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State/Territory Name: Texas

State Plan Amendment (SPA) : 23-0016

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services
Center for Medicaid & CHIP Services
233 North Michigan Ave., Suite 600
Chicago, Illinois 60601



Financial Management Group

September 13, 2023

Director: Stephanie Stephens
State Medicaid/CHIP Director
Health and Human Services Commission
Mail Code: H100
Post Office Box 13247
Austin, Texas 78711

RE: Texas TN 23-0016

Dear Director: Emily Zalkovsky,

We have reviewed the proposed Texas State Plan Amendment (SPA) to Attachment 4.19-B, TX#23-0016, which was submitted to the Centers for Medicare & Medicaid Services (CMS) on June 21, 2023. The proposed amendment primarily updates the rate methodology and payment rate for STAR Kids Community First Choice (CFC) Habilitation and Attendant Care, under the Consumer Directed Services (CDS) option. Other non-substantive edits are provided for clarity.

Based upon the information provided by the State, we have approved the amendment with an effective date of June 1, 2023. We are enclosing the approved CMS-179 and a copy of the new state plan page.

If you have any additional questions or need further assistance, please contact Monica Neiman at: Monica.Neiman@cms.hhs.gov.

Sincerely,

A solid black rectangular box redacting the signature of Todd McMillion.

Todd McMillion
Director
Division of Reimbursement Review

Enclosures

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER

2 3 0 0 1 6

T X

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE
June 1, 2023

5. FEDERAL STATUTE/REGULATION CITATION
Social Security Act §1915(k)
42 CFR §441K

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)
a. FFY 2023 \$ 0
b. FFY 2024 \$ 0

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Supplement 4 to Attachment 4.19-B
Page 1
Page 2

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

Supplement 4 to Attachment 4.19-B
Page 1 (TN 19-0034)
Page 2 (TN 19-0034)

9. SUBJECT OF AMENDMENT

The proposed amendment primarily updates the rate methodology and payment rate for STAR Kids Community First Choice (CFC) Habilitation and Attendant Care, under the Consumer Directed Services (CDS) option. Other non-substantive edits are provided for clarity.

10. GOVERNOR'S REVIEW (Check One)

- GOVERNOR'S OFFICE REPORTED NO COMMENT
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED: Sent to Governor's Office this date. Comments, if any, will be forwarded upon receipt.

11. SIGNATURE OF STATE AGENCY OFFICIAL



15. RETURN TO

Stephanie Stephens
State Medicaid Director
Post Office Box 13247, MC: H-100
Austin, Texas 78711

12. TYPED NAME

Stephanie Stephens

13. TITLE

State Medicaid Director

14. DATE SUBMITTED

June 21, 2023

FOR CMS USE ONLY

16. DATE RECEIVED

June 21, 2023

17. DATE APPROVED

September 13, 2023

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL

June 1, 2023

19. SIGNATURE OF APPROVING OFFICIAL



20. TYPED NAME OF APPROVING OFFICIAL

Todd McMillion

21. TITLE OF APPROVING OFFICIAL

Director, Division of Reimbursement Review

22. REMARKS

Community First Choice (CFC) Reimbursement Methodology

- (a) Except as otherwise noted in the plan, State-developed fee schedule rates are the same for both government and private providers of services provided under the CFC option. The agency's fee schedule is effective for services provided on or after June 1, 2023. All rates are published at:
<https://pfd.hhs.texas.gov/> and
<http://public.tmhp.com/FeeSchedules/StaticFeeSchedule/FeeSchedules.aspx>.
- (b) State Plan CFC Services: Rates are established using pre-existing rates from other programs.
- (1) STAR+PLUS Personal Assistance Services (PAS) CFC, STAR+PLUS Habilitation CFC, and STAR Kids Habilitation and Attendant Care CFC: Rates will be equal to a weighted average of rates established for Community Living Assistance and Support Services (CLASS) waiver habilitation services according to the reimbursement methodology for the CLASS waiver program and proxy rates for attendant services used in the calculation of the STAR+PLUS managed care capitation rates for the Home and Community-based Services (HCBS) risk group. The weighted average will include applicable attendant compensation rate enhancements. The fee schedule for STAR+PLUS PAS, STAR+PLUS Habilitation, and STAR Kids Habilitation and Attendant Care was revised and posted on the agency website on September 1, 2019.
- (A) Proxy rates are equal to rates established for attendant services under the Community Based Alternatives (CBA) waiver prior to its termination, updated for changes in allowable reported expenses and units of service.
- (B) Weighting factors assume that 30 percent of personal attendant services historically provided to existing recipients in the STAR+PLUS HCBS risk group and 100 percent of personal attendant services provided to newly eligible recipients under CFC will be for habilitation.
- (C) CLASS waiver habilitation rates and proxy rates for CBA waiver attendant services are current as of September 1, 2019.
- (2) CLASS Habilitation CFC: Rates will be equal to rates established for CLASS waiver habilitation services, including applicable attendant compensation rate enhancements, according to the reimbursement methodology for the CLASS waiver program. The fee schedule for CLASS waiver habilitation rates was revised and posted on the agency website on September 1, 2015.

Community First Choice (CFC) Reimbursement Methodology(continued)

- (3) Deaf-Blind with Multiple Disabilities (DBMD) Residential Habilitation CFC: Rates will be equal to rates established for DBMD waiver residential habilitation services, including applicable attendant compensation rate enhancements, according to the reimbursement methodology for the DBMD waiver program. The fee schedule for DBMD waiver residential habilitation rates was revised and posted on the agency website on September 1, 2019.
- (4) Home and Community-Based Services (HCS) Supported Home Living (SHL) CFC: Rates will be equal to rates established for HCS waiver SHL transportation services, including applicable attendant compensation rate enhancements, according to the reimbursement methodology for the HCS waiver program. The HCS waiver SHL transportation rate fee schedule was revised and posted on the agency website on September 1, 2015.
- (5) Texas Home Living (TxHmL) Community Support Services (CSS) CFC: Rates will be equal to rates established for TxHmL waiver CSS transportation, including applicable attendant compensation rate enhancements, according to the reimbursement methodology for the TxHmL waiver program. The TxHmL waiver CSS transportation rates fee schedule was revised and posted on the agency website on September 1, 2015.
- (6) Personal Care Services (PCS) Attendant Care CFC: Rates will be equal to rates established for Early and Periodic Screening, Diagnosis and Treatment (EPSDT) PCS attendant services according to Item 32 of Attachment 4.19-B of this State plan. The PCS attendant services fee schedule was revised and posted on the agency website on September 1, 2019.
- (7) PCS Habilitation CFC: Rates will be equal to rates established for EPSDT PCS services for recipients with a behavioral health condition according to Item 32 of Attachment 4.19-B of this State plan. The PCS behavioral services rates fee schedule was revised and posted on the agency website on September 1, 2019.
- (8) CFC Consumer Directed Services (CDS): The rates for CFC services included in the CDS option provide the funds available to the consumers participating in CDS. These rates are modeled and based on the rates paid to contracted agencies for providing services through the agency option. The fee schedules for CDS rates for all CFC services were revised and posted on the agency website on September 1, 2019. The STAR Kids CFC Habilitation and Attendant Care CDS rate, effective June 1, 2023, was revised further and will be posted on the agency website by September 1, 2023.