service back-up plan for critical services containing specific strategies, the sequence of activities, and service back-up plan contact information;

(5) a review of the resources available to an individual participating in the SRO;

(6) a review of the responsibility for potential liability if the individual or service provider is injured while doing tasks under the individual's training and supervision;

(7) a review of the management agreement that will be negotiated with the SRO provider;

(8) a checklist of the characteristics and skills an SRO provider will seek in a potential service provider; and

(9) documentation that an individual is choosing a representative and the specific management tasks the representative will assume.

(c) The individual or LAR must have the completed forms at the initial meeting with the SRO provider.

§43.14. Service Back-up Plan.

(a) At the initial meeting with the SRO provider, the individual or LAR presents the service back-up plan to the SRO provider that includes:

(1) specific back-up plan strategies;

(2) the specific steps to implement each strategy, including contact with the SRO provider; and

(3) the contact information for each person or entity listed in the service back-up plan.

(b) The SRO provider and the individual must mutually approve the service back-up plan.

(c) The individual must notify the SRO provider if the service provider is unable to provide services.

(d) If a service provider is unable to provide services, an individual must:

(1) implement the service back-up plan;

(2) request a back-up service provider from the SRO provider; or

(3) inform the SRO provider that services will not be needed.

§43.15. Management Agreement.

(a) At the initial meeting with an SRO provider, an individual or LAR and the SRO provider must negotiate a management agreement that establishes:

(1) the responsibilities of the individual and the SRO provider;

(2) how often quality assurance visits will occur; and

(3) how often quality assurance phone contacts will occur.

(b) The management agreement must be updated and documented at least annually.

(c) The meeting schedule specified in the management agreement replaces the program-required supervisory visits.

§43.16. Service Provider Selection.

(a) A potential service provider must pass the pre-employment screenings, including criminal history and registry checks, conducted by an SRO provider in order to be eligible to be selected as a service provider.

(b) An individual, LAR, or representative interviews and selects service providers who:

(1) have been recommended by the individual; or

(2) are currently employed by the SRO provider and match the skills and traits identified by the individual during the SRO orientation.

(c) The individual must notify the SRO provider of the individual's choice of service providers no later than one day following the last interview conducted.

(d) If the individual has not selected a service provider, and up to three potential service providers have been sent within the period prior to service initiation in accordance with the individual's program rules and policy, the case manager or service coordinator must call a service planning team meeting to determine what additional supports and education from the support advisor might help the individual select a service provider.

§43.17. Service Provider Orientation Training.

(a) At or before the time a service provider starts delivering services, an individual, LAR or representative must train the selected service provider on the specific manner in which the individual prefers the approved tasks in the service plan to be delivered.

(b) If negotiated with an individual, an SRO provider may assist with the service provider orientation in the individual's home.

(c) An individual must document the service provider orientation, including:

- (1) the tasks to be performed;
- (2) the training aspects specific to the needs of the individual;
- (3) the date on which orientation was completed;
- (4) any scheduled follow-up training to be conducted; and
- (5) an evaluation of the orientation.

(d) The individual must provide documentation of the service provider orientation to the SRO provider within 14 calendar days after

the completion of the orientation.

§43.18. Individual Responsibilities in the SRO.

(a) An individual, LAR, or representative who chooses to participate in the SRO serves as the daily manager of service delivery, including scheduling and managing a service provider.

(b) The individual who chooses to participate in the SRO must ensure the service provider is following the service plan, including:

(1) ensuring and verifying that the service provider does only the tasks listed in the service plan and works only the number of hours listed in the service plan;

(2) complying with SRO provider policies, including payroll policies;

(3) reviewing, approving, and signing service provider time sheets; and

(4) ensuring that the service provider submits time sheets to the SRO provider within the required time frames.

§43.19. Supervision and Evaluation.

