TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHARLES SMITH
EXECUTIVE COMMISSIONER

July 1, 2016

VIA CERTIFIED MAIL

RE: Attendant Compensation Rate Enhancement Enrollment Limitations for Community Living Assistance and Support Services (CLASS) Direct Service Agencies (DSA), Deaf Blind with Multiple Disabilities (DBMD) and Primary Home Care (PHC) Providers for Fiscal Year 2017

Dear Provider:

You are receiving this letter because your contract's enhancement level for fiscal year 2017 (effective from September 1, 2016 – August 31, 2017) will be limited to the level it achieved on its most recently audited 2014 Attendant Compensation Report or 2014 Cost Report functioning as an Attendant Compensation Report. As per Title 1 of the Texas Administrative Code (TAC) §355.112(u), no provider will be enrolled in the Attendant Compensation Rate Enhancement for fiscal year 2017 at a level higher than it achieved on its most recently audited report functioning as its fiscal year 2014 Attendant Compensation Report unless it submits an acceptable fiscal year 2017 Request for Revision Report (RFR) as described below.

ENROLLMENT LIMITATION

Based upon your contract's current enrollment level and the level it achieved in fiscal year 2014, it falls into one of the following three Enrollment Limitation Groups. All limited contracts are eligible to submit a 2017 RFR.

1. **Enrollment Limitation Group 1.** Your contract is currently enrolled at a level higher than the level it achieved in fiscal year 2014. For the period beginning September 1, 2016 and ending August 31, 2017, your contract's enhancement level will be reduced to the level it achieved in fiscal year 2014.

2. **Enrollment Limitation Group 2.** Your contract is currently enrolled at the same level that it achieved in fiscal year 2014. Although you were recouped from a higher level on your 2014 report, your achieved level is the same as your current level of participation. As a result, for the period beginning September 1, 2016 and ending August 31, 2017, your contract's level will be held at the level it achieved in fiscal year 2014.
3. **Enrollment Limitation Group 3.** Your contract is currently enrolled at a level lower than the level it achieved in fiscal year 2014 and will be allowed to participate in the open enrollment for fiscal year 2017 but will not be allowed to request a higher enrollment level than the level it achieved in fiscal year 2014. Enrollment instructions will be mailed shortly following this letter and are available on the website below.

The enclosed "Enrollment Limitation Report" indicates your contract's Enrollment Limitation Group, its current enrollment level for fiscal year 2016 and the enrollment level it will be limited to for fiscal year 2017. The title of the Enrollment Limitation Report includes the name of the program to which the enrollment limitation applies (i.e., Day Activity and Health Services, Primary Home Care Priority, Primary Home Care Nonpriority). ***For Primary Home Care, it is important to review the Enrollment Limitation Report title to determine whether the limitation applies to your Priority or Nonpriority level.*** A list of all contracts receiving an Enrollment Limitation letter and their applicable Enrollment Limitation Group is posted on our website at:

http://www.hhsc.state.tx.us/rad/long-term-svcs

Once you enter the website, click on the link to your program, then scroll down to the heading "Rate Enhancement – Attendant Compensation", click on "View 2017 Rate Enhancement – Attendant Compensation information", and then click on "Contracts Receiving 2017 Enrollment Limitations Letter." ***If you are limited for Primary Home Care, please note whether a limitation is listed for one or both Priority and/or Nonpriority services.***

As per 1 TAC §355.112(y), if at any time, you determine that your contract will not be able to meet its attendant compensation requirements, you may request a reduction in your participation level and associated rate add-on and requirements. These requests will be effective on the first day of the month following approval of the request.

