Pre-Application Orientation: Medically Dependent Children Program (MDCP) Home and Community Support Services, Respite Camp/Facility, Minor Home Modification and Adaptive Aid contractors.

- Before applying to contract with the Texas Department of Aging and Disability Services (DADS) to provide Medically Dependent Children Program (MDCP) services, you should understand what is expected of you.

- This pre-application orientation is intended only as a brief overview of MDCP contract requirements.

- If determined eligible to contract with DADS you will also receive a more detailed orientation from DADS contract staff in your local region. Note that MDCP Respite Camp/Facility contractors would not receive an orientation. A MDCP contractor is added to a regional contractor choice list only after completion of the regional orientation. You may not accept individuals until this orientation is completed.

- Individuals choose the contractor of their preference from the regional contractor choice list. DADS does not refer or assign individuals to contractors.

- There is no guarantee an individual will choose you for their services.

- If an individual expresses no choice the referral is made by rotation among all eligible contractors in the service area

- If determined eligible to contract with DADS, you are only eligible to receive payment for contracted services beginning the effective date of your contract.

- You are only eligible to receive payment for services to specific individuals beginning the effective date of the individual’s service authorization.

- At all times you must comply with applicable program rules, contract terms and conditions, and documents promulgated by the department such as handbooks, billing guidelines and contractor communications.
If you’re a contractor that provides MDCP HCSS services, you must, at all times, maintain the required Home and Community Support Services Agency (HCSSA) license.

**MDCP Program Description**

- MDCP provides services to support families caring for children and young adults who are medically dependent and to encourage de-institutionalization of children in nursing facilities.

*Contracted services include respite, flexible family support, adaptive aids and minor home modifications.*

- Case management is provided by DADS.
- DADS determines eligibility for MDCP and authorizes the contractor of the individual’s choice to deliver a specific amount of services.
- Required Home and Community Support Services include respite and flexible family support services.
- Required Respite Camp/Facility sole service is respite.
- Required Adaptive Aid services includes the delivery of durable medical equipment authorized by DADS case management.
- Required Minor Home Modifications includes the construction of a modification to an individual’s residence as authorized by DADS case management.

**Licensure Requirements** To be eligible to contract for MDCP HCSS, you must have and maintain a DADS Home and Community Support Services Agency (HCSSA) license with the category of Personal Assistance Services, Licensed Home Health or Licensed and Certified Home Health Services.

- To obtain a HCSSSA license you must:
  - complete the pre-survey computer-based training;
  - properly complete a license application;
  - include all required documents;
  - pay the required licensure fee; and
  - pass a background check.
• Failure to maintain your license or failure to comply with licensure requirements will result in DADS taking action against your contract, up to and including contract termination.

• You may view information and requirements for HCSSA licensing at the following link:
  http://www.dads.state.tx.us/providers/hcssa/howto.html#licensing

• To be eligible to contract for a Respite Camp/Facility you must be:
  o a host family licensed as a foster home by the Texas Department of Family and Protective Services (DFPS) or verified by a child-placing agency that is licensed by DFPS.
  o a camp provider licensed and accredited by the American Camping Association. (ACA does not license, they only accredit. There is a camp license issued by DSHS).

• To be an adaptive aid provider for MDCP you must be an entity that sells its products directly. If you’re specifically a van lift provider, you must be approved by the Department of Assistive and Rehabilitative Services (DARS) to install van lifts.

**Additional Requirements for Contracting**

To be eligible for a MDCP contract you must have:

1. a minimum of two months operating funds available for conducting business on the effective date of the contract, and maintain two months operating funds to provide services for the duration of the contract;
2. adequate staff to provide services on the effective date of the contract and to maintain adequate staff to provide services for the duration of the contract; and
3. staff must meet the professional license or other job specific criteria required for the position for which they are designated. For example, the facility nurse must be a licensed nurse.
DADS does not enter into a contract if the applicant:

1. has been excluded from participating under Title XVIII or Title XIX of the Social Security Act;
2. has had any community care program provisional contract involuntarily terminated within the previous 24 months other than due to failure to provide services to DADS consumers for 6 consecutive months; or
3. had a MDCP contract involuntarily terminated due to failure to provide services to DADS consumers for 6 consecutive months within the previous 6 months.

