



TEXAS
Health and Human
Services

Medically Fragile Program

IDD SRAC April 29, 2021

Purpose



Agenda item #4

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Introduce the amendment to the 1115 Transformation Waiver that will impact medically fragile individuals.

Background

Population

1. Medically fragile individuals transitioning out of children's services have special needs.
2. Once they turn age 21, they no longer have access to Early and Periodic Screening and Diagnostic and Treatment (EPSDT).
3. Medicaid State Plan benefit for adults only includes short-term nursing services for an acute condition.
4. Individuals are eligible for STAR+PLUS Home and Community Based Services (HCBS) Program, but often limited by the cost cap.



Background

Cost caps

- a. A member's service budget cannot surpass the limit to prevent the program from exceeding cost neutrality thresholds required by CMS.
- b. In the STAR+Plus HCBS program, cost ceiling is based on 202% of annualized cost of care in a nursing facility.



Background

Current Process

1. Rider 25 of Article II of the General Appropriations Act, 86th Legislature (2020-21), allows HHSC to use general revenue to pay for services provided to individuals in these waiver programs if:
 - a. the cost of such services exceeds the individual cost limit;
 - b. federal financial participation is not available to pay for such services; and



Background

Current Process (cont.)

- c. HHSC determines that:
 - i. the person's health and safety cannot be protected by the services provided within the individual cost limit established for the program; and
 - ii. there is no other available living arrangement in which the person's health and safety can be protected at that time, as evidenced by:
 - 1. an assessment conducted by clinical staff of HHSC; and
 - 2. supporting documentation, including the person's medical and service records.



86th Texas Legislature

HB 4533, Section 32

“Not later than September 1, 2020, and only if the Health and Human Services Commission determines it would be cost effective, the executive commissioner of the Health and Human Services Commission shall seek a waiver or authorization from the appropriate federal agency to provide Medicaid benefits to medically fragile individuals:

- a. (1) who are 21 years of age or older; and
- b. (2) whose health care costs exceed cost limits under appropriate Medicaid waiver programs, as defined by Section 534.001, Government Code.”



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1115 Amendment

Program to implement HB 4533 would:

- a. Replace the General Revenue (GR) process for individuals that qualify;
- b. Allow HHSC to receive federal financial participation (FFP) for services we are already providing above the cost caps; and
- c. Ensure that medically fragile Texans may continue living in their residence of choice when they age out of STAR Kids.
- d. Provide a limit of 150 participant slots

1115 Amendment

Clinical Criteria in the Amendment

To be in the medically fragile group, individuals must be determined by HHSC to have a traumatic or acquired physical impairment and/or a complex debilitating illness or disability, along with substantial skilled nursing medical care needs over a 24-hour period and requiring the presence of a license nurse to provide frequent evaluation.

1115 Amendment

Must be in STAR+PLUS HCBS

Because the cost neutrality is based on 1115 waiver amendment, individuals in IDD waivers will not be eligible for this process.



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1115 Amendment

Public Comment

CMS posted April 2 for comment until May 2

Submit comments at:

https://1115publiccomments.Medicaid.gov/jfe/form/SV_6Kezo9NnG6yTYXA



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Toward Implementation

Task	Due
Submitted Amendment to CMS	9/2020
Held Pre-Kick off to develop implementation process	11/2020
Finalized list of deliverables for program supports including – STAR+PLUS Handbook changes, clinical criteria form, clinical determination form, and processes for request, eligibility and enrollment	01/2021
Submitted response to CMS Comments on Amendment	2/2021
Finalize deliverables for program supports	08/2021
Finalize implementation process	08/2021
Implement Waiver Provisions	09/01/2021



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Thank you

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