

## **Summary Comments on the CDCS Amendment**

### **Introduction**

This document serves to summarize public comment gathered from December 12, 2003 to January 15, 2004, on the Consumer-Directed Community Support (CDCS) service waiver amendment, submitted to Centers for Medicare and Medicaid Services (CMS), for the Elderly (EW), Mental Retardation and Related Conditions (MR/RC), Community Alternative for Disabled Persons (CADI), Traumatic Brain Injury (TBI), and Community Alternative Care (CAC) Waivers.

Comments were received via a Disability Services Division (DSD) e-mail box set up for the purpose of gathering electronic feedback, and through written comments submitted to DSD. Written comments were received via fax, in person or through the US mail. The information gathered was then entered into a database. A summary of the information follows.

This summary document is organized similar to Attachment C, of the waiver amendment. Attachment C identifies criteria for CDCS, and specific listings of allowable and unallowable expenditures.

### **I. General Demographic of Commenters**

310 individuals or groups commented on the proposed CDCS amendment. Of the commenters:

- 214 were a consumer or parent of a consumer
  - 102 were a consumer or a parent of a consumer whose age wasn't known
  - 76 were a consumer or a parent of a consumer who was under eighteen
  - 36 were a consumer or a parent of a consumer who was eighteen or older
- 44 of the commenters were providers or provider organizations
- 31 represented counties or other government entities
- 10 were advocates or advocacy organizations and
- 11 belonged to another group or were unknown

204 of the individuals who commented identified themselves or their family member as currently using CDCS. That breakdown is as follows:

- 99 were a consumer or a parent of a consumer whose age wasn't known
- 67 were a consumer or a parent of a consumer who was under eighteen
- 35 were a consumer or a parent of a consumer who was eighteen or older
- 1 unknown
- 2 were providers

### **II. Comments on Criteria for CDCS**

Comments relating to the below interest areas were identified in this category:

The purchase of goods and service must meet all of the following criteria:

- Must be required to meet the identified needs and outcomes in the individual's community support plan and assures the health, safety and welfare of the individual;  
AND
- Goods and services collectively provide a feasible alternative to an institution; AND
- Be the least costly alternative that reasonably meets the individual's identified needs;  
AND
- Be for the sole benefit of the individual

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If all the above criteria are met, goods and services are appropriate purchases when they are reasonably necessary to meet the following consumer outcomes:

- Maintain the ability of the individual to remain in the community
- Enhance community inclusion and family involvement
- Develop or maintain personal, social, physical, or work related skills
- Decrease dependency on formal support services
- Increase independence of the individual
- Increase the ability of unpaid family members and friends to receive training and education needed to provide support

#### **Summary of Comments on Criteria for CDCS**

1. 43 individuals or groups provided positive or negative comments on the consumer outcome to enhance community inclusion and family involvement.
  - a) 83.7% of the comments were negative.
  - b) The most common comments indicated that the proposed changes to the CDCS amendment limited a person's ability to maintain inclusion in the community.
2. 19 individuals or groups provided positive or negative comments on the criteria that the goods or service are the least costly alternative that reasonably meets the individual's identified needs.
  - a) 89.5% of the comments were negative.
  - b) The commenters expressed a variety of reasons for believing that the proposed changes to the amendment would not lead to the least costly alternative that would meet the individual's identified needs.
3. 16 individuals or groups provided negative comments on the criteria that the goods or service are for the sole benefit of the individual. The commenters pointed out that some services benefit persons other than the service recipient, including respite, and homemaker/chore services. Some commenters requested that staff expenses be allowed, which would result in enhanced inclusion for the service recipients.

#### **III. Comments on Allowable Expenditures**

Comments relating to the below interest areas were identified in this category:

Consumer Directed Community Supports (CDCS) may include traditional goods and services provided by the waiver as well as alternatives that support recipients. There are four general categories of services that may be billed:

1. Personal assistance
2. Treatment and training
3. Environmental modifications and provisions
4. Self direction support activities

Goods and services that may be included in individual's budgets, as long as they fit into the above category and meet the criteria below include:

- Goods and services that augment State plan services, and/or provide alternatives to waiver or State plan services. Therapies, special diets and behavioral supports not otherwise available through the State plan that mitigate the individual's disability when prescribed by a Medical Doctor (MD) licensed to practice in the state of Minnesota, and are not covered by the State plan

- Expenses related to the development and implementation of the community support plan
- Costs incurred to manage the individual's budget

#### **Summary of Comments on Allowable Expenditures**

1. 54 individuals or groups provided positive or negative comments on the allowable expenditure of "Therapies, special diets and behavioral supports not otherwise available through the State plan that mitigate the individual's disability when prescribed by a Medical Doctor (MD) licensed to practice in the state of Minnesota and are not covered by the State plan."
  - a) 70.4% were positive comments.
  - b) The most common negative comments related to allowing a MD licensed in states other than Minnesota to prescribe the therapies, special diets or behavioral supports.
  - c) Other negative comments related to allowing someone other than in MD to prescribe the therapies, special diets or behavioral supports. Suggestions included Doctor of Obstetrics, physical therapist, occupational therapist, speech language pathologist, chiropractor, and medical practitioner.

