

## CFSS consultation services provider requirements

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Legal authority	<a href="#">42 CFR §483.430</a>	
Comparison of PCA and CFSS	<p>DHS is in the process of replacing PCA with CFSS. For more information about this transition, refer to <a href="#">CFSS Manual – Transition from PCA and CSG to CFSS</a>.</p> <p><b>Differences</b>            PCA does not include consultation services. The rest of this page applies to CFSS only. For information about similar PCA services, refer to <a href="#">PCA Manual – Qualified professional (QP) requirements overview</a>.</p>	
Definitions	<p><b>Consultation services provider:</b> A Minnesota Health Care Programs (MHCP) provider that supports people receiving CFSS. A consultation services provider:</p> <ul style="list-style-type: none"> <li>• Provides education to help people make informed decisions about how to meet their needs using CFSS.</li> <li>• Helps people write their service delivery plan, if desired.</li> <li>• Reviews service delivery plans.</li> <li>• Offers guidance about whether CFSS service delivery plans are complete and only contain covered services.</li> <li>• Provides ongoing support as needed.</li> </ul> <p><b>Lead employee:</b> An employee of the consultation services provider who meets specific requirements and ensures all employees working directly with people using CFSS follow all applicable laws. All consultation services providers must have at least one lead employee.</p>	
Overview	<p>All people using CFSS must select a consultation services provider. All consultation services providers must have a contract with the state to provide consultation services.</p> <p>This page provides information about the requirements a consultation services provider must meet. For information about the services they provide, refer to <a href="#">CFSS Manual – CFSS consultation services overview</a>.</p>	
Provider standards and qualifications	<p>DHS determines if consultation services providers meet the qualifications through a request for proposal (RFP) process at a frequency determined by DHS. To view open RFPs, refer to <a href="#">DHS – Grants and RFPs</a>.</p> <p>A consultation services provider must meet all of the following qualifications:</p> <ul style="list-style-type: none"> <li>• Enroll with MHCP (refer to <a href="#">MHCP Provider Manual – Enrollment</a>).</li> <li>• Employ at least one lead employee who meets the qualifications described in the lead employee requirements section of this page.</li> <li>• Have the ability to provide services statewide (either in person or remotely).</li> <li>• Have an office located in Minnesota.</li> <li>• Have a toll-free phone number and secure fax number.</li> <li>• Have never had a lead agency contract or provider agreement discontinued due to fraud.</li> <li>• Have never had any owners, managers or board members disqualified through the criminal background check system.</li> <li>• Ensure employees complete all DHS-mandated training applicable to their roles.</li> </ul>	

## Employee standards and qualifications

There are specific requirements for the lead employee and other employees who work directly with people who receive CFSS services. The provider must keep the credentials of these employees on file and available for review at any time.

Employees who do not act as the lead employee or work directly with people who receive services do not need to meet these requirements (e.g., billing or payroll staff).

### Lead employee requirements

The consultation services provider must have at least one lead employee. The lead employee must:

- Be age 18 or older.
- Pass a background study.
- Meet the education requirements for a lead employee listed below.
- Have a minimum of two years of full-time experience in the field of self-direction.
- Fulfill the lead employee responsibilities.

### Education

The lead employee must meet **at least one** of the following education requirements:

1. Be a doctor of medicine or osteopathy.
2. Be a registered nurse.
3. Have a bachelor's degree or higher in one of the following fields:
  - Occupational therapist.
  - Occupational therapy assistant.
  - Physical therapist.
  - Physical therapy assistant.
  - Psychologist.
  - Social worker.
  - Speech-language pathologist or audiologist.
  - Professional recreation staff.
  - Professional dietitian.
  - Psychology.
  - Sociology.
  - Counseling.
  - Special education.
  - Rehabilitation counseling.
  - Other human services fields.
4. Have at least one year of experience working directly with people who have an intellectual disability or other developmental disability **and** have an associate's degree or higher in a discipline associated with at least one of the following fields of study:
  - Human behavior (e.g., psychology, sociology, speech communication, gerontology).
  - Human skill development (e.g., education, counseling, human development).
  - Humans and their cultural behavior (e.g., anthropology).
  - Human condition (e.g., literature, art).
  - Any other study of services related to basic human care needs (e.g., rehabilitation counseling).

