



Missouri Department of Health and Senior Services

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VM-07-18

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**MEMORANDUM FOR VENDORS OF CONSUMER-DIRECTED SERVICES**

From: Brenda F. Campbell, Director *Brenda F. Campbell*  
Division of Senior and Disability Services

Subject: Vendor Oversight

The Division of Senior and Disability Services (DSDS) is issuing this memo to clarify vendor responsibilities associated with oversight of the Consumer Directed Services (CDS) program for participants directing their own personal care.

Vendor Oversight Activities

In accordance with statutory requirements, vendors are responsible for monitoring the performance of the personal care assistance services<sup>1</sup>. The minimum standard in regulation requires at least monthly case management activities to provide ongoing monitoring of the provision of services contained within the state approved care plan as well as other services needed to live independently<sup>2</sup>. Individual circumstances of many consumers will require that vendors perform and document monitoring activities on a more frequent basis.

- ☛ Documentation of consumer contacts must include the date/time of the contact, the type of communication (telephone call or home visit) and specific details of the discussion.
  - Vendors must determine when a face-to-face visit is necessary to ensure program compliance and perform appropriate case management activities.
- ☛ Documentation in the consumer's file must be sufficient to reflect vendor oversight of the provision of care to include at a minimum:
  - Services are being provided in accordance with the care plan;
  - Appropriate action regarding changes in health/circumstances/unmet needs;
  - Consumer's backup/emergency plan is unchanged;
  - Timesheets accurately reflect date, time, and chores for services actually delivered;
  - Problems between the attendant and consumer are being handled by the consumer; and
  - Any other discussion pertinent to care oversight.

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<sup>1</sup> Section 208.909, RSMo

<sup>2</sup> 19 CSR 15-8.400 (4) (F)

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- ☞ Regardless of the type, unsuccessful attempts to contact consumers must be documented in the consumer's file. Repeated, unsuccessful attempts to reach consumers may constitute noncompliance with program requirements.
- ☞ Program oversight activities required by the vendor are intended to ensure program compliance and must be conducted to the extent necessary to resolve issues, concerns or problems associated with the consumer or attendant<sup>3</sup>. Documentation in the consumer's file is necessary to reflect ongoing eligibility and program compliance:
  - The care plan continues to meet the needs of the consumer;
  - Services are being delivered in accordance with the care plan;
  - The ability and willingness of the consumer to assume the responsibilities associated with self-direction remain unchanged;
  - The consumer and attendant understand and are abiding by program requirements; and
  - No concerns or problems remain unresolved.

#### Program Noncompliance

Vendors are responsible for determining when consumers/attendants are non-compliant with statutory or regulatory program requirements as well as those contained in the contract executed between the Vendor and the consumer/attendant.

- ☞ Vendors must determine and document non-compliance with care plans and/or program non-compliance.
- ☞ Vendors must notify consumers when the contractual relationship between the vendor and consumer is no longer required or appropriate.
- ☞ Vendors must notify consumers when services are suspended<sup>4</sup>.

#### Vendor Communication and State Intervention

Communication between the vendor and state staff is required as necessary to ensure the appropriateness of the care plan and continued program participation/compliance<sup>5</sup>. The division is responsible for administration of the Medicaid state plan Personal Care program as well as Adult Protective Services<sup>6</sup>.

- ☞ Written notice to consumers regarding suspension of care must be faxed to the DSDS Regional Evaluation Team who will contact the Consumer regarding continued care and/or alternative care options<sup>7</sup>.

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<sup>3</sup> 19 CSR 15-8.400 (4) (C) and (F) (5) - (6)

<sup>4</sup> 19CSR 15-8.400 (5) - (6)

<sup>5</sup> Sections 208.912 & 208.915, RSMo

<sup>6</sup> Sections 208.900-208.927, RSMo

<sup>7</sup> 19 CSR 15-8.400 (6)

- ✎ Written notice or telephone contact to the Central Registry Unit must occur when it has been determined that the circumstances require state intervention to include at a minimum:
- Reasonable cause to believe that an attendant has misappropriated consumer's property or funds or falsified documents that verify personal care assistance service delivery<sup>8</sup>.
  - Reasonable cause to believe that an attendant has abused or neglected<sup>9</sup> a consumer.
  - Consumer is unable to protect his or her own interests or adequately perform or obtain services that are necessary to meet his or her essential human needs, is being suspended from the personal care services program, and is at risk of physical injury or harm due to abuse or neglect.

Questions regarding this memorandum may be directed to the Bureau of Program Integrity at [programintegrity@dhss.mo.gov](mailto:programintegrity@dhss.mo.gov) or 573/526-8557.

BFC/RS/dt

CC: Distribution List 4

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<sup>8</sup> Section 208.915, RSMo

<sup>9</sup> Section 208.912, RSMo