Subject: Fiscal Year 2018 Enrollment Limitations

Dear Provider:

This notice contains information on rate enhancement enrollment limitations for the following programs:

- Community Living Assistance and Support Services (CLASS)
- Day Activity and Health Services (DAHS)
- Deaf Blind with Multiple Disabilities (DBMD)
- Home and Community Based Services (HCS)
- Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions (ICF/IID)
- Nursing Facilities (NF)
- Primary Home Care (PHC)
- Residential Care (RC)
- Texas Home Living (TxHmL)

You are receiving this information because your contract’s enhancement level for fiscal year 2018 (effective from September 1, 2017 – August 31, 2018) will be limited to the level it achieved on its most recently audited 2015 Attendant or Staffing Compensation Report or 2015 Cost Report functioning as an Attendant or Staffing Compensation Report.

As per Title 1 of the Texas Administrative Code (TAC) §355.112(u), a provider will not be enrolled in the Attendant Compensation Rate Enhancement for fiscal year 2018 at a level higher than it achieved on its most recently audited report functioning as its fiscal year 2015 Attendant or Staffing Compensation Report unless it submits an acceptable fiscal year 2018 Request for Revision Report (RFR) as described below.

As per 1 TAC §355.308(i), a nursing facility will not be enrolled in the enhanced direct care staff rate for fiscal year 2018 at a level higher than it achieved on its most recently audited report functioning as its fiscal year 2015 Staffing Compensation Report unless it submits an acceptable fiscal year 2018 Request for Revision Report (RFR) as described below.

**ENROLLMENT LIMITATION**

Based upon your contract’s current enrollment level and the level it achieved in fiscal year 2015, it falls into one of the following three Enrollment Limitation Groups. All limited contracts are eligible to submit a 2018 RFR.

1. **Enrollment Limitation Group 1.** Your contract is currently enrolled at a level higher than the level it achieved in fiscal year 2015. For the period beginning September 1, 2017 and ending August 31, 2018, your contract’s enhancement level will be reduced to the level it achieved in fiscal year 2015.

2. **Enrollment Limitation Group 2.** Your contract is currently enrolled at the same level that it achieved in fiscal year 2015. Although you were recouped from a higher level on your 2015 report, your achieved level is the same as your current level of participation. As a
result, for the period beginning September 1, 2017 and ending August 31, 2018, your contract’s level will be held at the level it achieved in fiscal year 2015.

3. **Enrollment Limitation Group 3.** Your contract is currently enrolled at a level lower than the level it achieved in fiscal year 2015 and will be allowed to participate in the open enrollment for fiscal year 2018 but will not be allowed to request a higher enrollment level than the level it achieved in fiscal year 2015. Enrollment Contract Amendment instructions are available on the website below.

To view your enrollment limitation information for 2018, visit the website below, find the heading, “2018 Enrollment Limitations Information.” Select “View the Contracts Receiving Enrollment Limitation Notices.” The list includes the name of the program to which the enrollment limitation applies (i.e., Day Activity and Health Services (DAHS), Deaf-Blind Multiple Disabilities (DBMD), Primary Home Care (PHC), Home and Community Based Services/Texas Home Living (HCS/TxHmL), Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions (ICF/IID), Nursing Facilities, Residential Care).

**For Primary Home Care, it is important to review the Enrollment Limitation List to determine whether the limitation applies to your Priority and/or Nonpriority level.**

**For Home and Community Based Services and Texas Home Living, it is important to review the Enrollment Limitation List to determine whether the limitation applies to your Day Habilitation Services and/or Non-Day Habilitation Services level.**

**For Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions, it is important to review the Enrollment Limitation List to determine whether the limitation applies to your Day Habilitation Services and/or Residential Services level.**

A list of all contracts or component codes receiving an Enrollment Limitation notice and their applicable Enrollment Limitation Group is posted on the Health and Human Services (HHSC) Rate Analysis Department (RAD) website at:


Once you enter the website, click on the link to your program, then scroll down to the heading “Rate Enhancement – Attendant Compensation”, click on “View 2018 Rate Enhancement – Attendant Compensation information”, and then click on “Contracts Receiving 2018 Enrollment Limitations Notices.”

**Please note whether a limitation is listed for one or both Priority and/or Nonpriority services if you are limited for Primary Home Care.**

**Please note whether a limitation is listed for one or both Day Habilitation and/or Non-Day Habilitation services in HCS/TxHmL.**

**Please note whether a limitation is listed for one or both Day Habilitation and/or Residential services in ICF/IID.**
As per 1 TAC §355.112(y) or 1 TAC §355.308(q) for nursing facilities, if at any time, you determine that your contract will not be able to meet its attendant or staffing compensation requirements, you may request a reduction in your participation level and associated rate add-on and requirements. These requests will be effective on the first day of the month following approval of the request.

