

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
1301 Young Street, Room 833
Dallas, Texas 75202



Division of Medicaid & Children's Health, Region VI

March 22, 2011

Our Reference: SPA TX 10-70

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:

We have reviewed the State's proposed amendment to the Texas State Plan submitted under Transmittal Number 10-70, dated December 29, 2010. This state plan amendment raises the age of eligibility and updates coverage for targeted case management for blind or visually impaired children.

Additionally, please note that when the State submits a State Plan Amendment (SPA) that may impact Indians or Indian health providers, CMS will look for evidence of the State's Tribal consultation process for that SPA. Pursuant to the new section 1902(a) (73) of the Act added by section 5006(e) of the American Recovery and Reinvestment Act (ARRA) of 2009, the State must submit evidence to CMS regarding the solicitation of advice prior to submission of the State Plan Amendment. Such consultation must include all federally-recognized tribes, Indian Health Service and Urban Indian Organizations within the State.

Based on the information submitted, we have approved the amendment for incorporation into the official Texas State Plan with an effective date change of January 1, 2011. A copy of the CMS-179 and the approved plan pages are enclosed with this letter. If you have any questions, please contact Cheryl Rupley at (214) 767-6278.

Sincerely,

/s/

Bill Brooks
Associate Regional Administrator

Enclosures

cc: Emily Zalkovsky, Policy Development Support

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: CENTERS FOR MEDICARE AND MEDICAID SERVICES		1. TRANSMITTAL NUMBER: <div style="text-align: center;">10-070</div>	2. STATE: <div style="text-align: center;">TEXAS</div>
		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE AND MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES		4. PROPOSED EFFECTIVE DATE: <div style="text-align: center;">January 1, 2011</div>	
5. TYPE OF PLAN MATERIAL (<i>Circle One</i>): <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT </div>			
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (<i>Separate Transmittal for each amendment</i>)			
6. FEDERAL STATUTE/REGULATION CITATION: 42 USC 1396n(g)		7. FEDERAL BUDGET IMPACT: SEE ATTACHMENT a. FFY 2011 \$18,750 b. FFY 2012 \$25,000 c. FFY 2013 \$25,000	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: SEE ATTACHMENT TO BLOCKS 8 & 9		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (<i>If Applicable</i>): SEE ATTACHMENT TO BLOCKS 8 & 9	
10. SUBJECT OF AMENDMENT: The proposed amendment raises the age of eligibility and updates the coverage pages for targeted case management for blind and visually impaired children by using the Centers for Medicare and Medicaid Services' (CMS) recommended template.			
11. GOVERNOR'S REVIEW (<i>Check One</i>): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL </div> <div> <input checked="" type="checkbox"/> OTHER, AS SPECIFIED: Sent to Governor's Office this date. Comments, if any, will be forwarded upon receipt. </div> </div>			
12. SIGNATURE OF STATE AGENCY OFFICIAL: <div style="border: 1px solid black; height: 40px; width: 100%;"></div>		16. RETURN TO: Billy R. Millwee State Medicaid Director Post Office Box 13247, MC: H-100 Austin, Texas 78711	
13. TYPED NAME: Billy R. Millwee			
14. TITLE: State Medicaid Director			
15. DATE SUBMITTED: December 29, 2010			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED: 29 December, 2010		18. DATE APPROVED: 22 March 2011	
PLAN APPROVED - ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL: <div style="text-align: center;">1 January, 2011</div>		20. SIGNATURE OF REGIONAL OFFICIAL: <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	
21. TYPED NAME: <div style="text-align: center;">Bill Brooks</div>		22. TITLE: Associate Regional Administrator Division of Medicaid & Children's Health	
23. REMARKS: <div style="height: 80px;"></div>			

STATE <u>Texas</u>	A
DATE REC'D <u>12-29-10</u>	
DATE APPV'D <u>3-22-11</u>	
DATE EFF <u>1-1-11</u>	
HCFA 179 <u>10-70</u>	

State of Texas
Supplement 1 to Attachment 3.1-A
Page 1 C.3

Case Management Services - Blind and Visually Impaired Children (continued)
Case Records (continued)

- (4) The nature, content, time and duration of case management services received, including:
- (A) Whether outcomes or goals specified in the care plan have been achieved;
 - (B) Whether the child or the child's family has declined services in the care plan;
 - (C) The need for, and occurrence(s) of, coordination with other case managers;
 - (D) The timeline for obtaining needed services; and,
 - (E) A timeline for reevaluation of the plan.

9. Payment:

- (a) Payment for case management services under the plan does not duplicate payments made to public agencies or private entities under other program authorities for this same purpose.
- (b) Case management providers are paid based on the reimbursement methodology described in Attachment 4.19-B, item 33.

10. Limitations:

- (a) Case Management does not include:
 - (1) Case management activities that are an integral component of another covered Medicaid service;
 - (2) The direct delivery of an underlying medical, educational, social, developmental or other service to which an eligible child has been referred; or
 - (3) Activities integral to the administration of foster care programs.
- (b) FFP only is available for case management services or targeted case management services if there are no other third parties liable to pay for such services, including as reimbursement under a medical, social, educational, or other program, except for case management that is included in an individualized education program or individualized family service plan consistent with 1903(c) of the Act. (§§1902(a)(25) and 1905(c)).