DADS may choose not to enter into a contract with an applicant if in DADS’ opinion the applicant may not provide acceptable services under the contract.

Contract Monitoring
To ensure that contractors are in compliance with all current program rules, regulations, policies and procedures, DADS monitors the contracts of those who are contracted to provide MDCP Home and Community Support Services (HCSS).

Contract monitoring consists of a review of a contractor's financial, personnel and individual service records. DADS contract staff conduct the review at the location where services are provided. All individual participant records must be available at the time of the review.

For additional information and details about contract and fiscal compliance monitoring, please view information at this link:
http://www.dads.state.tx.us/providers/contractcompliance/index.html
Rules and Regulations

- To enter into and maintain a contract, you must, at all times, meet all applicable rules and regulations.

- Contracted entities are required to comply with contracting rules as well as applicable licensing rules, policy letters, and regulations.

- This orientation is not a review of all relevant rules and regulations. It is your responsibility to be knowledgeable of, and adhere to, all requirements.

- MDCP Program and contract rules are published in the Texas Administrative Code (TAC).
  
  o DADS rules are found in Title 40, Social Services and Assistance, and Part 1 of the TAC. Part 1 of the TAC if further subdivided into Chapters.
  
  o DADS contracting rules are found in Chapter 49.

  o MDCP program rules are found in Chapter 51.

Accessing the Texas Administrative Code (TAC)

- Go to DADS home page at http://www.dads.state.tx.us
- Click on “Rules and Statues”
- Scroll down and click on Texas Administrative Code
- Click on DADS TAC References
- Click on the appropriate chapter

Professional Licensure

- You must ensure that your staff keep their licenses current, if they are required to be licensed to provide services.

- Always check licenses and professional credentials prior to hiring.
Other Information

- In addition to applicable rules, policy letters and regulations, contractors must comply with the terms of the contract and the policies and procedures outlined in the program specific provider manuals.

- The contract is DADS Form 3254 which can be viewed at this link: http://www.dads.state.tx.us/forms/3254/index.htm.

- Failure to comply with the terms of your contract, program rules or policies may result in DADS taking adverse action against your contract, up to and including contract termination.

DADS Communications

- Handbooks, alerts, policy letters and other important information can be found on the DADS website at: http://www.dads.state.tx.us/providers/index.cfm. Choose the program of interest (i.e., MDCP) from the left side of this page.

- Contractors are responsible to review and comply with all Policy Letters (Alerts, Information Letters and Policy Clarifications) issued by DADS.

- You are strongly encouraged to sign-up for DADS e-mail updates at the following link: https://service.govdelivery.com/service/multi_subscribe.html?code=TXHHS C&custom_id=307

- Registering for DADS e-mail updates ensures you are notified of important alerts, policy letters and other DADS communications as soon as they are published.

- When you sign-up for e-mail updates you may customize your account to receive only those updates that are relevant for you.
Here are the links to three important MDCP letters regarding license capacity, changes of ownership, license non-renewal / contract termination, and emergency preparedness, respectively. Please review each letter and sign-up for e-mail updates:


**Contract Assignments vs. Re-enrollment**

- If you plan to undergo a change of ownership (CHOW) where there is a change in the legal entity responsible for the contract, a change in employer identification number (EIN), or change in tax status, then the individual with signature authority for your contract must request a contract assignment.

- If the legal entity name and EIN are staying the same but the CHOW is 50% or greater, then your contract(s) will be re-enrolled to reflect the new ownership. The contract number(s) will stay the same.

- Please refer to [40 TAC §49.15](#) to review the applicable rule.

- If you request to assign your contract due to a change of ownership, you must provide DADS Community Services Contracts Unit with at least sixty (60) days notice prior to the requested effective date of the contract assignment. If the contract assignment is requested due to a change of ownership (CHOW) for your agency’s license, you must also notify DADS HCSSA Licensing and Credentialing division at the same time.

