

Texas Home Living (TxHmL)

Program Billing Requirements



TEXAS
Health and Human
Services

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Section 1000, Introduction

Revision 24-1, Effective January 1, 2024

1100 General Information and Statutory Requirements

Revision 24-1, Effective January 1, 2024

Health and Human Services Commission (HHSC) rules at [26 TAC §262.401](#) set forth requirements for Texas Home Living (TxHmL) Program providers to receive payment for TxHmL Program services. Specifically, [26 TAC §262.401\(a\)\(2\)](#) requires a program provider to prepare and submit service claims in accordance with the TxHmL Program Billing Requirements. Also, Sections II. H. and II. T. of the TxHmL Program Provider Agreement requires program providers to comply with the TxHmL Program Billing Requirements. In addition, [26 TAC §262.401\(a\)\(5\)](#) sets forth circumstances under which a program provider will not be paid or Medicaid payments will be recouped from the program provider.

1200 Service Components

Revision 23-2; Effective April 1, 2023

The TxHmL Program consists of the following service components:

(1) professional therapies, which consist of the following subcomponents:

- (A) audiology,
- (B) dietary services,
- (C) occupational therapy,
- (D) physical therapy,
- (E) behavioral support, and
- (F) speech and language pathology;

(2) registered nursing;

(3) licensed vocational nursing;

(4) specialized registered nursing;

- (5) specialized licensed vocational nursing;
- (6) community support (transportation);
- (7) respite;
- (8) in-home respite;
- (9) supported employment;
- (10) employment assistance;
- (11) on-site individualized skills and socialization;
- (12) off-site individualized skills and socialization;
- (13) in-home individualized skills and socialization;
- (14) adaptive aids;
- (15) minor home modifications; and
- (16) dental treatment.

1300 Provider Fiscal Compliance Reviews

Revision 24-1, Effective January 1, 2024

Provider Fiscal Compliance reviews are conducted to determine if a program provider has complied with Health and Human Services Commission HHSC rules and these billing requirements. Provider Fiscal Compliance reviews and residential visits are distinct from the reviews described in [26 TAC §566.19](#), which are performed to determine a program provider's compliance with the program certification principles contained in [26 TAC Chapter 566. Appendix I](#), provider fiscal compliance Review Protocol, describes how provider fiscal compliance reviews are conducted.

Section 2000, Definitions

Revision 24-1, Effective January 1, 2024

The following words and terms, when used in these billing requirements, have the following meanings unless the context clearly indicates otherwise:

- (1) **ADLs or activities of daily living** — ADLs or activities of daily living — Basic personal everyday activities including, but not limited to, tasks such as eating, toileting, grooming, dressing, bathing, and transferring
- (2) **Adult** — A person who is 18 years of age or older.
- (3) **Annual vendor** — A vendor that provides to a program provider, for a calendar year, one or more adaptive aids costing less than \$500.
- (4) **Behavior support plan** — A written plan prescribing the systematic application of behavioral techniques regarding an individual that contains specific objectives to decrease or eliminate targeted behavior.
- (5) **Billable activity** — An activity for which a service claim may be submitted for service components and subcomponents listed in [Section 3100](#), Applicable Service Components.
- (6) **Calendar Day** — Midnight through 11:59 p.m.
- (7) **Calendar Month** — The first day of a month through the last day of that month.
- (8) **Calendar Week** — Sunday through Saturday.
- (9) **Calendar Year** — January through December.
- (10) **CFC PAS/HAB or Community First Choice Personal Assistance Services/Habilitation** — A state plan service that consists of:
 - (A) personal assistance services that provide assistance to an individual in performing activities of daily living (ADLs) and instrumental activities of daily living (IADLs) based on the individual's person-centered service plan, including:
 - (i) non-skilled assistance with the performance of the ADLs and IADLs;
 - (ii) household chores necessary to maintain the home in a clean, sanitary and safe environment;

- (iii) escort services, which consist of accompanying and assisting an individual to access services or activities in the community, but do not include transporting an individual; and
 - (iv) assistance with health-related tasks; and
- (B) habilitation that provides assistance to an individual in acquiring, retaining and improving self-help, socialization, and daily living skills and training the individual on ADLs, IADLs and health-related tasks, such as:
 - (i) self-care;
 - (ii) personal hygiene;
 - (iii) household tasks;
 - (iv) mobility;
 - (v) money management;
 - (vi) community integration, including how to get around in the community;
 - (vii) use of adaptive equipment;
 - (viii) personal decision making;
 - (ix) reduction of challenging behaviors to allow individuals to accomplish ADLs, IADLs, and health-related tasks; and
 - (x) self-administration of medication.

