

Chapter 48, Community Care for Aged and Disabled

Subchapter H, Eligibility

Propose to amend §48.2907 Need

(a) DADS uses a DADS Needs Assessment Questionnaire and Task/Hour Guide form [Begin Strikethrough]~~The client needs assessment questionnaire is used~~ [End Strikethrough] to determine an individual's functional need for: [Begin Strikethrough]~~CCAD services~~ [End Strikethrough]

(1) community attendant services, family care, and primary home care;

(2) home-delivered meals;

(3) adult foster care;

(4) residential care;

(5) emergency response services; and

(6) special services to persons with disabilities.

(b) Regardless of an individual's [Begin Strikethrough]~~a client's~~ [End Strikethrough] functional need [Begin Strikethrough]~~eligibility, as determined by his score on the client needs assessment questionnaire~~ [End Strikethrough] the individual is eligible for a program described in subsection (a) of this section [Begin Strikethrough]~~he receives CCAD services~~ [End Strikethrough] only if DADS determines that the individual [Begin Strikethrough]~~he~~ [End Strikethrough] has an unmet need for [Begin Strikethrough]~~those services~~ [End Strikethrough] the program service.

Propose to amend §48.2915. Day Activity and Health Services.

To be eligible for day activity and health services (DAHS), an applicant or client [Begin Strikethrough]~~applicant/client~~ [End Strikethrough] must:

(1) be Medicaid eligible or meet the income and resource guidelines established [Begin Strikethrough]~~by the department~~ [End Strikethrough] in §§48.2902, 48.2903, 48.2922, and 48.2923 of this title (relating to Income and Income Eligibles; Determination of Countable Income; Resource Limits; and Countable Resources);

(2) have an unmet need as determined by DADS;

(3) while receiving DAHS, not receive a mutually excluded service as identified in the Mutually Exclusive Services table in Appendix XX of the Case Manager Community Care for Aged and Disabled Handbook available at www.dads.state.tx.us;

~~[Begin Strikethrough]meet the minimum functional need criteria as set by the department. The department uses a standardized assessment instrument to measure the client's ability to perform activities of daily living. This yields a score, which is a measure of the client's level of functional need. The department sets the minimum required score for a client to be eligible, which the department may periodically adjust commensurate with available funding. The department will seek stakeholder input before making any change in the minimum required score for functional eligibility. Clients receiving services on the effective date of this rule may continue to receive services until the department assesses the client's level of functional need;[End Strikethrough]~~

(4) ~~[Begin Strikethrough](3)[End Strikethrough]~~ have a chronic medical diagnosis ~~[Begin Strikethrough], a related functional disability,[End Strikethrough]~~ and physician's orders for DAHS on the DADS Day Activity and Health Services (DAHS) Physician's Orders form ~~[Begin Strikethrough]requiring care, monitoring, or intervention by a licensed vocational nurse or a registered nurse[End Strikethrough];~~ and

(5) ~~[Begin Strikethrough](4)[End Strikethrough]~~ have one or more functional limitations and the potential for receiving therapeutic benefit from DAHS as determined by DADS review of the Day Activity and Health Services (DAHS) Health Assessment/Individual Service Plan form completed in accordance with §98.203 of this title (relating to Written Referrals for Services) or §98.204 of this title (relating to DAHS Facility-Initiated Referrals).

~~[Begin Strikethrough]one or more of the following personal care or restorative needs that can be stabilized, maintained, or improved by participation in DAHS:~~

~~(A) Bathing, dressing, and grooming. The applicant/client may need help with bathing, dressing, and routine hair and skin care.~~

~~(B) Transfer and ambulation. The applicant/client may need help with transferring from chair or commode or walking about.~~

~~(C) Toileting. The applicant/client may need help with using a bedpan, urinal, or commode; emptying a catheter or ostomy bag; or managing incontinence of bowel or bladder. The applicant/client may require perineal care or bowel or bladder training.~~

~~(D) Feeding. The applicant/client may need feeding (for example, gastric, NG tube, feeding pump) or help with eating.~~

~~(E) Fluid intake. The applicant/client may need assistance in maintaining adequate fluid intake.~~

~~(F) Nutrition. The applicant/client may need therapeutic diet or texture modification for treatment or control of an existing condition.~~

~~(G) Medication. The applicant/client may require supervision or administration of ordered medications or injectables.~~

~~(H) Treatments. The applicant/client may require treatments that include:~~

~~(i) routine or frequent care for indwelling catheter;~~

~~(ii) measurement of weight related to monitoring a specific condition;~~

~~(iii) assistance or supervision of ostomy care based on individual needs;~~

~~(iv) taking and recording of vital signs to monitor an existing condition or medications being administered;~~

~~(v) periodic testing of blood or urine for sugar/acetone content or both;~~

~~(vi) assistance with skin care including application of lotions, observations, assessment, or~~

~~treatment of skin conditions based on physician's orders for prevention and healing decubiti and~~

~~chronic skin conditions; and~~

~~(vii) application of sterile dressings and elastic stockings and bandages.~~

~~(I) Restorative nursing procedures. The applicant/client requires assistance with range of motion exercises (active or passive) or proper positioning.~~

~~(J) Behavioral problems. The applicant/client may have behavioral problems that can be managed by facility staff.[End Strikethrough]~~

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