#### **IV. Comments on Unallowable Expenditures**

Comments relating to the below interest areas were identified in this category. Goods and services that shall not be purchased within the individual's budget are:

- Services provided in settings licensed by DHS or registered as a housing with services establishment
- Services covered by the State plan, Medicare, or other liable third parties including education, home based schooling, and vocational services
- Services, goods or supports provided to or benefiting persons other than the individual
- Any fees incurred by the individual such as MHCP fees and co-pays, attorney costs or costs related to advocate agencies, with the exception of services provided as flexible case management
- Insurance costs except for insurance costs related to employee coverage
- Room and board and personal items that are not related to the disability
- Home modifications that adds any square footage
- Home modifications for a residence other than the primary residence of the recipient or, in the event of a minor with parents not living together, the primary residences of the parents
- Expenses for travel, lodging, or meals related to training the individual or his/her representative or paid or unpaid caregivers
- Services provided to or by individuals, representatives, providers or caregivers that have at any time been assigned to the Primary Care Utilization and Review Program
- Experimental treatments
- Membership dues or costs
- Vacation expenses other than the cost of direct services
- Vehicle maintenance, does not include maintenance to modifications related the disability.
- Tickets to attend sporting or other recreational events
- Pets and their related costs
- Costs related to internet access

#### **Summary of Comments on Unallowable Expenditures**

1. 142 individuals or groups provided positive or negative comments on the unallowable expenditure of membership dues or costs.
  - a) 95.1% of the comments were negative.

- b) The most common negative comments related to allowing the costs of memberships with certain limits, such as a set amount or percentage of the total budget, or allowing memberships for specific providers.
  - c) Other comments related to the necessity for memberships to maintain community integration and inclusion, and the overall health of the individuals who are participating in CDCS.
  - d) Several commenters requested that the membership dues and costs be allowed without limits.
- 2. 121 individuals or groups provided positive or negative comments on the unallowable expenditure of tickets to attend sporting or other recreational events.
  - a) 97.5% of the comments were negative.
  - b) The most common comments related to allowing the costs of the tickets with a cap or limit set.
  - c) Several commenters mentioned the necessity for tickets to enhance community integration.
- 3. 100 individuals or groups provided positive or negative comments on the unallowable expenditure of expenses for travel, lodging, or meals related to training the individual or his/her representative or paid or unpaid caregivers.
  - a) 96.0% of the comments were negative.
  - b) The most common comments in this area related to allowing these expenses, with or without limits set.

#### **V. Comments on Other Areas**

Comments relating to the below interest areas were identified in these categories:

- 1. Budget method / Individual Budgets
- 2. Case Management / Support Coordination
- 3. Fiscal Entity / Employer of Record
- 4. Exiting Program
- 5. Paying Parent of Minors / Spouses

#### **Summary of Comments on Other Areas**

- 1. 269 individuals or groups provided positive or negative comments on the budget amount or methodology.
  - a) 85.9% of the comments were negative.
  - b) The most common comments related to concerns about quarterly service authorizations. (This has been identified by the Disability Services Division (DSD) as an area that needs clarification.)
  - c) Commenters were also concerned about the addition of Day Training and Habilitation (DT&H) into the CDCS budget.
  - d) Several commenters stated that the changes to the CDCS budget amount would lead to a return to traditional services or institutionalization.
  - e) There were also concerns expressed by several commenters about the decrease in the overall budget amount.
- 2. 130 individuals or groups provided positive or negative comments on paying parents of minor children or spouses to provide care.
  - a) 81.5% of the comments were positive.
  - b) Concerns were expressed by parents that the income from caring for their minor child would result in increased parental fees.

3. 56 individuals or groups provided positive or negative comments on expanding the CDCS option to include all waivers and counties.
  - a) 98% of the comments were positive about expanding the CDCS option.
  - b) Negative comments were made concerning expanding the CDCS option to populations other than individuals with developmental disabilities without doing some testing.