(11) **Clean claim** — In accordance with the Code of Federal Regulations, Title 42, §447.45(b), a claim for services submitted by a program provider that can be processed without obtaining additional information from the program provider or a party other than HHSC, including a claim with errors originating in the Texas claims management system, but not including a claim from a program provider under investigation for fraud or abuse, or a claim under review for medical necessity.

(12) **Competitive employment** — Employment in the competitive labor market, performed on a full-time or part-time basis, that pays an individual:

- (A) at or above the applicable minimum wage; and
- (B) not less than the customary wage and level of benefits paid by an employer to individuals without disabilities performing the same or similar work.

- (13) **Comprehensive nursing assessment** - A comprehensive physical and behavioral assessment of an individual, including the individual's health history, current health status, and current health needs, that is completed by a registered nurse (RN).
- (14) **Co-payment** — A fixed fee an individual pays for a service at the time the service is provided.
- (15) **Deductible** — Payment made by an individual in a specified amount for a service received before coverage begins for that service under the insurance policy.
- (16) **DFPS** — The Department of Family and Protective Services.
- (17) **DME** - Durable medical equipment.
- (18) **DME MAC** - Durable medical equipment medicare administrative contractor.
- (19) **EVV** - Electronic visit verification.
- (20) **Extended shift** - During a 24-hour period, a combined period of time of more than 16 hours.
- (21) **Focused assessment** — An appraisal of an individual's current health status by a licensed vocational nurse that:
- (A) contributes to a comprehensive assessment conducted by a registered nurse;
 - (B) collects information regarding the individual's health status; and
 - (C) determines the appropriate health care professionals or other persons who need the information and when the information should be provided.
- (22) **Guardian** — A guardian of the person or estate appointed for a person in accordance with state law.
- (23) **Health-related tasks** — Specific tasks related to the needs of an individual, which can be delegated or assigned by licensed health-care professionals under state law to be performed by a service provider of CFC PAS/HAB. These include tasks delegated by a registered nurse, health maintenance activities as defined in [22 TAC §225.4](#), Definitions, and activities assigned to a service provider of CFC PAS/HAB by a licensed physical therapist, occupational therapist or speech-language pathologist.
- (24) **HHSC**— The Health and Human Services Commission.
- (25) **IADLs or instrumental activities of daily living** — Activities related to living independently in the community, including meal planning and

preparation; managing finances; shopping for food, clothing and other essential items; performing essential household chores; communicating by phone or other media; traveling around and participating in the community.

(26) **ID/RC Assessment** — A form used by HHSC for making an LOC determination and LON assignment.

(27) **Implementation plan** — A written document developed by the program provider for an individual that, for each TxHmL program service on the individual's IPC not provided through the CDS option, includes:

- (A) a list of outcomes identified in the PDP that will be addressed using TxHmL Program services;
- (B) specific objectives to address the outcomes required by subparagraph (A) of this paragraph that are:
 - (i) observable, measurable, and outcome-oriented; and
 - (ii) derived from assessments of the individual's strengths, personal goals, and needs;
- (C) a target date for completion of each objective;
- (D) the number of TxHmL Program units of service needed to complete each objective;
- (E) the frequency and duration of TxHmL Program services needed to complete each objective; and
- (F) the signature and date of the individual, LAR, and the program provider.

(28) **Individual** — A person enrolled in the Texas Home Living (TxHmL) Program.

(29) **Individualized skills and socialization provider** - A legal entity licensed in accordance with 26 TAC Chapter 559, Subchapter H.

(30) **In person or in-person** - Within the physical presence of another person who is awake. In person or in-person does not include using videoconferencing or a telephone.

(31) **IPC or individual plan of care** — A written plan that:

- (A) states the type and amount of each TxHmL Program service to be provided to the individual during an IPC year;
- (B) states the services and supports to be provided to the individual through non-TxHmL Program resources, including natural supports, medical services and educational services; and

(C) is authorized by HHSC.