An individual, LAR, or representative must:

(1) evaluate a service provider's job performance at the time designated by the SRO provider; and

(2) document and submit each performance evaluation to the SRO provider.

Subchapter C, Responsibilities of an SRO Provider

§43.21. Contracting as an SRO Provider.

To become an SRO provider, a provider must:

(1) have a current program contract with DADS;

(2) request a contract amendment to the program contract that allows an individual receiving one or more services from the provider to have a service delivered through SRO; and

(3) have at least one person employed by the provider attend and complete the SRO training authorized by DADS.

§43.22. SRO Provider Responsibilities.

(a) At the initial meeting with an individual, an SRO provider must:

(1) negotiate a management agreement with the individual;

(2) discuss and approve a service back-up plan with the individual;

(3) provide SRO provider time sheets to the individual and explain the submission process, including how frequently time sheets must be completed and submitted; and

(4) orient the individual to the SRO provider's evaluation process, including forms and the schedule for evaluating service providers.

(b) During service provider selection, the SRO provider must:

(1) screen a potential service provider, including conducting criminal history and registry checks required by an individual's program; and

(2) send potential service providers, including those recommended by the individual, to the individual to interview.

(c) When the individual has selected a service provider, the SRO provider must:

(1) explain the SRO to the service provider, including that the SRO provider is the employer of record and that the individual is the daily manager of services;

(2) explain to the service provider that if the service provider has health or safety concerns about the individual and cannot resolve the issue after talking with the individual, the service provider must contact the SRO provider; and

(3) provide basic training and orientation to service providers regarding universal precautions, SRO provider policies, complaint procedures, and emergency procedures.

(d) After services have begun, the SRO provider must:

(1) receive and process time sheets from

the service provider;

(2) send a back-up service provider, within the time frame required by an individual's program, if requested by the individual or if the individual does not implement the service back-up plan; and

(3) send new potential service providers, within the time frame required by an individual's program, to interview at the individual's request.

(e) The SRO provider must:

(1) notify a case manager or service coordinator of issues or concerns related to an individual's participation in the SRO:

(A) immediately if possible, but at least within 24 hours after becoming aware of:

(i) allegations of abuse, neglect, exploitation, or fraud; or

(ii) concerns about the individual's health, safety, or welfare; and

(B) within seven days after becoming aware of:

(i) non-delivery of services or extended breaks in services;

(ii) noncompliance with SRO management responsibilities;

(iii) noncompliance with a service back-up plan; or

(iv) over- or under-utilization of services or funds allocated in the individual's service plan for delivery of services to the individual through the SRO and in accordance with the requirements of the individual's program; and

(2) document any issues or concerns related to an individual's participation in the SRO on DADS' Case Information form.

Subchapter D, Termination of the SRO

§43.31. Voluntary Termination of Participation in the SRO.

(a) An individual may request voluntary termination of participation in the SRO at any time.

(b) A case manager or service coordinator must terminate support consultation in the individual's service plan when participation in the SRO is terminated.

(c) The termination must last at least 90 calendar days before the individual may be considered for re-enrollment in the SRO.

§43.32. Involuntary Termination of Participation in the SRO.

(a) A case manager or service coordinator may involuntarily terminate an individual from participation in the SRO, in accordance with the requirements of the individual's program, in any of the following situations:

- (1) non-delivery of services or extended breaks in services;
- (2) noncompliance with SRO management responsibilities;
- (3) noncompliance with a service back-up plan; or
- (4) over- or under-utilization of services or funds allocated in the individual's service plan for delivery of services to the individual through the SRO and in accordance with the requirements of the individual's program.

(b) Before involuntarily terminating an individual from participation in the SRO, an individual's case manager or service coordinator must convene the individual's service planning team, including the support advisor, to:

- (1) provide assistance with accessing supports and developing and implementing a corrective action plan related to noncompliance with program and SRO requirements;
- (2) document interventions utilized by the individual, support advisor, or representative to eliminate noncompliance with program requirements for the management of program services through the SRO; and
- (3) consider options to:
 - (A) recommend additional interventions to be implemented under the guidance of the support advisor to protect the

individual's health and welfare for continued participation in the SRO; or

(B) recommend termination of the SRO and ensure that services are provided through the program provider.

