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Welcome Providers!

LTCR IDD/PI Quarterly Webinar

January 31, 2024

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Agenda

1. HHSC General Alerts
2. Provider Investigations Updates & Alerts
3. House Bill 4696
4. House Bill 1009
5. ICF Updates & Alerts
6. Individualized Skills and Socialization Updates & Alerts



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General Alerts

HHSC Alerts

New HCS Certification Standards Modules Available for Providers

HHSC Long-Term Care Regulation has posted eight recorded modules online, covering the new HCS Certification Standards for HCS Providers. These new standards became effective June 21, 2023.

All current and potential HCS Providers are encouraged to view each of the modules. Each module is approximately one hour in length.

Topics include the rights of individuals served, reporting abuse, neglect and exploitation, as well as addressing behaviors and using protective devices and restraints. Additional topics include nursing, dental services, transition assistance services and many others. Certificates of Attendance will not be offered for viewing these pre-recorded webinars.

All modules can be [found here](#).



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HHSC Alerts

New EVV TAC Rules

The Texas Health and Human Services Commission (HHSC) has revised the Electronic Visit Verification (EVV) rules in [Texas Administrative Code \(TAC\), Title 1, Chapter 354, Subchapter O](#). The new TAC rules are effective Jan. 1, 2024.

The EVV TAC rules §354.4001, §354.4003 have been amended, and §354.4005, §354.4007, §354.4009, §354.4011 have been repealed.

New TAC rules §354.4005, §354.4006, §354.4007, §354.4009, §354.4011, §354.4013, §354.4015, §354.4017, §354.4019, §354.4021, §354.4023, and §354.4025 have been adopted.



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HHSC Alerts

New EVV TAC Rules (Continued)

The new EVV TAC rules:

- Add the home health care services required by the 21st Century Cures Act, 1903(l) of the Social Security Act (42 U.S.C. §1396b(l)).
- Add the current policies regarding training, visit maintenance, and requests by program providers and FMSAs to become Proprietary System Operators (PSOs).
- Add definitions related to the addition of the new TAC rules.
- Reorganize the structure of the existing EVV required personal care services list for clarity.
- Email [HHSC EVV](#) with any questions.



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HHSC Alerts

Nov. 15 TMHP Town Hall for HCS/TxHmL Providers and FMSAs Webinar Recording Now Available

A webinar recording of the Nov. 15 TMHP Town Hall for HCS/TxHmL Providers and FMSAs is available for those who could not attend. The webinar recording and slides have been posted to the [HCS and TxHmL Webinars & FAQs](#) web page.

Email [TxHmL Policy](#) with any questions.



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HHSC Alerts

Reminder: EVV Claims Matching Resumes Jan. 1

This is a reminder that Electronic Visit Verification (EVV) claims matching for all services required to use EVV will begin on Jan. 1, 2024. EVV claims with dates of service Jan. 1, 2024, and after that do not have an EVV visit match, will be denied payment.

Email [TMHP](#) for assistance with EVV claims mismatch results.

Email [EVV Operations](#) with any other questions.



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HHSC Alerts

HHSC Publishes Revision 24.1 of the HCS and TxHmL Program Billing Requirements

Revision 24.1 is effective **Jan. 1, 2024**. The Billing Requirements are located on the [Long-term Care Providers webpage](#) and [Handbooks webpage](#) and are outlined below:

- [Home and Community-based Services Program Billing Requirements \(PDF\)](#)
- [Texas Home Living Program Billing Requirements \(PDF\)](#)

Email [TxHmL Policy](#) with any questions.



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Reminder about EVV Home Phone Landline Requirements

EVV Program providers and financial management services agencies (FMSAs) must enter and maintain correct information in the EVV system for their service providers or Consumer Directed Services (CDS) employees.

Program providers and FMSAs must not enter an unallowable landline phone type into the EVV system as the member's home phone landline. An unallowable landline phone type is a cellular phone or cellular enabled device, such as a tablet or a smart watch. A phone used to clock in or clock out through the landline method must be a landline phone, and **not** a cellular phone or device.

If the service provider or CDS employee wants to use a cell phone or tablet, they must use the mobile method (not the home phone landline method).

Note: Program providers, FMSAs and CDS employers must use the EVV Landline Phone Verification Report in the EVV system to identify an unallowable landline phone type as "mobile." If the program provider, FMSA, CDS employer or payer identify an unallowable phone type action must be taken to remove the unallowable phone type.

For more information, refer to [EVV Policy 7030](#) found in the [EVV Policy Handbook](#) on the [EVV webpage](#).

Contact [EVV Operations](#) for questions.



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DSHS Flu Surveillance Activity Report Update 1.5.24

- The information on the DSHS Flu Surveillance Activity Report page has recently been [updated](#) and is now available.