- (32) **IPC year** — A 12-month period of time starting on the date an authorized initial or renewal IPC begins.
- (33) **Legally authorized representative** — A person authorized by law to act on behalf of an individual and may include a parent, guardian or managing conservator of a minor, or the guardian of an adult.
- (34) **Licensed vocational nurse** — A person licensed to practice vocational nursing in accordance with the Texas Occupations Code, [Chapter 301](#).
- (35) **Local Authority** — An entity to which the Health and Human Services Commission's authority and responsibility, as described in Texas Health and Safety Code, §531.002(11), has been delegated.
- (36) **LOC or level of care** — A determination given to an individual by HHSC as part of the eligibility determination process based on data submitted on the ID/RC Assessment.
- (37) **LON or level of need** — An assignment given to an individual by HHSC upon which reimbursement for on-site individualized skills and socialization, off-site individualized skills and socialization, in-home individualized skills and socialization, foster/companion care, residential support and supervised living is based. The LON assignment is derived from the service level score obtained from the administration of the Inventory for Client and Agency Planning (ICAP) to the individual and from selected items on the ID/RC Assessment.
- (38) **Managing conservator** — A managing conservator appointed for a minor in accordance with state law.
- (39) **Minor** — An individual under 18 years of age.
- (40) **Nursing assessment** — An appraisal of an individual's current health status that:
 - (A) contributes to a comprehensive assessment conducted by a registered nurse;
 - (B) collects information regarding the individual's health status; and
 - (C) determines the appropriate health care professionals or other persons who need the information and when the information should be provided.
- (41) **PDP or person-directed plan** — A written plan, based on person-directed planning and developed with an applicant or individual in accordance with

[Form 8665](#), Person-Directed Plan, that describes the supports and services necessary to achieve the desired outcomes identified by the applicant or individual (and LAR on the applicant's or individual's behalf) and ensure the applicant's or individual's health and safety.

- (42) **Program provider** — An entity that provides TxHmL Program services under a Medicaid Provider Agreement for the Provision of TxHmL Program Services with HHSC.
- (43) **Registered nurse** — A person licensed to practice professional nursing in accordance with Texas Occupations Code, Chapter 301.
- (44) **Residence** — An established place of bona fide and continuous habitation that is a single structure except if the structure contains more than one dwelling such as an apartment complex or duplex, "residence" means a dwelling within the structure. A person may have only one residence.
- (45) **Respite facility** - A site that is not a residence and that is owned or leased by a program provider for the purpose of providing out-of-home respite to not more than six individuals receiving HCS Program services or other persons receiving similar services at any one time.
- (46) **RN clinical supervision** — The monitoring for changes in health needs of the individual, overseeing the nursing care provided and offering clinical guidance as indicated, to ensure that nursing care is safe and effective and provided in accordance with the nursing service plan for the individual.
- (47) **RN nursing assessment** — An extensive evaluation of an individual's health status completed by a registered nurse that:
 - (A) addresses anticipated changes in the conditions of the individual as well as emergent changes in the individual's health status;
 - (B) recognizes changes to previous conditions of the individual;
 - (C) synthesizes the biological, psychological, spiritual and social aspects of the individual's condition;
 - (D) collects information regarding the individual's health status;
 - (E) analyzes information collected about the individual's health status to make nursing diagnoses and independent decisions regarding nursing services provided to the individual;
 - (F) plans nursing interventions and evaluates the need for different interventions; and

- (G) determines the need to communicate and consult with other service providers or other persons who provide supports to the individual.
- (48) **Self-employment** — Work in which the individual solely owns, manages and operates a business, is not an employee of another person, entity or business, and actively markets a service or product to potential customers.
- (49) **Service claim** — A request submitted by a program provider to be paid by HHSC for a service component or subcomponent.
- (50) **Service coordination** — A service as defined in Chapter 2, Subchapter L, of this title.
- (51) **Service coordinator** — An employee of a local intellectual and developmental disability authority who provides service coordination to an individual.
- (52) **Service planning team** — As defined in [26 TAC §262.3\(78\)](#), a planning team consisting of an applicant or individual, LAR, service coordinator and other persons chosen by the applicant or individual or LAR on behalf of the applicant or individual (for example, a program provider representative, family member, friend or teacher).
- (53) **Service provider** — A staff member, contractor, or volunteer of the program provider who performs billable activity.
- (54) **Staff member** — A full-time or part-time employee of the program provider.
- (55) **Staff ID** - An alphanumeric code used by a program provider when submitting an electronic service claim that identifies the service provider providing the service during the service event for which payment is requested.
- (56) **Supervision** — The process of directing, guiding and influencing the outcome of an unlicensed staff's performance.
- (57) **Synchronous audio-visual** - An interactive, two-way audio and video communication platform that:
- (A) allows a service to be provided to an individual in real time; and
 - (B) conforms to the privacy requirements under the Health Insurance Portability and Accountability Act.
- (58) **TAC** — Texas Administrative Code.
- (59) **TMHP** - Texas Medicaid Health Partnership.
- (60) TMPPM** – Texas Medicaid Provider Procedures Manual.
- (61) **Transportation plan** — A written plan, based on person-directed planning and developed with an applicant or individual using [Form 3598](#), Individual Transportation Plan. An individual transportation plan is used to document

how transportation will be delivered to support an individual's desired outcomes and purposes for transportation as identified in the PDP.

