



HHSC Information Letter Regarding COVID-19

March 23, 2020

Dear CDS Employer,

We hope this letter finds you and your loved ones doing well during this unprecedented situation. As your Financial Management Services Agency (FMSA), Imagine Enterprises follows alerts and updates from HHSC that impacts you – in this case the Coronavirus (COVID-19).

HHSC sends Information Letters (IL) and has posted the attached letter on COVID-19 on March 20, 2020: COVID-19 Guidance for FMSA's and CDS Employers (IL2020-08). The COVID-19 information letter will also be posted to our website at imagineenterprises.org, and it will be emailed to CDS employers and your employees.

Along with the Information Letter, here are some responses to questions we've already received and hope will be helpful to you:

- How do I increase my hours?
 - o Contact your service coordinator to determine if additional hours can be added. Ask them to send Imagine Enterprises the revised Individual Plan of Care so we can create a revised CDS budget for you.
- Do I allow my employees to continue to work? I am worried about exposure to the COVID-19 virus.
 - o As the CDS Employer it will be your decision as to whether you choose to have your employee(s) continue to provide services. There is specific guidance in the HHSC letter on page 2, Preventing the Spread of COVID-19. Ultimately, the decision is the CDS Employers.
- What do I do if I need to hire another employee?
 - o If you are hiring a new employee, follow regular procedures to complete and submit the CDS New Hire Packet. Forms are found on the Imagine Enterprises website or contact Cheryl Harris or Janice Norwood.
 - o A service backup plan is REQUIRED as explained in the HHSC letter, Service Backup Plan, pages 1 & 2. If you do not have one in place, contact your service coordinator for further assistance regarding a backup plan.

- How do I pay my employees if I decide to lay them off or suspend them until the situation is clear?
 - o Employees who are **laid off** can file for unemployment through the Texas Workforce Commission. The decision on whether unemployment would be approved or not is determined by the TWC. *Note: when an employee receives unemployment benefits the employer's future SUTA tax rate can be increased based on the amount the employee was awarded in unemployment benefits. This increase in taxes may result in a reduction to future employee hourly pay rates due to the increase in future SUTA taxes.
 - o If funds are available in the individual's budget, it may be possible to pay for **sick or vacation time**. Not everyone has enough funds in their individual budget and may require a budget revision or a reduction in regular hourly wages to cover the cost of adding paid time off as an employee benefit. *Note: Unused hours CANNOT be used to pay for any employee benefits including paid time off or bonus.

- Imagine Enterprises Staff Contact Information:

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Should you have questions please contact me at 832-563-0661 or via email at cheryl.harris@imagine-enterprises.org.

Sincerely,

Cheryl Harris

Cheryl Harris
Chief Operating Officer for CDS

Attachment: HHSC IL2020-08



Date: March 20, 2020
To: Financial Management Services Agencies (FMSAs)
Subject: COVID-19 Guidance for FMSAs and CDS Employers

The purpose of this information letter is to provide guidance regarding COVID-19 (coronavirus) for FMSAs, Consumer Directed Services (CDS) employers, and Designated Representatives (DRs). FMSAs are required to share the information contained in this letter with CDS employers and DRs.

FMSAs, CDS employers and DRs are required to comply with state and federal laws, rules, regulations, and letters regarding their Medicaid services. Due to the escalating situation of COVID-19, the Texas Health and Human Services Commission (HHSC) allows FMSAs to suspend face to face CDS employer orientations and reminds CDS employers and DRs that a service backup plan is required and should be in place.

CDS Employer Orientations

FMSAs may suspend face to face CDS employer orientations for the next 30 days. FMSAs should provide employer orientations that are scheduled in the next 30 days virtually or by telephone.

Following this 30-day suspension, FMSAs will be required to provide in-person visits for the CDS employers whose initial orientation was conducted virtually or by telephone.

Service Backup Plan

The Texas Administrative Code (TAC) requires the service planning team for an individual receiving services through the CDS option to ensure a service back-up plan is in place if:

- It is required by the individual's program; or
- The service planning team determines that a service is critical to the individual's health and safety.¹

State and federal guidance indicate that COVID-19 presents a health and safety risk to individuals receiving Medicaid services through the CDS option. Therefore, all

¹ See 40 TAC [§41.404\(b\)](#).

CDS employers should ensure they have a backup plan in place, and they can work with their service coordinator or case manager to develop one.²

Service backup plans must be completed using [Form 1740](#) and be approved by the individual's service coordinator or case manager. A service backup plan may include the use of unpaid supports, the purchase of backup hours from a provider agency, or respite.

Preventing the Spread of COVID-19

Limited Entry of Non-Essential Persons

CDS employers are advised to limit the number of people entering the home of the individual receiving services. Persons should be denied entry if they:

- have symptoms of a respiratory infection, such as fever, cough, shortness of breath, or sore throat;
- in the last 14 days, have had contact with someone with a confirmed diagnosis of COVID-19 or are under investigation for COVID-19;
- in the last 14 days, have traveled internationally to [countries with sustained community transmission](#).

Alternate Communication Methods

During this time, HHSC encourages CDS employers and DRs to utilize alternate means of communication such as FaceTime, Skype or other video or telephone conferencing systems to promote ongoing contact between individuals and their loved ones.

Refrain from Meeting in Large Groups

HHSC strongly encourages individuals to refrain from attending public events in which people are gathered. This includes refraining from receiving day habilitation services in group settings.

Follow State and Federal Guidance

CDS employers, FMSAs, service coordinators and case managers must follow guidance issued by:

² See 40 TAC [§41.217](#).

- The [Centers for Disease Control](#) (CDC)
- The Texas [Department of State Health Services](#) (DSHS)
- Texas [HHSC](#)
- Their local public health department

Helpful information from these sources includes a list of [Frequently Asked Questions](#) from the CDC and [Disaster Response Toolkit](#) from CMS. DSHS has also published [COVID-19: Guidance for Public Health Home Service Providers](#).

CDS employers and DRs should contact their local health department, or DSHS if there is no local health department, if:

- they have questions related to COVID-19; or
- they suspect an individual receiving services has COVID-19.

CDS employers, DRs, and employees should take precautions including, but not limited to:

- Limiting physical contact, such as handshakes and hugging;
- Reinforcing strong hygiene practices, such as proper handwashing, covering coughs and sneezes, and using hand sanitizer (this is especially important for individuals and service providers who utilize tactual modes of communication);
- Practicing social distancing;
- Using gloves when supporting individuals; and
- Regularly disinfecting all high-touch surfaces, such as counters, doorknobs, and telephones.

Contact Information

If you have any questions about this letter, please contact the CDS Policy and Operations team by emailing CDS@hhsc.state.tx.us.

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COVID-19 Guidance for FMSAs and CDS Employers
March 20, 2020
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Sincerely,

[signature on file]

Michelle Erwin
Deputy Director
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Medicaid and CHIP Services Department