

Draft for public comment: Person's rights and responsibilities in CFSS

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Legal authority	Minn. Stat. §256B.85, subd. 20, 20a, 20b, 20c and 14, Minn. Stat. §256B.06 subd. 24(13)	
Comparison of PCA and CFSS	DHS is in the process of replacing PCA with CFSS. For more information about this transition, refer to CFSS Manual – Transition from PCA and CSG to CFSS. Similarities People using PCA and CFSS have rights that their workers, providers, lead agency staff and DHS must respect and protect. Differences In PCA, people's rights are described in the Home Care Bill of Rights. PCA provider agencies are required to provide each person with the Home Care Bill of Rights at the start of services. In CFSS, people's rights are listed on this page and in CFSS statute (Minn. Stat. §256B.85, subd. 20b and 20c). The rest of this page applies to CFSS only.	
Definition	Responsible party (RP)/participant's representative: An individual who is age 18 or older and capable of directing care on behalf of a person receiving PCA/CFSS services when the person is assessed as unable to direct their own care. In PCA, this individual is called the RP. In CFSS, this individual is called the participant's representative. Note: All references to "representative" on this page refer to the participant's representative, unless otherwise specified.	
Person's rights	All people using CFSS have the following rights. Choices People using CFSS have the right to: - Choose or change service options (with some exceptions; refer to CFSS Manual – PCA service options and CFSS service models and CFSS Manual – CFSS budget model requirements). - Choose their providers. - Participate in developing their service delivery plan. - Participate in choosing their workers. Information People using CFSS have a right to information about: - Their rights. - Service options. - How to file complaints with their providers without fear of retaliation. - How to contact the Ombudsman Office for Long-Term Care. Notices People using CFSS have a right to receive timely notices of: - Reduction, termination or denial of services (minimum 10-day notice). - Provider discontinuing services (minimum 30-day notice, with some exceptions). Appeal People using CFSS have a right to appeal: - Results of their assessment. - Denial of their service delivery plan or parts of their service delivery plan.	

	• Removal by DHS or the lead agency from use of the CFSS budget model. Safety and dignity People using CFSS have a right to: • Privacy (refer to Information access and privacy, DHS-2667 [PDF]). • Freedom from maltreatment.
Person's responsibilities	Responsibilities of all people using CFSS services The person or their representative is responsible to: • Orient their workers to their needs and preferences. • Direct their workers as they deliver services. • Track the services and goods provided. • Verify that records of workers' time spent delivering covered services are correct. • Report any problems with the quality of the services delivered by the support worker to the applicable provider, case manager or care coordinator. • Notify the provider agency or financial management services (FMS) provider of changes that affect their service delivery plan, such as hospitalization or a change in the person's place of residence. • Participate in the evaluation of services and support workers (agency model) or evaluate services and support workers themselves (budget model). Additional responsibilities for people using the CFSS budget model If the person uses the CFSS budget model, the person or their representative also is responsible to: • Use an FMS provider enrolled and contracted with DHS. • Comply with policies and procedures required of the FMS provider by state and federal laws. • Recruit and hire their workers. • Train their workers. • Verify and document that their support workers are competent. • Schedule their workers. • Evaluate their workers within 30 days of hiring them. • Evaluate their workers whenever they change their service delivery plan. • Fire their workers, as necessary. • Comply with local, state and federal employment laws. • Comply with the terms of the Service Employees International Union (SEIU) Healthcare Minnesota and Iowa collective bargaining agreement. • Notify the FMS provider of any changes in a worker's employment status.
Lead agency responsibilities	The lead agency is responsible to: • Conduct the assessment. • Provide the person with a list of consultation services providers. • Provide the person with a notice of action and copy of their appeal rights when the lead agency conducts an assessment, reviews the CFSS service delivery plan and/or denies, reduces or terminates services (refer to CBSM – Notice of action). • Continue the person's services during an appeal of a reduction or

	• termination.
Consultation services provider responsibilities	The consultation services provider is responsible to: 1. Provide the person with: • CFSS Rights and Responsibilities, DHS-6893R (PDF). • Consultation services provider's policies and procedures. • Information about how to file a complaint about the consultation services provider. • Contact information for the Ombudsman Office for Long-Term Care. 2. Enter into a written agreement with the person that describes the roles and responsibilities of each party. 3. Provide the person with the information they need to make service choices, including, but not limited to: • Person-centered planning information. • Differences between the agency and budget models. • Risks and responsibilities of the agency and budget models. • How to find a list of all provider agencies and/or FMS providers. • How to make changes to their service delivery plan. 4. Not attempt to influence the person's choice of: • Model. • Provider(s). 5. Not limit the number of times the person changes or updates their service delivery plan. 6. Protect the person's right to: • Privacy. • Freedom from maltreatment.
Provider agency responsibilities	The CFSS provider agency is responsible to: 1. Ensure the person knows and understand their rights by taking the following actions: • Provide the person with CFSS Rights and Responsibilities, DHS-6893R (PDF) within five working days of the start of services and annually. • Provide the person with a document that explains their rights in alternative formats or language when needed for the person to understand their rights. • Document that the person received a copy of their rights. 2. Enter into a written agreement with the person that describes the roles and responsibilities of each party. 3. Provide the person with information about: • Agency's policies and procedures. • How much the CFSS services cost, and under what circumstances the person might be responsible for any costs. • Any limitations on the services the agency provides. • How to file a complaint. • Agency's ability to meet the needs identified in the person's service delivery plan. • Contact information for the Ombudsman Office for Long-Term Care. 4. Ensure the person: • Participates in and approves of the evaluation of their services (refer to CFSS Manual – CFSS provider agency evaluation of services). • Makes an informed choice to refuse or terminate services. • Is able to change providers by participating in a coordinated transfer

	• of services. • Is able to access records the agency keeps about them. • Is able to file a complaint without fear of retaliation. 5. Ensure the following: • Workers are competent to provide the services the person needs. • Person's preferences for workers are documented. • Person's preferences for workers are met, when possible.
FMS provider responsibilities	The FMS provider is responsible to: 1. Provide the person with: • Statement on how much the services cost, and under what circumstances the person might be responsible for any costs. • How to file a complaint. • Contact information for the Ombudsman Office for Long-Term Care. 2. Enter into a written agreement with the person that describes the roles and responsibilities of each party. 3. Ensure the person is able to: • Change providers by participating in a coordinated transfer of services. • Access records the FMS provider keeps about them. • File a complaint without fear of retaliation.
Additional resources	CBSM – Notice of action CFSS Manual – CFSS budget model requirements CFSS Manual – CFSS provider agency evaluation of services CFSS Manual – PCA service options and CFSS service models CFSS Manual – Transition from PCA and CSG to CFSS CFSS Rights and Responsibilities, DHS-6893R (PDF) Information access and privacy, DHS-2667 (PDF) Ombudsman Office for Long-Term Care