	<p><b>Experience</b>  The lead employee must have at least two years of experience in <b>one or more</b> of the following fields:</p> <ul style="list-style-type: none"> <li>• Consumer directed community support (CDCS) support planning.</li> <li>• Support broker.</li> <li>• Case management or care coordination (refer to <a href="#">CBSM – Waiver, AC and ECS case management</a>).</li> <li>• Consumer education provided to people using self-directed services, either under a financial management services (FMS) provider enrolled with DHS or a PCA provider agency enrolled with DHS.</li> </ul> <p><b>Responsibilities</b>  The lead employee is responsible to ensure all employees working directly with people follow all legal requirements for consultation services, including, but not limited to <a href="#">Minn. Stat. §256B.85</a> and the consultation services RFP.</p> <p><b>Employees working directly with people</b>  All staff working directly with people must:</p> <ul style="list-style-type: none"> <li>• Be age 18 or older.</li> <li>• Pass a background study.</li> <li>• Meet the education requirements listed in the lead employee education section or meet the education substitution described in the following section.</li> </ul> <p><b>Education substitution</b>  Staff working directly with people but not as the lead employee can substitute one of the following for a bachelor’s degree:</p> <ul style="list-style-type: none"> <li>• One year of full-time experience providing direct services to people with disabilities or people older than age 65.</li> <li>• Experience coordinating or directing services for people with disabilities or people older than age 65, including self-directed services.</li> <li>• Experience coordinating their own services.</li> </ul>
<p><b>Consultation services provider’s responsibilities</b></p>	<p><b>General responsibilities</b>  All consultation services providers are responsible to:</p> <ul style="list-style-type: none"> <li>• Educate the person about CFSS.</li> <li>• Educate the person about the agency model and budget model.</li> <li>• Help the person write their CFSS service delivery plan, to the extent the person desires.</li> <li>• Review the CFSS service delivery plan and submit it to the lead agency for approval.</li> <li>• Offer guidance to the person on whether the CFSS service delivery plan is complete and only contains covered services.</li> <li>• Provide the person with a list of CFSS provider agencies (if the person chooses the agency model) or FMS providers (if the person is purchasing goods and services and/or chooses the budget model).</li> <li>• Respond to questions from the person throughout the year.</li> <li>• Help the person change their service delivery plan, model and/or providers, if applicable (refer to <a href="#">CFSS Manual – PCA/CFSS services</a>).</li> </ul>

- [changes overview](#)).
- Complete a semi-annual review if the person does not have a case manager/care coordinator and their spouse or parent (if a minor) serves as their worker.
- Help DHS with surveys and data collection, at DHS' request.
- Document complaints they receive and provide them to DHS upon request.
- Review their complaint policy annually.
- Have policies and procedures to meet the needs of culturally diverse people receiving services.
- Share information from DHS (e.g., policy clarifications or changes) with people they serve when requested by DHS.
- Comply with all specific requirements listed below, as applicable.

#### **Legal compliance**

All consultation services providers must comply with legal requirements that pertain to running their business, including, but not limited to:

- [Mandated reporting](#).
- [Reporting suspected fraud and abuse](#).
- [Data privacy](#).
- [Americans with Disabilities Act \(ADA\)](#).

#### **Financial interest disclosure**

A consultation services provider who has any direct or indirect financial interest in the delivery of certain services must disclose this information to the person in writing. These services include, but are not limited to:

- CFSS personal care services.
- FMS.
- CFSS worker training.
- Goods and services.
- Personal emergency response system (PERS).
- Any services provided as an MHCP-enrolled provider.

The consultation services provider must obtain a document signed by the person stating that the person both:

- Acknowledges they understand the information disclosed about the direct or indirect financial interest.
- Identifies and confirms their choices of services and providers.

#### **Written agreement**

Before providing services, the consultation services provider must enter into a written agreement with the person that includes:

- Duties and responsibilities of both the consultation services provider and the person.
- Service delivery methods (e.g., in-person meeting, phone call or video meeting).
- Start and end date of services.
- Contact information for the provider and the person.
- Any of the provider's additional policies and procedures not included in DHS policy.