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2024 LTCR Provider Webinar Training Opportunities

- Long-Term Care Regulation staff and program providers are invited to attend the following webinar trainings hosted in February and March. If you register and can't attend, please cancel your registration as soon as possible.
- **Writing Plans of Correction for Individualized Skills and Socialization Providers**
Tuesday, Feb. 6
10:30 a.m.–12:30 p.m.
[Register here for webinar.](#)
- **Death Notifications and Provider Investigation Reports for HCS/TxHmL**
Friday, Feb. 23
10–11 a.m.
[Register here for webinar.](#)



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2024 LTCR Provider Webinar Training Opportunities

- **Reporting Abuse, Neglect, and Exploitation Changes and Self-Reporting Incidents for Intermediate Care Facilities**
Tuesday, Feb. 27
10–11:30 a.m.
[Register here for webinar.](#)
- **Understanding Reportable Incidents for Individualized Skills and Socialization Providers**
Thursday, Feb. 29
3–4 p.m.
[Register here for webinar.](#)
- **Follow the links below for more training opportunities:**
 - [Joint Training](#)
 - [HCSSA Training](#)
 - [OASIS Training](#)
 - [HCS & TxHmL Training](#)
 - [Individualized Skills and Socialization](#)



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Provider Investigations Updates And Alerts

House Bill 4696

- In response to House Bill (HB) 4696 (88th Regular Session, 2023), Provider Investigations' jurisdiction expanded to include providers of residential child-care facilities and directs reporting of ANE from DFPS SWI to HHSC CII for HCS, TxHmL, ICF, and HCSSA providers.



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H.B. 4696 – CCR Changes

- In response to HB 4696, the definition of facilities expanded and investigative authority for residential child-care facilities caring for adults with disabilities transferred from DFPS to Provider Investigations.
- As of December 1, 2023, PI investigates ANE of an adult with a disability in a general residential operation (GRO) or child placing agency (CPA) when the alleged perpetrator is employed by the GRO or CPA.
- Please take note that PI's jurisdiction does not include children in these settings.



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Definition of CPA and GRO

Child-Placing Agency (CPA): An agency, organization, or person (other than a child's parent) that places or plans for the placement of the child in a foster or adoptive home or other residential care setting. This excludes consummated Adoptive Homes.

- CPA adoptive home: A home approved by a child-placing agency for the purpose of adoption.
- CPA foster family home: A home regulated by a child-placing agency that is the primary residence of the foster parents; and is verified to provide care for six or fewer children up to age 18.
- CPA foster group home: A home regulated by a child-placing agency that is verified to care for seven to 12 children up to age 18.

General Residential Operation (GRO): An operation that provides childcare for seven or more children up to age 18. The care may include treatment and other programmatic services. Residential treatment centers and emergency shelters are types of GROs.



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House Bill 4696

88th Regular Session



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H.B. 4696 (88th R. S.) Overview

- Effective September 1, 2023
- Transferred reporting of abuse, neglect, and exploitation for the following from DFPS to HHSC:
 - Home and Community-based Services;
 - Intermediate Care Facilities, including SSLCs; and
 - Texas Home Living services.

LTCR Transition Dates

- ICF will transfer from PI to survey operations on **March 1, 2024.**
- HCS and TxHmL will transfer from PI to survey operations on **October 1, 2024.**
- LTCR will revise rules related to reporting ANE for ICF, HCS, and TxHmL providers. Rules will follow the established rule process with informal and formal comment periods.



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H.B. 4696 Overview

A single team conducts both regulatory ANE complaint/incident investigations and surveys.

- creates a single point of reporting ANE, complaints, and incidents for LTCR regulated facilities and providers;
- reduces confusion for the public and LTCR regulated providers;
- creates a single investigation type for LTCR regulated entities; and
- increases protection for vulnerable individuals with intellectual and developmental disabilities.



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H.B. 4696 Process Overview

CII assigns the intake to the appropriate region and designates the priority based on the severity of the incident.

HHSC will:

- conduct an entrance conference,
- collect evidence related to the allegation to reach a finding, and
- conduct an exit conference.



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H.B. 4696 Process Overview

Entrance Conference

The surveyor uses the entrance conference to notify the administrator of the investigation and allegation.

Evidence Collection

HHSC conducts interviews, gathers records, and conducts observations to reach a preponderance of the evidence as to whether the alleged abuse, neglect, or exploitation occurred.

Exit Conference

HHSC uses the exit conference to discuss the preliminary findings with the administrator.

Findings

HHSC substantiates or unsubstantiates findings of abuse, neglect, and exploitation involving the alleged perpetrator. They may also cite provider non-compliance regarding federal or state regulations during an investigation of ANE.