SUPERSEDES: TN- 90-28

TN 10-70

Approval Date 3-22-11

Effective Date 1-1-11

Supersedes TN 90-28

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Case Management Services - Blind and Visually Impaired Children (continued)

6. Freedom of Choice:

- (a) Section 1915(g)(1) of the Social Security Act is invoked to limit the providers of case management services to the State Authority on Blindness and Visual Impairment, which is the Texas Department of Assistive and Rehabilitative Services (DARS).
- (b) The DARS has implemented rules, standards, and procedures to ensure that case management activities are:
 - (1) Available on a statewide basis with procedures to ensure continuity of services without duplication; and
 - (2) Provided by individuals who meet the requirements of education and work experience commensurate with their job responsibilities as specified by DARS.
- (c) Eligible recipients will have free choice of the providers of other medical care under the plan.

7. Access to Services:

- (a) The State assures that case management services will not be used to restrict an individual's access to other services under the plan.
- (b) The State assures that individuals will not be compelled to receive case management services, condition receipt of case management services on the receipt of other Medicaid services, or condition receipt of other Medicaid services on receipt of case management services.
- (c) The State assures that providers of case management services do not exercise the agency's authority to authorize or deny the provision of other services under the plan.

8. Case Records:

- (a) Providers maintain case records that document for all children receiving case management the following:
 - (1) The name of the child;
 - (2) Dates of the case management services;
 - (3) The name of the provider agency (if relevant) and the person providing the case management service; and

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DATE APP'D. <u>3-22-11</u>	
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HCFA 179 <u>10-70</u>	

Case Management Services - Blind and Visually Impaired Children (continued)
Definition of Services (continued)

- (3) Referral and related individual and group activities to help an eligible child obtain needed services, including activities that help link a child and his or her family with:
 - (A) Medical, social, developmental, and educational providers; and
 - (B) Other programs and services that are capable of providing needed services, such as making referrals to providers for needed services and scheduling appointments for the child and family.
- (4) Monitoring and follow-up activities and contacts that are necessary to ensure the care plan is implemented and adequately addresses the child's needs.
 - (A) Such activities may be with the child, family members, providers, or other entities or individuals and conducted as frequently as necessary, and at least once annually, to determine whether the following conditions are being met and services are furnished in accordance with the child's care plan;
 - (i) Services in the care plan are adequate; and
 - (ii) The care plan and service arrangements are modified when the child's needs or status change, including changes to medical, social, educational, developmental or vocational status.
 - (b) Case management may include contacts with non-eligible individuals that are directly related to identifying the needs and supports for helping the eligible child access services, including contacts with family members, school staff, early childhood intervention staff, medical practitioners, and other entities which provide services and supports to persons with visual impairment.

5. Qualifications of Providers:

- (a) Master's degree from an accredited college or university with an area of specialization in child development, special education, psychology, or related field with one year of work experience with children with a disability or parents of a child with a disability; or
- (b) Bachelor's degree in a related field with a minimum of two years work experience with children with a disability or parents of a child with a disability; and
- (c) Training as required by the Texas Department of Assistive and Rehabilitative Services (DARS) to include review of Blind Children's Vocational Discovery and Development Program Manual-Case Management section and on the job training as listed in the Individual Training Plan.

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Case Management Services Blind and Visually Impaired Children

1. Target Group:
Children up to age 21 who are blind or visually impaired who meet the criteria for developmental disabilities set out in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Public Law 106-402).

2. Areas of State in which Services will be Provided:
Entire state

3. Comparability of Services:
Services are not comparable in amount, duration and scope. Under section 1915(g) of the Social Security Act, a state may provide services without regard to the comparability requirements of section 1902(a)(10)(B) of the Act.

4. Definition of Services:
 - (a) Case management services are services furnished to assist children, eligible under the State Plan, in gaining access to needed medical, social, educational, developmental, and other appropriate services. Case management includes the following assistance:
 - (1) Comprehensive needs assessment and periodic reassessment of a child's needs, as clinically necessary, to determine the need for any medical, educational, developmental, social, or other services. These assessment activities include:
 - (A) Taking applicable history of the child;
 - (B) Identifying the child's needs and completing related documentation; and,
 - (C) Gathering information from other sources, such as family members, medical providers, social workers, and educators (if necessary), to form a complete assessment of the child's needs.
 - (2) Development (and periodic revision) of a specific care plan that:
 - (A) Is based on the information collected through the needs assessment;
 - (B) Specifies the goals, outcomes, and strategies to address the medical, social, educational, developmental, and other services needed by the child;
 - (C) Includes activities such as ensuring the active participation of the eligible child and his or her family, and working with the child and the family (or child's authorized health care decision maker) and others to develop those goals and identified outcomes; and
 - (D) Identifies a strategy or course of action to respond to the assessed needs of the eligible child.

TN 10-70

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Effective Date 1-1-11

Supersedes TN 90-28