REQUESTS FOR REVISION
As per 1 TAC §355.112(u)(1) for Community Care and IDD providers or 1 TAC §355.308(i)(1) for nursing facilities, a provider may request a revision of its enrollment limitation if its fiscal year 2015 Attendant or Staffing Compensation Report does not represent its current attendant compensation levels. Such a revision is requested by submitting a fiscal year 2018 RFR. These reports and associated instructions are available on the HHSC RAD website. Once you enter the website, click on the link to your program, then scroll down to the heading “Rate Enhancement – Attendant Compensation”, click on “View 2018 Rate Enhancement – Attendant Compensation information”. Under the heading “2018 Enrollment Limitations Information open the “2018 Request for Revision Report” and the “Instructions for 2018 Request for Revision Report” elements.

The following requirements apply to all RFRs. RFRs that do not meet these requirements will not be considered, and the enrollment limitation indicated on the enclosed “Enrollment Limitation Report” will apply. Only contracts receiving this Enrollment Limitation letter may submit an RFR.

1. Health and Human Services Commission (HHSC), RAD must receive a properly completed fiscal year 2018 RFR no later than July 31, 2017. Providers must properly complete the RFR online. Instructions on completing the RFR are available on the website above. A fiscal year 2018 RFR that is not completed by the stated deadline will not be accepted, and the enrollment limitation specified on the “List of limited contracts for Fiscal Year 2018” will apply.

2. The fiscal year 2018 RFR Report must be completed by an individual legally responsible for the conduct of the contract or legally authorized to bind the contract, such as the sole proprietor, a partner, a corporate officer, an association officer, a government official, a limited liability company member, a person authorized by the applicable Texas Health and Human Services (HHS) Form 2031 for the interested party on file at the time of the request, or a legal representative for the interested party. An RFR that is not completed by an individual legally responsible for the conduct of the interested party will not be accepted, and the enrollment limitation specified on the enclosed “Enrollment Limitation Report” will apply.

3. The fiscal year 2018 RFR must be completed by an individual who has successfully completed a HHSC-sponsored mandatory training for the 2015 or 2016 Cost Report webinar training session. If the individual who prepares the RFR has not completed the appropriate training, the report will not be processed and the enrollment limitation specified on the Enrollment Limitation List will apply.

4. The fiscal year 2018 RFR must show that, for the period beginning September 1, 2016 and ending April 30, 2017, your contract met a higher attendant compensation level than the “Enrollment Limitation List” indicates. In such cases, your contract’s enrollment limitation will be established at the level supported by its 2018 RFR. It is your responsibility to render
a properly completed 2018 RFR form at the time of your RFR. Requests that do not include a properly completed 2018 RFR form beginning September 1, 2016 and ending April 30, 2017 and requests that fail to support an attendant compensation level different than that indicated on the “Enrollment Limitation List” will result in a rejection of your request, and the enrollment limitation specified in the “Enrollment Limitation List” will apply.

5. If your contract’s fiscal year 2017 Cost Report (or other report functioning as an Attendant Compensation Report for the time period included in your 2018 RFR) shows a lower level of attendant compensation than it presented in its 2018 RFR, HHSC will immediately recoup all enhancement payments associated with the RFR, and your contract will be limited to the level supported by your fiscal year 2017 report for the remainder of the rate year.

SUCCESSOR LIABILITY AGREEMENTS (Nursing Facilities Only)

If your facility has undergone a change of ownership where Texas Department of Aging and Disability Services (DADS) has approved a successor-liability-agreement (SLA) that transfers responsibility from the former owner to the new owner, your completed fiscal year 2018 RFR form may include units of service, staff hours and expenses from both the facility in effect prior to the initiation of the SLA and the facility in effect after the initiation of the SLA.

INDIVIDUAL VERSUS GROUP PARTICIPATION

Providers were given the opportunity to request HHSC Rate Analysis to aggregate (also known as grouping) the contracts at the time of the submission of the cost report covering the fiscal year of the awarded enhancement level. If your contract participated in the rate enhancement as part of a group in fiscal year 2015, you may submit one RFR for the entire group or one RFR for each individual contract. The result of the analysis of an RFR completed for a group will apply to all contracts included on the RFR for fiscal year 2018. If you did not participate as part of a group during fiscal year 2015, the RFR can be submitted only for an individual contract.

Information regarding opportunities for training through webinar is available on the above website for your program. Please contact the appropriate staff on the Contacts List if you have questions concerning the rate enhancement enrollment limitations.