- (62) **TxHmL Contract** – A provisional contract or standard contract as defined in [26 TAC §566.3](#).
- (63) **Volunteer** - A person who works without compensation, other than reimbursement for actual expenses.
- (64) **Volunteer work** — Work performed by an individual without compensation that is for the benefit of an entity or person other than the individual and is performed in a location other than the individual's residence.

Section 3000, General Requirements for Service Components Based on Billable Activity

Revision 23-2; Effective April 1, 2023

3100 Applicable Service Components

Revision 23-2; Effective April 1, 2023

This section applies only to the following service components:

- (1) professional therapies, which consist of the following subcomponents:
 - (A) physical therapy,
 - (B) occupational therapy,
 - (C) speech and language pathology,
 - (D) audiology,
 - (E) behavioral support, and
 - (F) dietary services;
- (2) registered nursing;
- (3) licensed vocational nursing;
- (4) specialized registered nursing;
- (5) specialized licensed vocational nursing;
- (6) respite;
- (7) in-home respite;
- (8) community support (transportation);
- (9) employment assistance;
- (10) supported employment;
- (11) on-site individualized skills and socialization;
- (12) off-site individualized skills and socialization; and
- (13) in-home individualized skills and socialization.

3200 Service Claim Requirements

Revision 24-1, Effective January 1, 2024

3210 General Requirements

Revision 24-1, Effective January 1, 2024

A program provider must submit an electronic service claim that meets the following requirements. The claim must:

- (1) be for a service component or subcomponent that is authorized by an IPC that meets the requirements of [26 TAC §262.301](#);
- (2) be for a Texas Home Living (TxHmL) service component or subcomponent identified in an individual's PDP that is provided in accordance with the individual's implementation plan and transportation plan, if community support is included on the PDP, as required by [26 TAC §262.103\(s\)](#);
- (3) be for a service component or subcomponent provided during a period of time for which the individual has an LOC;
- (4) be based on the LON that is authorized by an ID/RC assessment that meets the requirements of [26 TAC §262.105](#);
- (5) be based on billable activity, as described in [Section 4000](#), Specific Requirements for Service Components Based on Billable Activity, for the particular service component or subcomponent being claimed;
- (6) not be based on activity that is not billable, as described in [Section 3300](#), Activity Not Billable, and in [Section 4000](#) for the particular service component or subcomponent being claimed;
- (7) be based on activity performed by a qualified service provider as described in [Section 3400](#), Qualified Service Provider, and in [Section 4000](#) for the particular service component or subcomponent being claimed;
- (8) be for a service component or subcomponent provided to only one individual;
- (9) be for a service component or subcomponent provided on only one date;
- (10) be for the date the service component or subcomponent was actually provided;

- (11) be for units of service determined in accordance with [Section 3600](#), Calculating Units of Service for Service Claim;
- (12) be supported by written documentation, as described in [Section 3800](#), Written Documentation, and in [Section 4000](#) for the particular service component or subcomponent being claimed;
- (13) be a clean claim and be submitted to the state Medicaid claims administrator no later than 12 months after the last day of the month in which the service component was provided;
- (14) for a service component or subcomponent that requires the use of EVV as described in Section 3900, match the EVV visit transaction as required by 1 TAC §354.4009(c) (relating to EVV Visit Transaction and EVV Claim); and
- (15) identify the service provider who provided the service component or subcomponent being claimed.

3300 Activity Not Billable

Revision 19-1; Effective November 15, 2019

The following activities by a service provider do not constitute billable activity:

- (1) traveling by a service provider if the service provider is not accompanied by an individual documenting the delivery of a service component (for example, writing written narratives, completing forms and entering data);
- (2) documenting the delivery of a service component (for example, writing written narratives, completing forms and entering data);
- (3) reviewing an individual's written record, except as allowed by [Section 4220](#), Billable Activity; [Section 4420](#), Billable Activity; [Section 4471.2](#), Billable Activity; [Section 4472.2](#), Billable Activity; and [Section 4473.2](#), Billable Activity;
- (4) drafting an implementation plan;
- (5) performing an activity regarding a staff member's employment or contractor's association with the program provider (for example, attending conferences and participating in the performance evaluation of a staff member or contractor); and

- (6) performing an activity regarding the preparation, submission, correction or verification of service claims.

