Primary Home Care/Family Care/ Community Attendant Services
Pre-Application Orientation

- Before applying to contract with the Texas Department of Aging and Disability Services (DADS) to provide Primary Home Care/Family Care/Community Attendant Services (PHC/FC/CAS), you should understand what is expected of you.

- This pre-application orientation is intended only as a brief overview of the contract requirements for PHC/FC/CAS.

- If determined eligible to contract with DADS, you will receive detailed training in your local region. A contractor is added to a regional contractor list upon completion of the regional training.

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

- At all times you must comply with applicable program and contract rules, contract terms and conditions and policy letters.

- At all times you must maintain a required license.

PHC/FC/CAS Program Description

- PHC is non-technical, medically related personal care services prescribed by a physician as part of an individual’s plan of care.
• PHC is available to eligible adults with health problems causing functional limitations in performing activities of daily living.

• PHC contractors must also provide FC/CAS services. FC/CAS are non-technical services provided to eligible individuals who are functionally limited in performing daily activities. FC/CAS services are provided by an attendant and do not require the supervision of a nurse.

• Covered services include personal care (bathing, grooming, meal preparation, and toileting), home management (housekeeping, laundry, and shopping) and escort (medical appointments).

Licensure Requirements For PHC/FC/CAS

• To be eligible to contract for PHC/FC/CAS, you must have and maintain a DADS Home and Community Support Services Agency (HCSSA) license with the category of Personal Assistance Services (PAS) or Licensed Home Health Services (LHHS) or Licensed & Certified Home Health Services (L&CHHS).

• Failure to maintain your license with the correct category of licensure or failure to comply with licensure requirements will result in DADS taking action against your contract. Actions may include contract termination.

• If a HCSSA license is revoked or expires due to failure to comply with license renewal requirements, DADS will terminate any contract requiring that license.
Provisional Contracts

- DADS initially enters into provisional contracts with applicants to provide PHC/FC/CAS services.
  
  o The initial provisional contract is for a period of 30 months.
  o DADS will verify service delivery in the 13th month of the provisional term to verify if the contractor has served any individuals. If no individuals were served in the preceding 12 months, DADS will terminate the contract.
  o DADS will monitor the contractor for compliance with contract and program requirements during the provisional contract period. The initial contract and fiscal monitoring will occur with the 14th or 15th month of the provisional term. If the contractor fails to achieve an overall compliance score of 90% or more on the initial monitoring, DADS will conduct a second contract and fiscal monitoring within 12 months.
  o DADS will issue a standard contract to a contractor that achieves an overall compliance score of 90% or more on the contract and fiscal monitoring conducted during the provisional contract period.
  o DADS may not issue a standard contract if the contractor fails to achieve an overall level of compliance of 90% or above on the contract and fiscal monitoring conducted during the provisional contract period.
  o Following successful compliance of a monitoring conducted during the 30 month provisional period, DADS will issue a standard contract for the PHC/FC/CAS contract with an open end date.
• DADS does not enter into a provisional contract if the applicant:
  o is under a monitoring agreement with DADS Regulatory Services;
  o has a license revocation action pending with DADS;
  o has Level B administrative penalties pending with DADS; or
  o for any reason listed in 40 TAC §49.207.

Application Denial Periods

• If a provisional contract is terminated voluntarily in accordance with Chapter 49 requirements regarding termination by contractor, DADS does not enter into another contract (for the same program or service) with an applicant for at least 12 months from the effective date of termination.
• If a provisional contract is terminated voluntarily not in accordance with Chapter 49 requirements regarding termination by contractor, DADS does not enter into another contract for any program with an applicant for at least 12 months from the effective date of termination.
• If a provisional contract is terminated involuntarily by DADS due to the contractor’s failure to provide services under the contract for 12 consecutive months, DADS does not enter into a contract for the same program or service with the applicant for 12 months from the effective date of termination.
• If a provisional contract is allowed to expire due to contractor noncompliance as determined by the monitoring review of the provisional contract, DADS does not enter into a contract (for any program) with the applicant for at least 24 months from the end date of a provisional contract.
• If a provisional contract is terminated involuntarily by DADS for a reason other than what is described above, DADS does not enter into a contract for any program with the applicant for at least 12 months from the effective date of termination.

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, policy letters and regulations, as well as applicable licensing rules, policy letters and regulations.

• This orientation is not a review of all rules and regulations.

• Program and contract rules for the PHC/FC/CAS program are published in the Texas Administrative Code (TAC).

• DADS rules are found in TAC Title 40, Part 1. Part 1 is divided into Chapters.

• DADS contracting rules are found in Chapter 49.

• PHC/FC/CAS program rules are found in Chapter 47.
Accessing the Texas Administrative Code (TAC)

- Go to DADS home page at http://www.dads.state.tx.us/
- Click on “Doing Business with DADS”
- Click on DADS Rules
- Click on the appropriate chapter

Professional Licensure

- You must ensure that any of your staff who are required to be licensed to provide services keep their licenses current.

- Always check licenses and professional credentials prior to hiring or contracting for a service.

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.

- 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

- Provider manuals, alerts, policy letters and other important information can be found on the DADS website at [http://www.dads.state.tx.us/providers/index.cfm](http://www.dads.state.tx.us/providers/index.cfm). Choose the program of interest on this page.

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

- Contractors must subscribe to receive DADS e-mail updates at the following link: [https://service.govdelivery.com/accounts/TXHHSC/subscriber/new?topic_id=TXHHSC_104](https://service.govdelivery.com/accounts/TXHHSC/subscriber/new?topic_id=TXHHSC_104). Subscribing to 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 subscribe to e-mail updates you may customize your account to receive only those updates that are relevant for you.

Change of Ownership or Change of Legal Entity

- A change of legal entity occurs when a contractor is required to obtain a new federal tax identification number.

- A change of ownership occurs when as the result of a transfer or sale, at least 50 percent of the ownership of a contractor is held by one or more persons who owned less than 5 percent of the contractor before the transfer or sale; and the contractor is not required to obtain a new federal tax identification number.

- Please refer to 40 TAC §49.210 to review the applicable rules.
• If you intend to undergo a change of ownership or change of legal entity, you must provide DADS Community Services Contracts with at least sixty (60) days notice prior to the proposed date of the change. If the change of ownership or change of legal entity is requested due to a change of ownership (CHOW) for your agency’s license, you must also notify DADS HCSSA licensing division at the same time.

• Even with 60 days’ notice, the contract is not effective until approved, in writing, by DADS.

Other Contract Changes

• Contractors must notify DADS of changes affecting their contract such as:
  
  o change of address;
  o change of ownership or control;
  o restriction/suspension of license; and
  o restriction/suspension of certification to provide medical services.

• Failure to notify DADS of changes in accordance with 40 TAC Chapter 49 and the terms of your contract may result in DADS taking adverse action against your contract.

Contract Amendments

• You may amend your contract to add or delete counties in which you will provide services.
• You must provide prior written notice to your regional contract manager and allow sufficient time for processing.

• The amendment is not effective until approved in writing by DADS.

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


• Further information regarding Long Term Care Services rates is located at: http://www.hhsc.state.tx.us/rad/long-term-svcs/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.

Review

- Contractors must 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 should carefully follow billing procedures to ensure timely payment.

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 center of the screen.
  - If interested in becoming a provider, click on the “Click here to learn how to become a provider” icon at the top right corner of any program page.