

**The Arc of Minnesota  
CDCS Update on Appeals  
September 15, 2004  
[www.arcminnesota.com](http://www.arcminnesota.com)**

On The Arc of Minnesota web site there is posted a CDCS Questions and Answers section that you should review. Particularly of interest are the appeals questions 5 through 7. Also on the web site is "How to Appeal Cuts in Your Waivered Services" that will guide you through the process.

Most families received their CDCS budget amount in the past month. If you decide to appeal, please act now. After consulting with the Minnesota Disability Law Center, The Arc of Minnesota is making the following recommendations:

- *Families that want to challenge the actual CDCS budget amount you received should appeal now within 30-days of receiving your notice.*
- *Families that think that their child's health, safety and welfare will be threatened by a reduction in their CDCS budget should also appeal now. You will need to explain why other possible service alternatives cannot meet your needs. Because this information will take time to collect, you should ask the appeals referee to postpone the hearing on your appeal and order the county to meet with you to develop a plan if you returned to other waiver services.*
- *If you are losing CDCS on October 1, because you are in a licensed residential setting (foster care) and the county has not worked with you to shift needed services from CDCS to personal supports or another option, you should appeal now.*
- *If you are losing an essential service or item because it will not be allowable under CDCS as of October 1 and you have not been able to figure out any other options with your county staff, you should appeal now (for example, some people use an ICF/MR facility for respite care and may not have been offered a physically accessible alternative).*
- *If you are past your 30 days of notice and did not understand or know about your appeal rights and now have decided you should have appealed, submit your appeal now.*

Due to the anticipated number of appeals the Minnesota Disability Law Center will not be able to assist all the families in appeals. Please work with Arc on your appeals. Arc advocates will try to answer your questions and provide assistance.

Please send any information on decisions of an appeal to [cdcs@arcmn.com](mailto:cdcs@arcmn.com). These decisions will be helpful in deciding next steps or further action.

**Colleen Wieck**

**From:** Mike Gude [arcmn113@yahoo.com]  
**Sent:** Thursday, June 10, 2004 11:35 AM  
**To:** mail@arcminnesota.com  
**Subject:** [ArcMNAActionAlert] CDCS Update



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Here is the latest information we have about Consumer-Directed Community Supports (CDCS). If you have problems reading the text below, go to our web site at [www.arcminnesota.com](http://www.arcminnesota.com), and click on the link that says, "CDCS Update from The Arc of Minnesota -- June 10, 2004."

Mike Gude, The Arc of Minnesota  
 Education and Communications Associate

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***The Arc of Minnesota  
 Consumer Directed Community Supports (CDCS)  
 Update: June 9, 2004***

➤ ***Before October 1, 2004:***

We recommend that CDCS recipients take the following steps to prepare for the implementation of the CDCS waiver amendment on 10/1/04:

- Attend the CDCS meeting hosted by your county.
- Visit and review DHS' CDCS information on the web. DHS is currently redoing its web site. There are two ways to access this information on the web:
  - Click on <http://10.192.10/Contcare/disability/cdcs.htm>; OR
  - Click on <http://www.dhs.state.mn.us/>, then click on A- Z Topics, then click on Consumer Directed Community Supports.

6/10/2004

- *Familiarize yourself with the CDCS waiver amendment documents by going to DHS's CDCS web site. (This information is still not accessible, but should be soon).*
- Review your current Individual Service Plan, and make sure it clearly identifies the support needs of your family member receiving CDCS services.
- Once you receive your individualized budget, analyze its impact on your family. Summarize that in one-page handout, and send a copy to your local Arc chapter.
- Share information about services for persons with disabilities (your family story) with your current legislators and any candidates running for state office.
- Read this complete memo.

➤ ***Effective October 1, 2004:***

- Current CDCS recipients whose spending exceeds the state set budget will have one year from their next annual service plan to meet their needs within the CDCS budget or access other waiver services.
- CDCS will become available for CADI, CAC, TBI, and EW recipients residing in counties currently providing the CDCS options to individuals on the MR/RC waiver.
- Some new services will become available, such as paying parents of minor children.
- Services identified in Appendix B, Attachment C (see DHS/DSD web site) will not longer be allowed. Your individual budget amounts will be reduced by the amount utilized to pay for Unallowable Expenditures.
- CDCS cannot be provided in licensed settings (see this section below).