3400 Qualified Service Provider

Revision 22-1; Effective May 2, 2022

To be a qualified service provider, a person must:

- (1) be an adult;
- (2) be a staff member or contractor of the program provider;
- (3) be paid by the program provider to provide the particular service component or subcomponent being claimed;
- (4) not be disqualified by this section to provide the particular service component or subcomponent being claimed;
- (5) meet the minimum provider qualifications described in [Section 4000](#), Specific Requirements for Service Components Based on Billable Activity, for the particular service component or subcomponent being claimed;
- (6) not have been convicted of an offense listed under §250.006 of the Texas Health and Safety Code;
- (7) not be designated in the [Employee Misconduct Registry](#) as unemployable or the [Nurse Aide Registry](#) as revoked or suspended; and
- (8) if transporting an individual in a vehicle, have a valid driver's license.

3410 Service Provider Not Qualified

Revision 22-2; Effective September 1, 2022

(a) Service Coordinator Not Qualified as Service Provider

- (1) Service Coordinator On Duty
During the time a service coordinator is on duty as a service coordinator, the service coordinator is not qualified to provide any service component or subcomponent to an individual.
- (2) Service Coordinator Off Duty
During the time a service coordinator is off duty as a service coordinator, the service coordinator is not qualified to provide any service component

or subcomponent to an individual if the individual is receiving service coordination from the service coordinator.

(b) Spouse Not Qualified as Service Provider

A service provider is not qualified to provide a service component or subcomponent to the service provider's spouse.

(c) Relative, Guardian or Managing Conservator Not Qualified as Service Provider for Certain Services

A service provider is not qualified to provide service coordination or behavioral support to an individual if the service provider is:

- (1) a relative of the individual ([Appendix VI](#), Degree of Consanguinity or Affinity, explains who is considered a relative for purposes of these requirements);
- (2) the individual's guardian; or
- (3) the individual's managing conservator.

(d) Parent, Spouse of Parent or Contractor Not Qualified as Service Provider for Minor

A service provider is not qualified to provide a service component or subcomponent to a minor if the service provider is:

- (1) the minor's parent;
- (2) the spouse of the minor's parent; or
- (3) a person contracting with DFPS to provide residential child care to the minor, or is an employee or contractor of such a person.

(e) Contractor Not Qualified as Service Provider for an Adult Individual

A service provider is not qualified to provide to an adult individual a service component or subcomponent if the service provider is a person contracting with DFPS to provide residential child care to the individual, or is an employee or contractor of such a person.

3420 Relative, Guardian or Managing Conservator Qualified as Service Provider

Revision 23-2; Effective April 1, 2023

If a relative, guardian or managing conservator is not otherwise disqualified to be a service provider as described in [Section 3410](#), Service Provider Not Qualified, or in [Section 4000](#), Specific Requirements for Service Components Based on Billable Activity, the relative, guardian or managing conservator may provide audiology ,

dietary services, occupational therapy, physical therapy, speech and language pathology, on-site individualized skills and socialization, off-site individualized skills and socialization, in-home individualized skills and socialization, registered nursing, licensed vocational nursing, specialized registered nursing, specialized licensed vocational nursing, transportation as a community support activity, employment assistance, respite, in-home respite or supported employment if the relative, guardian or managing conservator is a qualified service provider for the particular service component or subcomponent being provided.

3430 Requirement for Service Provider Who Becomes Spouse of Individual to Inform Program Provider

Revision 20-1; Effective September 1, 2020

A program provider must require a service provider of any service component or subcomponent to immediately inform the program provider if the service provider becomes the spouse of the individual receiving services.

3500 Unit of Service

Revision 12-1; Effective February 10, 2012

3510 Hourly Unit of Service

Revision 23-1; Effective January 1, 2023

The following service components and subcomponents have a unit of service of one hour but may be billed in quarterly increments:

- (1) audiology;
- (2) dietary services;
- (3) occupational therapy;
- (4) physical therapy;
- (5) behavioral support;
- (6) speech and language pathology;
- (7) registered nursing;
- (8) licensed vocational nursing;
- (9) specialized registered nursing;

- (10) specialized licensed vocational nursing;
- (11) respite;
- (12) in-home respite;
- (13) supported employment;
- (14) employment assistance;
- (15) transportation as a community support activity;
- (16) on-site individualized skills and socialization;
- (17) off-site individualized skills and socialization; and
- (18) in-home individualized skills and socialization.