#### **Neutrality**

All consultation services providers must remain neutral about:

- Service model the person selects.
- Providers the person selects.

- Existence of Service Employees International Union (SEIU) Healthcare Minnesota and Iowa and workers' decisions about whether to become members of SEIU.

### **Documentation**

The consultation services provider must:

1. Keep a written agreement on file for each person they serve.
2. Document any complaints filed and their outcomes.
3. Document the following information for each consultation services session using [CFSS Consultation Services Session Documentation, DHS 6893S](#):

- Date and duration.
- Consultation services employee(s) who participated.
- Type of session (refer to [CFSS Manual – CFSS consultation service overview](#)).
- Type of contact (e.g., in-person meeting, video meeting, phone call, email).
- Description of work and outcome, according to the requirements provided by DHS.

### **Customer service**

The consultation services provider must:

- Establish a procedure for responding to people within one business day.
- Have a website with information about consultation services.
- Have the ability to communicate with people using their preferred method (e.g., email, text, phone call, in-person meeting, video meeting).
- Have the ability to provide translation and interpreter services (e.g., American Sign Language, services for people with limited English proficiency).
- Have materials available in alternate formats (e.g., large-print documents for people who have low vision).
- Have methods for receiving, returning and tracking communication (e.g., phone call, text, email) from people who receive services and workers, both during and outside regular business hours.
- Have methods to receive, respond to and track complaints from people who receive services and workers within a reasonable time period.
- Conduct satisfaction surveys of the people they serve at least annually and analyze and summarize results for submission to DHS.

### **Budget model**

When a consultation services provider works with a person who uses the CFSS budget model, the consultation services provider is responsible to:

1. Work with the FMS provider to provide the person with ongoing support to serve as the employer of their workers.
2. Check in with the person ensure they are completing employer tasks, such as:
  - Ensuring the workers are competent to meet the person's needs.
  - Orienting and training workers.

	<ul style="list-style-type: none"> <li>• Evaluating workers within 30 days of hire, the start of a new plan year or after a change in condition.</li> <li>• Verifying and maintaining evidence of support worker competency, including documentation.</li> <li>• Completing worker performance reviews at least once per year.</li> <li>• Answering the person’s questions during check-ins.</li> </ul> <p>3. Support the person’s success with the budget model, offer assistance and/or recommend involuntary exit, if needed (refer to <a href="#">CFSS Manual – PCA/CFSS process to change service options/models</a>).</p>
<p><b>Limitations</b></p>	<p>Consultation services providers can only provide services within the scope of their service. Examples of activities outside of the scope of consultation services include:</p> <ul style="list-style-type: none"> <li>• Determining the person’s program eligibility.</li> <li>• Supporting the person’s appeal of their assessment results.</li> <li>• Performing employer functions for a person using the budget model or for a CFSS agency.</li> <li>• Performing the functions of an FMS provider for the person.</li> <li>• Performing the tasks of a medical provider (e.g., registered nurse, home health aide).</li> </ul> <p>Consultation services providers cannot provide consultation services to a person who lives in housing the provider owns.</p> <p>Consultation services providers may offer CFSS FMS services and CFSS provider agency services, but they cannot provide these services to people who are using them as their consultation services provider.</p> <p>Consultation services providers who offer training as a part of their business cannot offer that training to the workers of a person they serve.</p>
<p><b>Additional resources</b></p>	<p><a href="#">CFSS Consultation Services Session Documentation, DHS-6893S</a>  <a href="#">CFSS Manual – CFSS consultation services overview</a>  <a href="#">CFSS Manual – PCA/CFSS process to change service options/models</a>  <a href="#">CFSS Manual – PCA/CFSS service changes overview</a>  <a href="#">CFSS Manual – Transition from PCA and CSG to CFSS</a>  <a href="#">DHS – Grants and RFPs</a>  <a href="#">MHCP Provider Manual – Enrollment</a>  <a href="#">PCA Manual – QP requirements overview</a></p>