



## TEXAS HEALTH AND HUMAN SERVICES COMMISSION

### **Enrollment Contract Amendment Instructions**

#### **Open Enrollment Period – July 1, 2015 to July 31, 2015 for DIRECT CARE STAFF COMPENSATION RATE ENHANCEMENT for Nursing Facilities**

In response to direction from 76<sup>th</sup> Texas Legislature (Article II, Department of Human Services, Rider 38, H.B. 1, 76<sup>th</sup> Legislature, Regular Session, 1999), the Health and Human Services Commission (HHSC) Rate Analysis adopted rules at Title 1, Texas Administrative Code (TAC) §355.308 to establish procedures for Nursing Facilities (NFs) contracted to the Texas Department of Aging and Disability Services (DADS) to obtain additional funds for increased staffing for registered nurses (RNs), licensed vocational nurses (LVNs), medication aides, and certified nurse aides. As per these rules, providers who choose to participate in the enhancement program and receive additional funds must demonstrate compliance with enhanced staffing requirements. Participating providers are also required to spend at least 85 percent of their direct care staff Medicaid revenues on direct care staff compensation costs for Medicaid residents, or the difference between 85 percent of direct care staff revenues and direct care staff compensation costs is recouped by the state. At no time will a participating facility's direct care rate after spending recoupment be less than the direct care base rate.

#### **ENROLLMENT CATEGORIES**

For the fiscal year 2016 enrollment, all facilities fall into one of two categories.

**Category 1: Facilities that received an “Enrollment Limitation” letter** for the fiscal year 2016 enrollment. A list of facilities receiving this letter is available on our website at:

<http://www.hhsc.state.tx.us/rad/long-term-svcs/nursing-facility/index.shtml>

Once you enter the website, scroll down to the heading “Rate Enhancement – Direct Care Staff Compensation”, click on “2016 Rate Enhancement - Direct Care Staff Compensation Information”, and then scroll down to “2016 Enrollment Limitations Information”. Next, locate and open the “Contracts Receiving 2016 Enrollment Limitation Letter”. The only facilities that are on this list are facilities that were subject to a staffing recoupment on their fiscal year 2013 Staffing and Compensation Report or 2013 Cost Report functioning as a Staffing and Compensation Report (2013 report).

**Category 2: All other facilities** (those that did not receive a limitation letter). Contract numbers for these facilities do not appear on the list described above “Contracts Receiving 2016 Limitation Letter.” These providers received an Open Enrollment Notification Letter. Both letters are accessible on the above website.

## **ENROLLMENT FEATURES FOR ALL FACILITIES**

For all facilities (whether in Category 1 or 2), the following features apply for the fiscal year 2016 enrollment.

1. The highest enhancement level that any facility may request is Level 27.
2. No facility may request a level higher than its current level plus three additional levels.
3. Levels are awarded within available funds, and it is possible that a facility will not be awarded the level it requests due to limited funding for the enhancement program. No new funds have been appropriated for this program. As a result, increases in enhancement levels will only be possible if other facilities choose to reduce their levels or are subject to enrollment limitations as described below.

## **ENROLLMENT LIMITATIONS FOR FACILITIES IN CATEGORY 1**

Facilities in Category 1 are subject to the following enrollment limitations.

1. These facilities will not be enrolled in the direct care staff enhancement at a level higher than the level they achieved on their fiscal year 2013 Cost Report.
2. The only exception to this limitation is for facilities that submit an acceptable Request for Revision Report (RFR) that shows they are currently staffing above the level indicated by their fiscal year 2013 Cost Report.

## **WHO SUBMITS WHAT**

1. Only facilities in Category 1 may submit a RFR.
2. Only facilities in Category 2 and facilities in Category 1 – Enrollment Limitation Group 3 may submit an Enrollment Contract Amendment (ECA). These facilities should submit an ECA if they wish to change their level from their current level of enrollment. Facilities in Category 2 and Category 1 – Enrollment Limitation Group 3 that do not submit an acceptable ECA will remain at their current level of enrollment for fiscal year 2016. Enrollment Limitation Groups for facilities in Category 1 are listed on our website in the “Contracts Receiving 2016 Enrollment Limitation Letter” element described above.

