

Section VIII. Addendums

Private Hospitals: Private hospitals are subject to eligibility requirements in addition to those applicable to public hospitals. See 1 Tex. Admin. Code § 355.8201(c)(1)(C). In particular, to be eligible for any type of waiver payment, private hospitals must submit to HHSC an indigent care affiliation agreement and forms certifying certain information regarding funding for the hospital's payments. These forms must be submitted to HHSC prior to a hospital receiving a waiver payment.

- HHSC defines "private hospital" in its Hospital Waiver Payment rule as a hospital "that is not owned or operated by a governmental entity." See 1 Tex. Admin. Code § 355.8201(b)(11).
 - The term "owned" is not defined in the rule. HHSC has determined that hospital ownership is determined by which entity directly receives the Medicaid-claims payments, prior to any assignment of the payment. Consequently, where a governmental entity leases the operation of its facility to a private entity and the private operator receives the Medicaid claims payments directly, HHSC considers the hospital a "private hospital" subject to the additional eligibility requirements for receiving waiver payments.
 - Hospitals that meet this definition of "private hospital" that previously participated in public upper payment limit (UPL) programs were not subject to these requirements in those programs. However, such hospitals are required to meet the eligibility requirements for waiver payments.

Affiliation agreements:

- An indigent care affiliation agreement is a contract between one or more hospitals and one or more governmental entities to collaborate on the funding for and provision of health care to indigent individuals in a community or region of Texas.
- HHSC does not prescribe the form of affiliation agreements.
- Private hospitals receiving transition payments may rely on the affiliation agreements already on file with HHSC, so long as the parties to the agreement have not changed.
- The hospital's participation in a Regional Healthcare Partnership plan is not a substitute for submission of the affiliation agreement.

Certifications:

- Every private hospital and the governmental entity or entities that will provide the non-federal share of waiver payments to that hospital must execute certification documents in the form prescribed by HHSC.
- Certification forms are posted on HHSC's website at <http://www.hhsc.state.tx.us/rad/hospital-svcs/uc-dsrip.shtml>.
- Private hospitals that received UPL or transition payments **may not** rely on the forms previously submitted to HHSC.

Private Physician Group Practices: Private physician group practices are subject to eligibility requirements in addition to those applicable to publicly-owned group practices. See 1 Tex. Admin. Code § 355.8202(c)(3). In particular, to be eligible for any type of waiver payment, private physician group practices must submit to HHSC forms certifying certain information regarding funding for the hospital's payments. These forms must be submitted to HHSC prior to the group practice receiving a waiver payment.

- The private physician group practice and the governmental entity or entities that will provide the non-federal share of waiver payments to that practice must execute certification documents in the form prescribed by HHSC.
- Certification forms are posted on HHSC's website at <http://www.hhsc.state.tx.us/rad/hospital-svcs/uc-dsrip.shtml>.
- Private physician practice groups that received UPL or transition payments **may not** rely on the forms previously submitted to HHSC.