

## Family Caregiver Overview

**Family Caregiver** allows specified services within the waiver to be provided by a family member. The Family Caregiver option is available within the SLS, CES, and DD waivers as well as in State SLS. In order to become a service provider, the family member has to either become an employee of an Approved Service Provider Agency or qualify as an Independent Contractor.

**“Family”** is defined as all persons related to the person in services by virtue of blood, marriage, adoption, or common law. However,

- Only family members that are not “legally responsible” can be reimbursed for the provision of services and supports through the Family Caregiver Act. A legally responsible relative is defined as the parent of a minor child or the individual’s spouse.
- Guardians and conservators can be paid family caregivers. New legislation removed the requirement for family members to obtain permission from the court to enter into the dual role of guardian or conservator and direct service provider.

**Services** that can be provided by a Family Caregiver vary by waiver and include:

- **SLS:** Personal Care, Homemaker, Mentorship, Respite, Day Habilitation, Supported Employment, and Non-medical transport
- **DD/Comprehensive Services:** Day Habilitation, Supported Employment, Non-medical transportation and Residential Habilitation
- **CES:** Homemaker, Personal Care, Respite

Services that are considered “goods”, such as, but not limited to home modification and those requiring professional certifications or licensure such as therapies or behavioral services cannot be provided by a Family Caregiver.

### Process for becoming a Family Caregiver

An IDT meeting is required to begin the process. Individual and/or guardian, Resource Coordinator, and other team members should meet to discuss the appropriateness of using a family caregiver and to determine what services will be provided by the family member. In most cases, a Service Plan revision will also need to be completed.

Having a Family Caregiver might be appropriate when:

- Supports are required at difficult times of the day or when it is difficult to obtain non-family providers
- Individual lives in a rural area

- On a temporary basis while other staffing options are being explored
- When having a Family Caregiver reflects the individual's wishes, increases the individual's quality of life, increases choice, increases access to amount of needed supports

Having a Family Caregiver would not be appropriate when:

- The person does not want to have a family caregiver and the decision is in their best interest
- A member of the IDT has concerns about the person's health and/or welfare that results in a referral to Adult or Child Protection

## **Employment Options**

Family Caregivers can be an employee of a Program Approved Service Agency (PASA) **or** an Independent Contractor through the OHCDs /CCB for all services except Residential Habilitation. To provide Residential Habilitation services the family caregiver must be an employee of a PASA.

- As an employee of a PASA the Family Caregiver must meet the same requirements and regulations as any other employee.
  - Basic training requirements for an employee are dependent upon the number of individuals that the employee will be working with and the type of service being provided; however, individual PASAs may require training above the basic requirements. Currently, employees that are working with only one or two individuals are required to have training in: Confidentiality, Rights, MANE, Individual specific training (eg: medication administration and behavioral intervention), and service specific training (eg: defensive driving and job coaching). First Aid and CPR are also typically required by agencies.
- As an independent Contractor the Family Caregiver must meet the requirements of an Independent Contractor. Basic information regarding Independent Contractor Status can be found in Appendix D –IRS Independent Contractor Test  
[http://www.twc.state.tx.us/news/efte/appx\\_d\\_irs\\_ic\\_test.html](http://www.twc.state.tx.us/news/efte/appx_d_irs_ic_test.html)

Family members interested in becoming a Family Caregiver are responsible for obtaining their own employment through a PASA or as an Independent Contractor. If the individual in service already knows what agency they want to work with, the family member should contact the agency directly. If the individual in services does not have a specific agency in mind, the Resource Coordinator will provide the family member with a current list of Program Approved Service Agencies. The family member can then go through the list themselves or request that the

Resource Coordinator send out a Request for Service to all the approved providers. Sending out a Request for Services helps narrow the list of agencies to contact by identifying agencies that are interested in hiring the family member.

In addition to allowing family members to provide services, the Family Caregiver Act also enables Service Agencies to provide Comprehensive Services in the Family Home using traditional service providers.

**Family Caregiver** is not the same as **Consumer Directed Attendant Support Services (CDASS)**, which is currently only an option through the EBD and MI waivers. Implementation of CDASS in the SLS, CES, and the DD waivers is currently on hold.

**CDASS** allows individuals or a designated representative to “self direct” services related to activities of daily living including Health Maintenance Activities, Personal Care, Homemaker activities and Protective Oversight. CDASS provides greater flexibility in the provision of services, while placing greater responsibility on the individual or designated representative to coordinate services. In CDASS, the individual is responsible for coordinating all aspects of service provision including recruiting, hiring, firing, and managing attendants as well as developing a CDASS management plan and administering services within an established monthly budget allocation.