3600 Calculating Units of Service for Service Claim

Revision 22-2; Effective September 1, 2022

3610 Hourly Unit of Service

Revision 22-2; Effective September 1, 2022

(a) **Service Event**

For service components and subcomponents that have an hourly unit of service, a service event:

- (1) is a discrete period of continuous time during which billable activity for one service component is performed by one service provider;
- (2) consists of one or more billable activities; and
- (3) ends when the service provider stops performing billable activity or performs billable activity for a different service component.

Example:

If a service provider performs billable activity for registered nursing from 12:00-12:30, performs activity that is not billable from 12:30-12:36, then performs additional billable activity from 12:36-12:48, two service events have occurred, one for 30 minutes (12:00-12:30), and another for 12 minutes (12:36-12:48).

(b) **Service Time**

(1) **Professional Therapies, Nursing Service Components, Supported Employment and Employment Assistance**

A program provider must use the following formula for calculating the service time for professional therapies, registered nursing, licensed vocational nursing, specialized registered nursing, specialized licensed vocational nursing, supported employment and employment assistance:

Number of service providers x length of service event divided by the number of persons served = service time.

In this formula, "person" means a person who receives a service funded by HHSC, including an individual and a person enrolled in the intermediate care facility for persons with intellectual disability (ICF/ID) program or a waiver program other than TxHmL.

“Example”

Number of Service Providers	X	Length of Service Event	÷	Number of Persons	=	Service Time per Individual
1	X	20 min.	÷	3	=	6.66 min.
1	X	30 min.	÷	2	=	15 min.
2	X	30 min.	÷	2	=	30 min.
2	X	30 min.	÷	1	=	60 min.
1	X	45 min.	÷	4	=	11.25 min.
1	X	60 min.	÷	1	=	60 min.
1	X	60 min.	÷	2	=	30 min.

Number of Service Providers	X	Length of Service Event	÷	Number of Persons	=	Service Time per Individual
1	X	60 min.	÷	3	=	20 min.
2	X	120 min.	÷	6	=	40 min.

(2) Transportation as a Community Support Activity

A program provider must determine service time for the transportation as a community support activity in accordance with [Section 4520\(g\)](#), Community Support Billing Requirements.

(3) Respite and In-Home Respite

A program provider must use the length of the service event as the service time for respite and in-home respite.

(c) Units of Service for Service Claim

A program provider must convert a service time to a unit(s) of service for a service claim in accordance with [Appendix III](#), Conversion Table.

3700 Billing Service Components Provided at the Same Time and Billing On-Site Individualized Skills and Socialization, Off-Site Individualized Skills and Socialization, and In-Home Individualized Skills and Socialization Provided at the Same Time as Service Coordination

Revision 23-2; Effective April 1, 2023

3710 One Service Provider

Revision 12-1; Effective February 10, 2012

One service provider may not provide different service components or subcomponents at the same time to the same individual.

3720 Multiple Service Providers

Revision 23-2; Effective April 1, 2023

(a) Providing Different Service Components or Subcomponents

(1) Compliance with this Subsection

Multiple service providers may provide different service components or subcomponents at the same time to the same individual only as provided in subsection (a) of this section.

(2) Service Provider of On-Site Individualized Skills and Socialization, Off-Site Individualized Skills and Socialization, and In-Home Individualized Skills and Socialization

A service provider of on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization may provide on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization to an individual at the same time a service provider of licensed vocational nursing, registered nursing, or professional therapies provides a service to the individual only if the individual is assigned a LON 9.

Example:

An occupational therapist provides occupational therapy by interacting directly with an individual assigned a LON 9 while the individual receives on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization . A program provider may submit a service claim for both occupational therapy and on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization for the overlapping time period because billable activity for both on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization and occupational therapy was occurring at the same time for an individual who was assigned a LON 9.

(3) Service Provider of Professional Therapies

A service provider of professional therapies may provide a service to an individual at the same time a service provider of any other service component or subcomponent is providing a service to the same individual if:

- (A) the professional therapies activity is an assessment or observation of the individual; and
- (B) the assessment or observation is actually occurring at the same time the other service component or subcomponent is being provided

Example:

An occupational therapist observes and assesses an individual's fine motor skills while the individual receives on-site individualized skills and socialization services. A program provider may submit a service claim for both occupational therapy and on-site individualized skills and socialization for the overlapping time period because billable activity for both on-site individualized skills and socialization and occupational therapy was occurring at the same time.

Example:

A physical therapist conducts range of motion exercises with an individual who is assigned a LON 1 while the individual receives in-home individualized skills and socialization services. A program provider may not submit a service claim for both physical therapy and in-home individualized skills and socialization for the overlapping time period because the physical therapy activities were not an assessment or observation of the individual.

