



COMMISSIONER
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October 7, 2015

To: Home and Community-based Services Providers
Local Intellectual and Developmental Disability Authorities

Subject: Information Letter No. 15-68
Transition Assistance Services, Pre-enrollment Minor Home Modifications and
Pre-enrollment Minor Home Modifications Assessments in the Home and
Community-based Services Program

Effective November 15, 2015, Texas Department of Aging and Disability Services (DADS) rules amendments go into effect for HCS providers and LIDDAs that address the provision of transition assistance services (TAS), pre-enrollment minor home modifications, and pre-enrollment minor home modifications assessments and are set forth below. Also illustrated below are other operational requirements for service coordinators and program providers regarding TAS, pre-enrollment minor home modifications, and pre-enrollment minor home modifications assessments. These rules are defined in Texas Administrative Code, Title 40, Part 1, Chapter 9, Subchapter D (relating to the HCS Program).

Rule Amendments

§9.153 (Definitions)

(55) Pre-enrollment minor home modifications--Minor home modifications, as described in the *HCS Program Billing Guidelines*, completed before an applicant is discharged from a nursing facility, an ICF/IID, or a GRO and before the effective date of the applicant's enrollment in the HCS Program.

(56) Pre-enrollment minor home modifications assessment--An assessment performed by a licensed professional as required by the *HCS Program Billing Guidelines* to determine the need for pre-enrollment minor home modifications.

(80) TAS--Transition assistance services. Services provided to assist an applicant in setting up a household in the community before being discharged from a nursing facility, an ICF/IID, or a GRO and before enrolling in the HCS Program. TAS consists of:

(A) for an applicant whose proposed initial IPC does not include residential support, supervised living, or host home/companion care:

(i) paying security deposits required to lease a home, including an apartment, or to establish utility services for a home;

(ii) purchasing essential furnishings for a home, including a table, a bed, chairs, window blinds, eating utensils, and food preparation items;

(iii) paying for expenses required to move personal items, including furniture and clothing, into a home;

(iv) paying for services to ensure the health and safety of the applicant in a home, including pest eradication, allergen control, or a one-time cleaning before occupancy; and
(v) purchasing essential supplies for a home, including toilet paper, towels, and bed linens; and

(B) for an applicant whose initial proposed IPC includes residential support, supervised living, or host home/companion care:

- (i) purchasing bedroom furniture;
- (ii) purchasing personal linens for the bedroom and bathroom; and
- (iii) paying for allergen control.

§9.158 (k)(5)-(8) (Process for Enrollment of Applicants)

(k) The service coordinator must:

(5) determine whether the applicant meets the following criteria:

- (A) is being discharged from a nursing facility, an ICF/IID, or a GRO; and
- (B) anticipates needing TAS;

(6) if the service coordinator determines that the applicant meets the criteria described in paragraph (5) of this subsection:

(A) complete, with the applicant or LAR and the selected program provider, DADS form “Transition Assistance Services (TAS) Assessment and Authorization”¹ found at www.dads.state.tx.us in accordance with the form's instructions, which includes:

- (i) identifying the TAS the applicant needs; and
 - (ii) estimating the monetary amount for each TAS identified, which must be within the service limit described in §9.192(a)(5) of this subchapter (relating to Service Limits);
- (B) submit the completed form to DADS to determine if the TAS is authorized;
- (C) send the form authorized by DADS to the selected program provider; and
- (D) include the TAS and the monetary amount authorized by DADS on the applicant's proposed initial IPC;

(7) determine whether an applicant meets the following criteria:

- (A) is being discharged from a nursing facility, an ICF/IID, or a GRO;
- (B) has not met the maximum service limit for minor home modifications as described in §9.192(a)(3)(A) of this subchapter; and
- (C) anticipates needing pre-enrollment minor home modifications and a pre-enrollment minor home modifications assessment;

(8) if the service coordinator determines that an applicant meets the criteria described in paragraph (7) of this subsection:

(A) complete, with the applicant or LAR and selected program provider, DADS form “Pre-enrollment Minor Home Modifications Authorization Request”² found at www.dads.state.tx.us in accordance with the form's instructions, which includes:

¹ DADS form 8604

² DADS form 8611

- (i) identifying the pre-enrollment minor home modifications the applicant needs;
- (ii) identifying the pre-enrollment minor home modifications assessments conducted by the program provider as required by §9.174(h)(1)(A) of this subchapter (relating to Certification Principles: Service Delivery);
- (iii) based on documentation provided by the program provider as required by the *HCS Program Billing Guidelines*, stating the cost of:
 - (I) the pre-enrollment minor home modifications identified on the form, which must be within the service limit described in §9.192(a)(3)(A) of this subchapter; and
 - (II) the pre-enrollment minor home modifications assessments conducted;
- (B) submit the completed form to DADS to determine if the pre-enrollment minor home modifications and pre-enrollment minor home modifications assessments are authorized;
- (C) send the form authorized by DADS to the selected program provider; and
- (D) include the pre-enrollment minor home modifications, pre-enrollment minor home modifications assessments, and the monetary amount for these services authorized by DADS on the applicant's proposed initial IPC;

§9.159 (c)(11)-(13) (IPC)

An IPC must be based on the PDP and specify the type and amount of each HCS Program service to be provided to an individual, as well as services and supports to be provided by other sources during the IPC year. The type and amount of each HCS Program service in the IPC:

- (11) if TAS, must be:
 - (A) supported by a Home and Community-based Services Transition Assistance Services (TAS) Assessment and Authorization form authorized by DADS; and
 - (B) within the service limit described in §9.192(a)(5)(A) or (B) of this subchapter;
- (12) if pre-enrollment minor home modifications, must be:
 - (A) supported by a written assessment from a licensed professional if required by the *HCS Program Billing Guidelines*;
 - (B) supported by a Pre-enrollment Minor Home Modifications Authorization Request form authorized by DADS; and
 - (C) within the service limit described in §9.192(a)(3)(A) of this subchapter; and
- (13) if a pre-enrollment minor home modifications assessment, must be supported by a Pre-enrollment Minor Home Modifications Authorization Request form authorized by DADS.

§9.170 (1)(D)-(F) and (4)(A), (B), (N), and (O) (Reimbursement)

- (1) A program provider is paid for services as described in this paragraph.
 - (D) DADS pays for TAS based on a Home and Community-based Services Transition Assistance Services (TAS) Assessment and Authorization form authorized by DADS and the actual cost of the TAS as evidenced by purchase receipts required by the *HCS Program Billing Guidelines*.

(E) DADS pays for pre-enrollment minor home modifications and a pre-enrollment minor home modifications assessment based on a Pre-enrollment Minor Home Modifications Authorization Request form authorized by DADS and the actual cost of the pre-enrollment minor home modifications and a pre-enrollment minor home modifications assessment as evidenced by documentation required by the *HCS Program Billing Guidelines*.

(F) Subject to the requirements in the *HCS Program Billing Guidelines*, DADS pays for TAS, pre-enrollment minor home modifications, and a pre-enrollment minor home modifications assessment regardless of whether the applicant enrolls with the program provider.

(4) DADS does not pay the program provider for a service or recoups any payments made to the program provider for a service if:

(A) except for an individual receiving TAS, pre-enrollment minor home modifications, or a pre-enrollment minor home modifications assessment, the individual receiving the service is, at the time the service was provided, ineligible for the HCS Program or Medicaid benefits, or was an inpatient of a hospital, nursing facility, or ICF/IID;

(B) except for TAS, pre-enrollment minor home modifications, and a pre-enrollment minor home modifications assessment:

(i) the service is provided to an individual during a period of time for which there is not a signed, dated, and authorized IPC for the individual;

(ii) the service is provided during a period of time for which there is not a signed and dated ID/RC Assessment for the individual;