REQUESTS FOR REVISION

As per 1 TAC §355.112(u)(1), a provider may request a revision of its enrollment limitation if its fiscal year 2014 Attendant Compensation Report does not represent its current attendant compensation levels. Such a revision is requested by submitting a fiscal year 2017 RFR. These reports and associated instructions are available on the HHSC RAD website. Once you enter the website, click on the link to your program, then scroll down to the heading "Rate Enhancement – Attendant Compensation", click on "View 2017 Rate Enhancement – Attendant Compensation information". Under the heading "2017 Enrollment Limitations Information open the "2017 Request for Revision Report" and the "Instructions for 2017 Request for Revision Report" elements.

The following requirements apply to all RFRs. RFRs that do not meet these requirements will not be considered, and the enrollment limitation indicated on the enclosed "Enrollment Limitation Report" will apply. Only contracts receiving this Enrollment Limitation letter may submit an RFR.

1. Health and Human Services Commission (HHSC), RAD must receive a properly completed fiscal year 2017 RFR by hand delivery, U.S. mail or special mail delivery (faxes and e-mails will not be accepted) no later than July 31, 2016. A fiscal year 2017 RFR that is not received by the stated deadline will not be accepted, and the enrollment limitation specified on the enclosed "Enrollment Limitation Report" will apply.
2. The fiscal year 2017 RFR Report Certification page must be signed by an individual legally responsible for the conduct of the contract or legally authorized to bind the contract, such as the sole proprietor, a partner, a corporate officer, an association officer, a government official, a limited liability company member, a person authorized by the applicable Texas Department of Aging and Disability Services (DADS) Form 2031 for the interested party on file at the time of the request, or a legal representative for the interested party. An RFR that is not signed by an individual legally responsible for the conduct of the interested party will not be accepted, and the enrollment limitation specified on the enclosed "Enrollment Limitation Report" will apply.
3. The fiscal year 2017 RFR must be completed by an individual who has successfully completed a HHSC-sponsored mandatory training for the 2015 Cost Report webinar training session. If the individual who prepares the RFR has not completed the appropriate training, the report will not be processed and the enrollment limitation specified on the enclosed Enrollment Limitation Report will apply.
4. The fiscal year 2017 RFR must show that, for the period beginning September 1, 2015 and ending April 30, 2016, your contract met a higher attendant compensation level than the enclosed "Enrollment Limitation Report" indicates. In such cases, your contract's enrollment limitation will be established at the level supported by its 2017 RFR. It is your responsibility to render a properly completed 2017 RFR form at the time of your RFR. Requests that do not include a properly completed 2017 RFR form beginning September 1, 2015 and ending April 30, 2016 and requests that fail to support an attendant compensation level different than that indicated on the enclosed "Enrollment Limitation Report" will result in a rejection of your request, and the enrollment limitation specified in the enclosed "Enrollment Limitation Report" will apply.
5. If your contract's fiscal year 2016 Cost Report (or other report functioning as an Attendant Compensation Report for the time period included in your 2017 RFR) shows a lower level of attendant compensation than it presented in its 2017 RFR, HHSC will immediately recoup all enhancement payments associated with the RFR, and your contract will be limited to the level supported by your fiscal year 2016 report for the remainder of the rate year.

INDIVIDUAL VERSUS GROUP PARTICIPATION

Providers were given the opportunity to request HHSC Rate Analysis to aggregate (also known as grouping) the contracts at the time of the submission of the cost report covering the fiscal year of the awarded enhancement level. If your contract participated in the rate enhancement as part of a group in fiscal year 2014, you may submit one RFR for the entire group or one RFR for each individual contract. The result of the analysis of an RFR completed for a group will apply to all contracts included on the RFR for fiscal year 2017. If you did not participate as part of a group during fiscal year 2014, the RFR can be submitted only for an individual contract.

Information regarding opportunities for training through webinar is available on the above website for your program. Please contact me at (512) 707-6086 or doug.odle@hhsc.state.tx.us if you have questions concerning this letter.

Sincerely,

[Signature on file]

Douglas K. Odle, Lead Rate Analyst
HHSC Rate Analysis Department for Long term Services and Supports

Attachment: Enrollment Limitation Report