Example:

An individual receives on-site individualized skills and socialization from 8:00 a.m.-9:00 a.m. A speech therapist provides speech therapy to an individual at the on-site individualized skills and socialization site from 9:00 a.m.-10:00 a.m., but the individual is unable to participate in the on-site individualized skills and socialization activities while the therapy is provided. The individual receives on-site individualized skills and socialization again from 10:00 a.m.-11:00 a.m. A program provider may submit a service claim of speech therapy for the time period, from 9:00 a.m.-10:00 a.m. (one unit) and for on-site individualized skills and socialization for the time periods from 8:00 a.m. 9:00 a.m. and 10:00 a.m.-11:00 a.m. (two units).

(4) Service Provider of Respite and In-Home Respite

A service provider of respite or in-home respite may provide a service to an individual at the same time a service provider of professional therapies, registered nursing, licensed vocational nursing, specialized

registered nursing, specialized licensed vocational nursing, on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization, employment assistance, or supported employment provides a service to the same individual.

(5) Service Provider of Transportation as a Community Support Activity

A service provider of transportation as a community support activity may perform an in person service for an individual at the same time a service provider of professional therapies, registered nursing, licensed vocational nursing, specialized registered nursing, specialized licensed vocational nursing, and Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB) provides a service to the same individual.

(b) Multiple Service Providers of the Same Service Component or Subcomponent with a Hourly Unit of Service

Multiple service providers of the same service component or subcomponent with a hourly unit of service, as listed in [Section 3510](#), Hourly Unit of Service, may perform an activity at the same time for the same individual if multiple service providers are needed to perform the activity.

3730 Service Coordination and On-Site Individualized Skills and Socialization, Off-Site Individualized Skills and Socialization, or In-Home Individualized Skills and Socialization Provided at the Same Time

Revision 23-2; Effective April 1, 2023

A service provider of on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization may provide on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization to an individual at the same time a service coordinator is providing non-face to face service coordination to the individual at the on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization setting.

3800 Written Documentation

Revision 24-1, Effective January 1, 2024

3810 General Requirements

Revision 24-1, Effective January 1, 2024

(a) **Legible**

A program provider must have written, legible documentation to support a service claim.

(b) **Required Content**

(1) All Service Components or Subcomponents (Except for Nursing Service Components and Transportation as a Community Support Activity)

Except as provided in subparagraphs (2) and (3) of this subsection, the written documentation to support a service claim for a service component or subcomponent must include a written log, as described in [Section 3820](#), Written Service Log and Written Summary Log, for each individual in accordance with the following:

- (A) for professional therapies, respite, in-home respite, on-site individualized skills and socialization, off-site individualized skills and socialization, in-home individualized skills and socialization, employment assistance and supported employment, a written service log written by a service provider who delivered the service component or subcomponent.

(2) Nursing Service Components

- (A) The written documentation to support a service claim for the nursing service components of registered nursing, licensed vocational nursing, specialized registered nursing and specialized licensed vocation nursing must include:

- (i) a written service log described in Section 3820, Written Service Log and Written Summary Log;
- (ii) the nursing service component that was provided;
- (iii) the exact time the service event began and the exact time the service event ended documented by the nurse making the written documentation;
- (iv) a description of the medical need for the activity performed during the service event;
- (v) a description of any unusual incident that occurs such as a seizure, illness or behavioral outburst, and any action taken by

the registered nurse or licensed vocational nurse in response to the incident; and

- (vi) for any activity simultaneously performed by more than one registered nurse or more than one licensed vocational nurse, a written justification in the individual's implementation plan for the use of more than one registered nurse or licensed vocational nurse.

(3) Transportation as a Community Support Activity

A program provider must have written documentation to support a service claim for transportation as a community support activity that meets the requirements of [Section 4520\(a\)](#), Community Support Billing Requirements.

3820 Written Service Log and Written Summary Log

Revision 24-1, Effective January 1, 2024

(a) Required Content and Timeliness

(1) Written Service Log

A written service log must:

- (A) be written after the service is provided;
- (B) include the service component or subcomponent that was provided;
- (C) include the name of the individual who was provided the service component or subcomponent;
- (D) include the day, month and year the service component or subcomponent was provided;
- (E) for service components or subcomponents with a hourly unit of service, as listed in [Section 3510](#), Hourly Unit of Service (except transportation as a community support activity), include:
 - (i) a detailed description or list of activities performed by the service provider and the individual that evidences the performance of one or more of the billable activities described in [Section 4000](#), Specific Requirements for Service Components Based on Billable Activity, for the particular service component or subcomponent being claimed; and