(c) If an individual, LAR, or representative does not correct the issue identified in subsection (a) of this section that caused the service planning team to initiate the steps outlined in subsection (b) of this section, the individual's case manager or service coordinator involuntarily terminates the individual from participation in the SRO.

§43.33. Immediate Jeopardy and Involuntary Termination of Participation in the SRO.

(a) An individual's case manager or service coordinator must immediately convene the individual's service planning team concerning issues that may warrant immediate termination of the individual's participation in the SRO, including:

- (1) allegations of abuse, neglect, exploitation, or fraud; and
- (2) concerns about the individual's health, safety, or welfare.

(b) On review of the information, the service planning team may recommend immediate termination of participation in the SRO if the individual's health or welfare is jeopardized by the individual's participation in the SRO.

(c) If recommended by the service planning team, the case manager or service coordinator must terminate an individual's participation in SRO so that the individual receives services through a program provider.

Subchapter E, Support Consultation

§43.41. Support Consultation Services.

(a) Support consultation is provided by a person who meets the qualifications of a support advisor as described in Chapter 41 of this title

(relating to Consumer Directed Services Option).
A support advisor may be an employee or contractor of:

- (1) a CDSA; or
- (2) another entity.

(b) Support consultation must include:

- (1) a level of training, assistance, and support that does not duplicate or replace case management services, or another available program or non-program service or resource; and
- (2) practical skills training and assistance to successfully manage service providers for authorized program services delivered through the SRO.

§43.42. Support Advisor Responsibilities.

(a) A support advisor must conduct the initial SRO orientation. The support advisor must document and notify the SRO provider and case manager or service coordinator that the individual has completed the orientation before SRO services can begin.

(b) A support advisor must assist an individual, in accordance with the individual's service plan, with:

- (1) completing forms, assessments, and other documents required by the individual's program that require individual or LAR input or completion;
- (2) complying with requirements of the individual's program as related to services delivered through the SRO;
- (3) interviewing potential service providers, preparing job descriptions, and training service providers;
- (4) managing service providers for authorized program services delivered through the SRO;
- (5) helping an individual to use effective communication, decision-making, and problem-solving skills;
- (6) developing, revising, and implementing service back-up plans;
- (7) developing, revising, and

implementing corrective action plans;

(8) complying with the requirements of the individual's program and this chapter;

(9) contacting appropriate persons or entities based on their roles, responsibilities, and eligibility, including:

(A) a case manager or service coordinator; and

(B) government agencies, including DADS and the Department of Family and Protective Services; and

(10) teaching ongoing supervisory-related skills.

(c) A support advisor must document service delivery in accordance with the requirements of the individual's program.

(d) A support advisor must use DADS' Case Notification form to notify an individual's case manager or service coordinator:

(1) if the individual receiving support consultation is unable or unwilling to cooperate with service delivery; and

(2) of the progress and status of the service as required by the individual's program.

Subchapter F, Budget

§43.51. Service Provider Payment in the SRO.

Payment rates for the SRO are the same rates determined for the program when services are delivered through a program provider

Subchapter G, Reporting Allegations

§43.61. Reporting Allegations.

A person to whom this chapter applies must report any suspicion or knowledge of abuse, neglect, or exploitation of an individual in accordance with existing state laws and DADS rules.

Subchapter H, Oversight

§43.71. Oversight.

DADS oversees roles and responsibilities of the following:

- (1) an individual or LAR who chooses to participate in the SRO;
- (2) a representative;
- (3) a CDSA;
- (4) a support advisor;
- (5) an SRO provider;
- (6) a case manager; and
- (7) a service coordinator.