



**TO:** Health and Human Services Commission  
Executive Council

**DATE:** December 6, 2018

**FROM:** Elewechi Ndukwe, Senior Policy Advisor  
Policy and Program Development, HHSC  
Medicaid and CHIP Services Department

**AGENDA ITEM: 2.1**

**SUBJECT:** Case Management Services for Children Who Are Blind and  
Visually Impaired

**BACKGROUND:**  Federal  Legislative  Other: Program Initiative

HHSC proposes the repeal of Texas Administrative Code Title 1, Part 15, Chapter 354, Subchapter C, Case Management for Children Who Are Blind and Visually Impaired, in its entirety.

The repeal of the proposed rules aligns with administrative Medicaid State Plan changes made effective February 15, 2017. The Centers for Medicare & Medicaid Services approved an administrative change for HHSC to continue to provide case management services for blind and visually impaired children and bill for service reimbursements through administrative claiming rather than the Medicaid fee-for-service reimbursement model. HHSC continues to provide uninterrupted case management services to eligible children who are blind or visually impaired.

**ISSUES AND ALTERNATIVES:**

None.

**STAKEHOLDER INVOLVEMENT:**

The proposed rules repeal does not impact services, and simply reflects an administrative change. HHSC staff from Medicaid and CHIP Services and the Blind and Visually Impaired Children program have worked together to ensure that the proposed rules repeal does not interrupt case management services to eligible children who are blind or visually impaired.

**FISCAL IMPACT:**

None

**SERVICES IMPACT STATEMENT:**

No impact.

**RULE DEVELOPMENT SCHEDULE:**

|                  |   |
|------------------|---|
| November 8, 2018 | Present to the Medical Care Advisory Committee  |
| December 6, 2018 | Present to HHSC Executive Council               |
| December 2018    | Publish proposed rules in <i>Texas Register</i> |
| March 2019       | Publish adopted rules in <i>Texas Register</i>  |
| March 2019       | Effective date                                  |

## PROPOSED PREAMBLE

The Texas Health and Human Services Commission (HHSC) proposes the repeal of Title 1, Part 15, Chapter 354, Subchapter C, Case Management for Children Who Are Blind and Visually Impaired, in its entirety, including §354.1501, concerning Definitions; §354.1503, concerning Eligible Individuals; §354.1505, concerning Case Management Services; §354.1507, concerning Service Limitations; §354.1509, concerning Provider Qualifications; and §354.1511, concerning Right to Appeal.

## BACKGROUND AND PURPOSE

The repeal of the proposed rules aligns with Medicaid State Plan changes made effective February 15, 2017. The Centers for Medicare & Medicaid Services approved an administrative change for HHSC to continue to provide case management services for blind and visually impaired children and bill for service reimbursements through administrative claiming rather than the Medicaid fee-for-service reimbursement model. HHSC employees continue to provide uninterrupted case management services to eligible children who are blind or visually impaired.

## FISCAL NOTE

Greta Rymal, Deputy Executive Commissioner for Financial Services, has determined that for each year of the first five years that the rules will be repealed, there will be no fiscal implications to state or local governments as a result of the repeals.

## GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rules will be repealed:

- (1) the repealed rules will not create or eliminate a government program;
- (2) implementation of the repealed rules will not affect the number of employee positions;
- (3) implementation of the repealed rules will not require an increase or decrease in future legislative appropriations;
- (4) the repealed rules will not affect fees paid to the agency;
- (5) the repealed rules will not create a new rule;
- (6) the repealed rules will repeal existing rules;
- (7) the repealed rules will not change the number of individuals subject to the repealed rules; and
- (8) the repealed rules will not affect the state's economy.

## SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Ms. Rymal has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The rules are being repealed as obsolete.

## ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT

There are no anticipated economic costs to persons who are required to comply with the rules as proposed.

There is no anticipated negative impact on local employment.

## COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the rules do not impose a cost on regulated persons.

## PUBLIC BENEFIT

Stephanie Muth, State Medicaid Director, has determined that for each year of the first five years the repeal is effective, the public benefit anticipated as a result of the repeal is that program rules will align with the Medicaid State Plan.

## TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Government Code §2007.043.

## PUBLIC COMMENT

Written comments on the proposal may be submitted to Rules Coordination Office, P.O. Box 149030, Mail Code 4102, Austin, Texas 78714-9030, or street address 4900 North Lamar Boulevard, Austin, Texas 78751; or e-mailed to [HHSRulesCoordinationOffice@hhsc.state.tx.us](mailto:HHSRulesCoordinationOffice@hhsc.state.tx.us).

To be considered, comments must be submitted no later than 30 days after the date of this issue of the *Texas Register*. Comments must be: (1) postmarked or shipped before the last day of the comment period; (2) hand-

delivered before 5:00 p.m. on the last working day of the comment period; or (3) e-mailed by midnight on the last day of the comment period. When e-mailing comments, please indicate "Comments on Proposed Rule 18R044 \*Subchapter C repeal" in the subject line.

#### STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §531.0055(e), Executive Commissioner: General Responsibility for Health and Human Services System, which provides that the HHSC Executive Commissioner shall adopt rules for the operation and provision of health and human services by the health and human services system agencies.

This agency hereby certifies that this proposal has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