LTCR refers eligible individuals with substantiated ANE to HHSC Enforcement for the Employee Misconduct Registry process. LTCR refers licensed professionals with substantiated ANE to the appropriate licensing entities.



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H.B. 4696 Reporting ANE

On **March 1, 2024**, HHSC Complaint and Incident Intake (CII) will receive reports of ANE for ICFs.

Facilities can report ANE to CII:

- online through the Texas Unified Licensure Information Portal (TULIP) system at <https://txhhs.force.com/TULIP/>;
- by calling 1-800-458-9858 (live agents are available Monday - Friday, 7 am-7 pm); or
- by emailing ciicomplaints@hhs.texas.gov.

TULIP is the preferred method.



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ICF Reporting Incidents

- ICFs must report any incident to HHSC CII in accordance with rule [26 TAC § 551.213](#).
- [PL 2018-20](#) *Incident Reporting Requirements*
- [PL 2023-13](#) *Changes to Initial Self-Reporting Methods and Provider Investigation Report Form 3613/3613-A*



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H.B. 4696 Next Steps

Upcoming LTCR Joint Training

Reporting Abuse, Neglect, and Exploitation Changes and Self-Reporting Incidents for Intermediate Care Facilities

Tuesday, Feb. 27

10–11:30 a.m.

[Register here for webinar.](#)

Upcoming LTCR ICF Provider Webinar

February

ICF Rules

Formal Comment Period – early summer 2024.



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ICF Rule Project

- Draft rules circulated for informal comment 12/4/23 to 12/19/23
- Rules implement H.B. 4696 and House Bill 1009 (88th Regular Session)
- Anticipate formal comment period early summer of 2024.



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H.B. 1009 (88th R.S.)

Amended [Government Code 531](#)

Government Code 531.02485 requires a Medicaid provider that employs or contracts with a residential caregiver to provide community-based residential care services to Medicaid recipients shall review state and federal criminal history record information and obtain electronic updates from the Department of Public Safety of arrests and convictions for each residential caregiver the provider employs or contracts with to provide community-based residential care services to Medicaid recipients.



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H.B. 1009 (88th R.S.)

Government Code 531.02486 requires a provider to:

- suspend the employment or contract of a person who the commission finds has engaged in reportable conduct while the person exhausts all applicable appeals processes.

The provider may not reinstate the individual's employment or contract during the course of any appeals process.



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H.B. 1009 (88th R.S.)

Government Code 531.02485 defines residential caregiver as an individual who provides, through a group home or other residential facility licensed by the commission, community-based residential care services:

- to not more than four individuals with an intellectual or developmental disability at any time; and
- at a residence other than the home of the individual providing the services.



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ICF Updates and Alerts

ICF Alerts

Legislatively Mandated Consent Option for Individuals Residing in Community Based ICFs/IID

The legislatively mandated Surrogate Decision-making Program (SDMP) authorizes Surrogate Consent Committees (SCCs), comprised of trained volunteers, to provide written informed consent for individuals residing in community based ICFs/IID who have been assessed to lack the capacity to make certain treatment decisions for themselves and have no legal guardian or actively involved family members serving as Surrogate Decision Makers (SDMs) or the treatment decisions are beyond the scope of the SDMs.

The SDMP facilitates compliance with Code of Federal Regulations (CFR) Title 42 and state ICF/IID rules regarding protection of individuals rights.

For the list of treatment decisions that a SCC can make see the [HHS SDMP webpage](#).

Watch for upcoming training event announcements.

For questions about SCCs, or if you want to volunteer to serve on a SCC, [email SDMP Manager Randy Rowley](#) or call 512-438-4306.



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Individualized Skills and Socialization Updates and Alerts

Individualized Skills and Socialization Alerts

New Rule Project

- HHSC plans to revise rules based on feedback
- HHSC will send a notification e-mail using gov.delivery when the public comment period begins



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LTCR Provider Training

Resources

- [Joint Training](#)
- [HCS & TxHmL Training](#)
- [Individualized Skills & Socialization \(ISS\) Training](#)



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Questions?

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Phone: 512-438-3161

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- Select your topics.
- When done click "Submit."



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LTCR IDD/PI Quarterly Webinar

Webinar Schedule

Next Webinar: April 2024

Please feel free to contact us with any questions, comments, or concerns.

Email: LTCRPolicy@hhs.texas.gov

Phone: 512-438-3161

Also, as a reminder, the PowerPoint slides will be available on the provider portals shortly after the webinar is completed, typically within 48-72 hours.



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Upcoming Webinars



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Send your ideas for our upcoming quarterly webinars.

LTCRPolicy@hhs.Texas.gov

Subject: LTCR IDD Quarterly Webinar
Idea





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Thank you!

Email: LTCRPolicy@hhs.texas.gov

Phone: 512-438-3161