## **ENROLLMENT WORKSHEETS AND INSTRUCTIONS**

Enrollment Worksheets and Instructions to help you determine the appropriate level of enrollment for your facility are available on our website at:

<http://www.hhsc.state.tx.us/rad/long-term-svcs/nursing-facility/index.shtml>

Once you enter the website, scroll down to the heading “Rate Enhancement – Direct Care Staff Compensation”, click on “2016 Rate Enhancement - Direct Care Staff Compensation Information”, and then scroll down to “2016 Enrollment Information”. Next, locate and open the “Enrollment Worksheets” and “Enrollment Worksheets Instructions”.

## **TRAINING**

In order to assist you in understanding the requirements of the NF Direct Care Staff Enhancement, a training webinars have been scheduled for July 6, 2015 from 9:00 a.m. – 10:30

a.m. and July 20, 2015 from 9:00 a.m. – 10:30 a.m. The webinar(s) will be recorded and posted on our website. Each training will be approximately two and one-half hours long and will cover the following:

- Proper completion of the Enrollment Worksheets;
- Proper completion of the Enrollment Contract Amendment;
- Enrollment Limitations; and
- “Roll-over” enrollment.

Registration is required to participate in the webinar; no classroom-based training will be held. These training opportunities are optional for enrollment; however, participation in the webinar is highly recommended. Detailed information is available on our website at:

<http://www.hhsc.state.tx.us/rad/long-term-svcs/nursing-facility/index.shtml>

Once you enter the website, scroll down to the heading “Training Information” and click on “View the Enrollment Training Information”. Under this heading you will be able to:

- View the NF Training Materials;
- View the NF Training Schedule;
- View the NF Training Webinar Presentation; and
- Register for the NF Enrollment Webinar Training.

#### **ENROLLMENT CONTRACT AMENDMENT**

The open enrollment for payment rates effective September 1, 2015 begins **July 1, 2015 and ends July 31, 2015**. To enroll, contracted providers must properly complete the enclosed ECA during the open enrollment period and submit it to the mailing address specified on the ECA. **Any provider whose properly completed ECA is not received by Rate Analysis by 5:00 p.m. on July 31, 2015 will continue at the Level of Participation in effect during the open enrollment period, within available funds (unless the facility was subject to an Enrollment Limitation as described above). This continued enrollment provision is called “roll-over” enrollment.** If you are unsure of your current Level of Participation, you may look it up on our website.

A properly completed Enrollment Contract Amendment must:

1. Have a checkmark in either the “Yes, this facility chooses to enroll” or the “No, this facility chooses not to enroll” box;
2. Specify the fiscal year end for the entity;
3. Reflect the correct 9-digit contract number and 4-digit provider number; and
4. Be legible.

In addition, providers checking the “Yes” box must indicate their chosen **Level number** between 1 and 27 in the “Level” box. Please note that Level 0 is not an option.

**HHSC Rate Analysis must receive ECA forms no later than 5:00 p.m. on July 31, 2015.** Enrollment forms that are not received by this deadline will not be accepted. **Faxes will not be accepted.**

If you have any questions concerning these instructions, you may contact Brian King at [brian.king@hhsc.state.tx.us](mailto:brian.king@hhsc.state.tx.us) or (512) 707-6074 or Guerin Heckman at [guerin.heckman@hhsc.state.tx.us](mailto:guerin.heckman@hhsc.state.tx.us) or (512) 707-6067.

If you have questions regarding the tracking/receipt of your ECA, you may contact the Rate Analysis Department at [rateanalysisdept@hhsc.state.tx.us](mailto:rateanalysisdept@hhsc.state.tx.us) or (512) 490-3193.

### **AWARDED LEVELS**

By September 15, 2015, RAD will post a list of contracted providers on its Rate Enhancement Direct Care website and their enrollment status (i.e., participant and associated level or nonparticipant) to be effective September 1, 2015. This “Participation Status – Levels Awarded” list on the website above will be the only notification of enrollment status provided by HHSC.