



COMMISSIONER
Chris Traylor

April 4, 2011

To: Nursing Facility Providers

Subject: Information Letter No. 11-35
Responsibility to Report Increases in Monthly Resident Income or Resources

This letter is to remind Nursing Facility Providers of the necessity to notify the Texas Health and Human Services Commission (HHSC) of any change in a Medicaid resident's monthly income or resources within 10 calendar days. This requirement took effect December 1, 2009. Nursing Facility Providers were first reminded of this requirement on May 18, 2010, in DADS Information Letter 10-64.

Providers are referred to Chapter H of the HHSC Medicaid Eligibility for the Elderly and People with Disabilities (MEPD) Handbook located at: <http://www.dads.state.tx.us/handbooks/mepd/H/H-8000.htm#secH-8000>.

In accordance with 40 TAC §19.404(b)(2), Medicaid-certified facilities, upon written authorization of a resident, must hold, safeguard, manage, and account for the personal funds of the resident deposited with the facility, as described in §19.405 of this title (relating to Additional Requirements for Trust Funds in Medicaid-Certified Facilities). The facility will act as a fiduciary agent if the facility holds, safeguards, and accounts for the resident's personal funds.

As the fiduciary agent, the nursing facility must notify HHSC within 10 calendar days of changes in income, resources and other circumstances that affect the amount of benefits received as required by Chapter H of the HHSC (MEPD) Handbook. Failure to notify HHSC MEPD within 10 calendar days of changes in monthly income, resources, and other circumstances of the resident that affect the amount of benefits received results in the willful withholding of information for the purpose of obtaining public assistance which constitutes fraud.

The Office of Inspector General (OIG) investigates waste, abuse and fraud in all health and human services programs in Texas.

For questions about this Information Letter, contact the Medicaid for the Elderly and People with Disabilities (MEPD) Eligibility staff assigned to your facility.

Sincerely,

[signature on file]

Gordon Taylor
DADS Chief Financial Officer

GT: nmp