(iii) the service is provided during a period of time for which the individual did not have an LOC determination;

(iv) the service is not provided in accordance with a signed, dated, and authorized IPC meeting the requirements set forth in §9.159(c) of this subchapter (relating to IPC);

(v) the service is not provided in accordance with the individual's PDP or implementation plan;

(vi) the service is provided before the individual's enrollment date into the HCS Program; or

(vii) the service is not included on the signed, dated, and authorized IPC of the individual in effect at the time the service was provided, except as permitted by §9.166(d) of this subchapter (relating to Renewal and Revision of an IPC);

(N) for TAS, the service is not provided in accordance with a Home and Community-based Services Transition Assistance Services (TAS) Assessment and Authorization form authorized by DADS; or

(O) for pre-enrollment minor home modifications and a pre-enrollment minor home modifications assessment, the service is not provided in accordance with a Pre-enrollment Minor Home Modifications Authorization Request form authorized by DADS.

§9.174 (g) and (h) (Certification Principles: Service Delivery)

(g) The program provider must provide TAS in accordance with this subsection.

(1) The program provider must:

(A) provide TAS to an applicant for whom the program provider receives from the service coordinator a completed Home and Community-based Services Transition Assistance Services (TAS) Assessment and Authorization form authorized by DADS, as described in §9.158(1)(6)(C) of this subchapter (relating to Process for Enrollment of Applicants);

(B) purchase TAS for the applicant within the monetary amount identified on the form;

(C) deliver to the applicant the specific TAS identified on the form;

(D) ensure TAS is provided in accordance with the individual's PDP and with Appendix C of the HCS Program waiver application approved by CMS and found at www.dads.state.tx.us; and

(E) complete the delivery of TAS at least two days before the date of the applicant's discharge from the nursing facility, ICF/IID, or GRO unless the delay in completion is beyond the control of the program provider.

(2) If the program provider does not deliver TAS in accordance with paragraph (1) of this subsection, the program provider must:

(A) document the following:

(i) a description of the pending TAS;

(ii) the reason for the delay;

(iii) the date the program provider anticipates it will deliver the pending TAS or specific reasons why the program provider cannot anticipate a delivery date; and

(iv) a description of the program provider's ongoing efforts to deliver the TAS;

and

(B) at least two days before the date of the applicant's discharge from the nursing facility, ICF/IID, or GRO, provide the information described in subparagraph (A) of this paragraph to:

(i) the applicant or LAR; and

(ii) the service coordinator.

(3) Within one business day after the TAS has been delivered, the program provider must notify the service coordinator and the applicant or LAR that the TAS has been delivered.

(h) The program provider must provide pre-enrollment minor home modifications and a pre-enrollment minor home modifications assessment in accordance with this subsection.

(1) The program provider must:

(A) complete a pre-enrollment minor home modifications assessment in accordance with the *HCS Program Billing Guidelines*;

(B) provide pre-enrollment minor home modifications to an applicant for whom the program provider receives from the service coordinator a completed Pre-enrollment Minor Home Modifications Authorization Request form authorized by DADS, as described in §9.158(1)(8)(C) of this subchapter;

(C) provide to the applicant the specific pre-enrollment minor home modifications identified on the form;

(D) provide the pre-enrollment minor home modifications for the applicant within the monetary amount identified on the form;

(E) ensure pre-enrollment minor home modifications and pre-enrollment minor home modifications assessments are provided in accordance with Appendix C of the HCS Program waiver application approved by CMS and found at www.dads.state.tx.us; and

(F) complete the pre-enrollment minor home modifications at least two days before the date of the applicant's discharge from the nursing facility, ICF/IID, or GRO unless the delay in completion is beyond the control of the program provider.