**Other Contract Changes** – Contractors must notify DADS of changes affecting their contract such as:

- Change of legal entity name or doing business as (d/b/a) name; change of address, phone number or fax number; change of ownership or control; and restriction, revocation, non-renewal, or suspension of license.

- Failure to notify DADS of changes in accordance with the terms of your contract may result in DADS taking adverse action against your contract up to and including contract termination.

- For most changes, DADS requires advance notice.
Advertising and Solicitation –

Texas Occupations Code, Chapter 102, "Solicitation of Patients," prohibits certain actions regarding the solicitation of persons to receive services from an entity licensed, certified, or registered by a state health care regulatory agency.

Texas Government Code §531.102, "Office of Inspector General," gives authority to the Texas Health and Human Services Commission (HHSC), Office of Inspector General (OIG), to investigate fraud and abuse and enforce state law regarding health and human services programs, including violations of Chapter 102. DADS may impose sanctions, including contract termination, if an entity licensed, certified, or registered by DADS is found to have violated Chapter 102. Additionally, OIG may impose penalties for solicitation pursuant to 1 TAC §§ 371.1721(b)-371.1723.

Records Maintenance

- You must maintain program-related records in accordance with 40 TAC Chapter 49, program rules and the terms of your contract.

- Failure to properly maintain records could result in DADS taking adverse action against your contract, up to and including contract termination.

Cost Reports and Rates

- Contractors must submit required cost reports to the Texas Health and Human Services Commission (HHSC) consistent with HHSC instructions.

- Failure to do so will result in your contract being placed on vendor hold (a hold on payments) and could result in DADS terminating the contract.

- You will be required to attend HHSC cost report training.

- Information regarding MDCP cost reporting requirements is located at TAC Title 1, Part 15, Chapter 355, Subchapter A.

- Further information regarding Long Term Services and Supports rates is located at: http://www.hhsc.state.tx.us/rad/Long-term-svcs/nursing-facility/index.shtml
No Guarantee of Referrals

- Individuals receiving DADS services are always allowed free choice of eligible service providers. DADS is not allowed to refer individuals to any particular contractor. Individual choice is protected in all cases.

- Therefore, although you may enter into a contract with DADS to provide services, there is no guarantee you will be chosen by consumers.

- DADS may terminate your contract if you fail to provide contracted services in any six consecutive months.

- DADS strongly encourages you to research the market in your geographical area and make a good business decision about the need for services in your area prior to applying for a license or contract.

- You may find DADS Quality Reporting System (QRS) helpful to determine the number of home health agencies in your area. QRS can be accessed at: http://facilityquality.dads.state.tx.us/qrs/public/qrs.do

Review Key Concepts

- Contractors should develop a business plan and review the market in which they plan to do business prior to deciding to pursue a contract;

- Contractors must know and meet all licensure requirements at all times;

- Contractors must adhere to all applicable policy letters and regulations at all times;

- Contractors must meet all the terms of the contract at all times; and

- Contractors are required to follow billing procedures.
For more information on contracting with DADS:

- [http://www.dads.state.tx.us/providers/index.cfm](http://www.dads.state.tx.us/providers/index.cfm)
- Choose the program of interest on the left side of the screen.
- If interested in becoming a provider, click on the button “Click here to learn how to become a provider” at the top right corner of any program page.
- To view Form 3254, click on the following link: [http://www.dads.state.tx.us/forms/3254/index.htm](http://www.dads.state.tx.us/forms/3254/index.htm)

For Questions about MDCP contracting
- E-mail – [communityservicescontracts@dads.state.tx.us](mailto:communityservicescontracts@dads.state.tx.us)
- Community Services Contracts Voice Mail – 512-438-3550
- Unit Support: 512-438-2080

For Questions about Home and Community Support Services Agency Licensing
- Licensing: 512-438-2630
- Policy: 512-438-3015