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State/Territory Name: Texas

State Plan Amendment (SPA) : 23-0018

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

October 3, 2023

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

RE: Texas TN 23-0018

Dear Director Zalkovsky,

We have reviewed the proposed Texas State Plan Amendment (SPA) to Attachment 4.19-B, TX#23-0018, which was submitted to the Centers for Medicare & Medicaid Services (CMS) on September 25, 2023. The purpose of the amendment is to update the rate methodology and payment rates for Community First Choice (CFC) services in support of increasing the base wage for certain personal attendants under Medicaid and other programs administered by HHSC to \$10.60 per hour.

Based upon the information provided by the State, we have approved the amendment with an effective date of September 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 8

2. STATE
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
September 1, 2023

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

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)
a. FFY **2023** \$ **963,575**
b. FFY **2024** \$ **11,043,570**

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT
**Supplement 4 to Attachment 4.19-B
Page 1
Page 2**

7. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)
**Supplement 4 to Attachment 4.19-B
Page 1 (TN 23-0016)
Page 2 (TN 23-0016)**

9. SUBJECT OF AMENDMENT
The purpose of the amendment is to update the rate methodology and payment rates for Community First Choice (CFC) services in support of increasing the base wage for certain personal attendants under Medicaid and other programs administered by HHSC to \$10.60 per hour, in accordance with the 2024-25 General Appropriations Act, House Bill 1, 88th Texas Legislature, Regular Session, 2023 (Article II, HHSC, Rider 30(a)).

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
[Redacted Signature]

12. TYPED NAME
Emily Zalkovsky

13. TITLE
State Medicaid Director

14. DATE SUBMITTED
September 25, 2023

15. RETURN TO
**Emily Zalkovsky
State Medicaid Director
Post Office Box 13247, MC: H-100
Austin, Texas 78711**

FOR CMS USE ONLY

16. DATE RECEIVED
September 25, 2023

17. DATE APPROVED
October 3, 2023

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL
September 1, 2023

19. SIGNATURE OF APPROVING OFFICIAL
[Redacted Signature]

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 September 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 costs as reported in the most recent Medicaid cost report for STAR+PLUS CFC providers, which includes the managed care Home and Community-based Services (HCBS) risk group. 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, 2023.
- (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, 2023.

**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, 2023.
- (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, 2023.
- (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, 2023.
- (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, 2023.
- (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, 2023.
- (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, 2023.