(2) If the program provider does not complete pre-enrollment minor home modifications in accordance with paragraph (1) of this subsection, the program provider must:

(A) document the following:

(i) a description of the pending modifications;

(ii) the reason for the delay;

(iii) the date the program provider anticipates it will complete the pending modifications or specific reasons why the program provider cannot anticipate a completion date; and

(iv) a description of the program provider's ongoing efforts to complete the modifications; and

(B) at least two days before the date of the applicant's discharge from the nursing facility, ICF/IID, or GRO, provide the information described in subparagraph (A) of this paragraph to:

(i) the applicant or LAR; and

(ii) the service coordinator.

(3) Within one business day after completion of the pre-enrollment minor home modifications, the program provider must notify the service coordinator and the applicant or LAR that the modifications have been completed.

§9.177 (b)(4) and (t) (Certification Principles: Staff Member and Service Provider Requirements)

(b) The program provider must employ or contract with a person or entity of the individual's or LAR's choice in accordance with this subsection.

(4) If a program provider contracts with a person or entity to provide TAS, the person or entity must have a contract to provide TAS in accordance with Chapter 49 of this title (relating to Contracting for Community Services).

(t) A program provider must ensure that a service provider of TAS:

(1) is at least 18 years of age;

(2) has a high school diploma or a certificate recognized by a state as the equivalent of a high school diploma;

(3) is not a relative of the applicant;

(4) is not the LAR of the applicant;

(5) does not live with the applicant; and

(6) is capable of providing TAS and complying with the documentation requirements described in §9.174(g)(2)(A) of this subchapter (relating to Certification Principles: Service Delivery).

§9.192(a)(3) and (5) and (b) (Service Limits)

(a) The following limits apply to an individual's HCS Program services:

(3) for minor home modifications and pre-enrollment minor home modifications combined:

(A) \$7,500 during the time the individual is enrolled in the HCS Program, which may be paid in one or more IPC years; and

(B) after reaching the \$7,500 limit described in subparagraph (A) of this paragraph, a maximum of \$300 for repair and maintenance during the IPC year;

(5) for TAS:

(A) \$2,500 if the applicant's proposed initial IPC does not include residential support, supervised living, or host home/companion care; or

(B) \$1,000 if the applicant's proposed initial IPC includes residential support, supervised living, or host home/companion care.

(b) An individual may receive TAS only once in the individual's lifetime.

Additional Operational Requirements for Service Coordinators and Program Providers

- If a service coordinator determines an applicant meets the criteria described in 40 TAC §9.158(k)(5)(A) (i.e., is being discharged from a nursing facility, an Intermediate Care Facility for individuals with an intellectual disability or related conditions (ICF/IID), or a General Residential Operation (GRO), then in the Client Assignment and REgistration system (CARE) screen L01 the service coordinator must enter "Y" (for yes) for the question "Meets TAS criteria?"
- For a service coordinator to determine whether an applicant has met the maximum lifetime service limit for minor home modifications in the HCS Program, as required by 40 TAC §9.158(k)(7)(B), the service coordinator must review CARE screen 397 to determine if the applicant was previously enrolled in the HCS Program and, if so, review CARE screen C72 to determine whether the applicant has met the maximum lifetime service limit.
- For a program provider to be paid by DADS for TAS, pre-enrollment minor home modifications, or a pre-enrollment minor home modifications assessment authorized by DADS and installed for or provided to an applicant who does not enroll with the program provider, the program provider must submit a completed DADS Form 8612, HCS Program TAS/MHM Payment Exception Request; to DADS no sooner than 30 calendar days after the proposed enrollment date of the applicant. DADS Form 8612 is a new form that will be available at www.dads.state.tx.us/forms on November 15, 2015.

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DADS will conduct a webinar regarding TAS, pre-enrollment minor home modifications, pre-enrollment minor home modification assessments on October 19th from 3-4 p.m. CST. Stakeholders can register for the webinar at the link below.

<https://attendeegotowebinar.com/register/1112466442592530946>

Sincerely,

[signature on file]

S. Michelle Martin
Interim Director
Center for Policy and Innovation

[signature on file]

Elisa J. Garza
Assistant Commissioner
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