



Division of Medicaid & Children's Health, Region VI

June 23, 2010

Our Reference: SPA TX 10-016

Mr. Billy Millwee
Associate Commissioner for Medicaid & CHIP
Health and Human Services Commission
Post Office Box 13247
Mail Code: H100
Austin, Texas 78711

Dear Mr. Millwee:

This letter is being sent as a companion to our approval to Texas State Plan Amendment (SPA) 10-016. During our review of that SPA, the Centers for Medicare & Medicaid Services (CMS) performed an analysis of the coverage for Targeted Case Management (TCM) services for Infants and Toddlers with Developmental Delays, also known as, Early Childhood Intervention TCM. Based on that review, it was determined that certain areas in the coverage section were not consistent with current guidance and regulations at 42 Code of Federal Regulation 440.169 and 441.18.

In order to ensure compliance with current regulations and policy related to the above provisions, the State is responsible for the following:

On Supplement 1 to Attachment 3.1-A, Page 1F.2, please clarify the following in the SPA's language:

1. Monitoring will occur at least annually.
2. Providers are required to maintain case records that include the name of the participant; dates of services; provider name; units of services; goals of the care plan; whether individuals have chosen not to receive case management services; coordination with other case managers; and a timeline for obtaining services and a reassessment.

In addition please add the following assurances:

3. Targeted case management services will not be used to restrict an individual's access to other services under the plan.
4. Individuals will not be compelled to receive case management services, condition receipt of targeted case management services on the receipt of other Medicaid services, or condition receipt of other Medicaid services on receipt of targeted case management services; and

5. Providers of case management services do not exercise the agency's authority to authorize or deny the provision of other services under the plan.

The State has 90 days from the date of this letter to address the issues described above. Within that period the State may submit SPAs to address the inconsistencies or submit a corrective action plan describing in detail how the State will resolve the issues identified above in a timely manner. Failure to respond will result in the initiation of a formal compliance process. During the 90 days, CMS will provide any required technical assistance.

If you have any questions about this request, please contact Ford Blunt of my staff at either 214-767-6381 or by E-mail at ford.blunt@cms.hhs.gov.

Sincerely,

Bill Brooks
Associate Regional Administrator

Cc: Emily Zalkovsky