➤ ***CDCS Calendar:***

Anoka County Meeting: June 16, 2004

Ramsey County Meeting: July 12, 2004

The Arc of Minnesota CDCS Meeting: July 20, 2004, 7-9

PM, Richfield Community Center, Richfield

Ramsey County Meeting: August 24, 2004

Implementation of Attachment C: October 1, 2004

CDCS Available in all counties for all waivers: April 1, 2005

All CDCS recipients will be on their new budgets: April 1, 2006

➤ ***CDCS Waiver Amendment Individual Budgets:***

The Consumer Directed Community Supports Waiver Amendment says:

"The individual budget limit (i.e., maximum spending amount) established for CDCS recipients shall not exceed 70% of the statewide average cost of non-CDCS recipients with comparable conditions and service needs as determined by the commissioner..."

"The recipient's individual budget will include all goods and services to be purchased through the waiver...except required case management and criminal background studies."

"Recipients who have CDCS services authorized at the time this amendment is approved, and whose service spending exceeds the individual budget limits established by this amendment, shall have up to twelve months from the date of their next annual review to comply with the individual budget limits of the amendment. If they do not comply with the individual budget

limits, they cannot continue to receive CDCS services, but may elect to use other home and community-based waiver services..."

How will you find out what your new budget amount is?

The Department of Human Services (DHS) or your county will send you a letter giving you your new budget amount. The amount will be given as dollars/day. You will need to multiply the dollars/day by 365 to get your new annual amount. For example: \$44.41/day x 365=\$16,209.65 per year.

For adults, their day program must be covered within their individual budget amount.

Once you receive the proposed budget individual set budget, you will be able to analyze the impact on your family. It will be important at that time for families to develop their individual stories describing the impact so they can be shared with legislators and state policy makers. Remember that DHS has estimated that at least 1,100 families will not be able to continue to use CDCS because of significant decreases in their budgets.

### ➤ ***Licensed Services:***

Effective 10/1/04, CDCS can no longer be provided in licensed settings. Individuals receiving CDCS services in licensed settings should immediately begin to work with your county case manager and providers to review your alternatives and to try to avoid a disruption in services. This review should include discussion of the possible use of Personal Support or In-Home Support Services available through the MR/RC waiver.

Please contact your local Arc chapter, and notify them if you are going to be impacted by no longer being able to receive CDCS services in a licensed setting. Local Arc chapters: please track this information.

Definitions for Personal Supports and In-Home Supports read:

*Personal Support: This service helps a person increase independence, productivity, and involvement in the community. Personal support services provide more flexible and less formal, or less intensive support than supportive living services. It includes supervision and assistance to help a person find and use community services and to participate in community activities. This service may be provided in a person's home or in the community.*

*In-Home Family Support: This service provides training and support to a person and his/her family, included extended family, in the family home and in the community. It is designed to increase the family's ability to care for and support the person in the family home.*

### ➤ ***Upcoming Actions by DHS's Disability Services Division (check their web site regularly for updates; see web site addresses above):***

- Completion of individual budgets
- Attendance at county meetings
- Continued development of CDCS web site
- Contracting for CDCS Evaluation
- Ongoing development of consumer information

➤ ***Final Comments:***

The Arc of Minnesota will be hosting a CDCS meeting for its members on Tuesday, July 20<sup>th</sup> from 7 - 9 PM at the Richfield Community Center, 7000 Nicollet Avenue South in Richfield. During that meeting, updated information will be shared, training needs identified, coping strategies discussed, and input sought on the CDCS action plan for The Arc of Minnesota.

The CDCS waiver amendment will impact families quite differently. Some families will benefit from the option of being able to pay themselves for providing services. Others could lose important community inclusion opportunities and benefits, while others will be forced off the CDCS program and into more costly formal services because of low budgets.

We would like families to help us collect family stories and any statistical and financial information that will help define the amendment's impact. We will work to make this valuable information part of the independent evaluation process that has been required by the federal government (the Center for Medicare and Medicaid Services, or CMS). All of this information will be used to prepare recommendations for modifying CDCS and/or used during the 2005 Legislative Session to keep legislators informed about the impact of the CDCS amendment on services for children and adults with disabilities.

This will be a really hard time for many of you, but local Arc advocates and The Arc of Minnesota will be doing everything we can to help. Please contact your local Arc chapter for assistance, or with questions or suggestions.

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