- (ii) a brief description of the location of the service event, as described in [Section 3610\(a\)](#), Hourly Unit of Service, such as the address or name of business;
- (F) be supported by information that justifies the length of the service event, as described in [Section 3610\(a\)](#), such as an explanation in the written service log or implementation plan of why a billable activity took more time than typically required to complete;
- (G) for service components or subcomponents with a daily unit of service, as listed in [Section 3520](#), Daily Unit of Service, include:
 - (i) a description or list of activities performed by the service provider and the individual that evidences the performance of the billable activities described in [Section 4000](#) for the particular service component or subcomponent being claimed;
- (H) be made within 14 calendar days after the activity being documented is provided;
- (I) include the signature and title of the service provider making the written service log; and
- (J) be completed by the service provider providing the service.

(2) Written Summary Log

A written summary log must:

- (A) be written after services have been provided;
- (B) include information that identifies the individual for whom the written summary log is made;
- (C) include a general description or list of activities performed during the calendar week in which the service component or subcomponent was provided;
- (D) include a brief description of the location of the service event, such as the address or name of business;
- (E) be made within 14 calendar days after the week being documented;
- (F) include the signature and title of the service provider making the written summary log; and
- (G) be completed by the service provider providing the service.

(b) Unusual Incidents or Progress Toward Objectives

The description of the activities in a written service log or written summary

log must include a description of any unusual incident that occurs such as a seizure, illness or behavioral outburst, and any action taken by the service provider in response to the incident.

(c) Unacceptable Content

The following are unacceptable as a description of the activities in a written service log or written summary log:

- (1) ditto marks;
- (2) references using words or symbols to other written service logs, written summary logs, or written documentation that supports a service claim;
- (3) non-specific statements such as "had a good day," "did ok," or "no problem today;"
- (4) a statement or other information that is photocopied from other completed or partially completed written service logs or written summary logs; and
- (5) a medication log.

(d) Correction of Written Service Log or Written Summary Log

A program provider must comply with 40 TAC §49.305(i)(5) in making a correction to a written service log or written summary log.

(e) Separate Written Service Log or Written Summary Log for Service Component, Subcomponent or Service Event

A program provider must have a separate written service log or separate written summary log for each service component or subcomponent, as described in [Section 3810\(b\)\(1\)\(D\)](#), General Requirements, and for each service event as described in [Section 3610\(a\)](#), Hourly Unit of Service.

(f) Additional Documentation for Services Provided Using Synchronous Audio-Visual Technology

- (1) For a service provided using synchronous audio-visual technology, the program provider must:
 - (A) ensure that the service provider:
 - (i) obtains the individual's or legally authorized representative's written consent; or
 - (ii) if the individual or legally authorized representative gave oral consent, documents that oral consent was given; and
 - (B) document the consent on the individual's implementation plan.

- (2) The consent required by subsection (f)(1) of this section must be obtained:
- (A) before the service is provided for the first time using synchronous audio-visual technology;
 - (B) at least annually, if the service is routinely provided using synchronous audio-visual technology;
 - (C) if there is a change in service provider; and
 - (D) if there is a change in the amount of service provided.

3830 Proof of Service Provider Qualifications

Revision 21-3; Effective September 1, 2021

A program provider must have the following documentation as proof that a service provider is qualified:

- (1) to prove the age of a service provider, a government issued document, such as a driver's license or birth certificate;
- (2) to prove the level of education of a service provider:
 - (A) a written document from an educational institution, such as a diploma; or
 - (B) a high school equivalency certificate issued in accordance with the law of the issuing state;
- (3) to prove the job experience of a service provider, a written record of where the job experience was obtained;
- (4) to prove competency to perform services:
 - (A) a successfully completed written competency-based assessment demonstrating the ability to provide the applicable service and document the provision of such service as required by the TxHmL Program Billing Requirements; and
 - (B) written personal references which evidence the service provider's ability to provide a safe and healthy environment for the individual from at least three persons who are not relatives of the service provider ([Appendix VI](#), Degree of Consanguinity or Affinity, explains who is considered a "relative" for purposes of these billing requirements); and

- (5) to prove that a service provider is properly licensed, a written document from the appropriate state licensing agency or board.

3840 Determining Location of Residence of Service Provider

Revision 21-1; Effective January 1, 2021

(a) Photo ID, Voter's Registration Card, Lease or Utility Bill

Except as provided in paragraph (b) of this subsection, a program provider must have two documents from the following categories to assist HHSC in determining the location of the residence of a service provider of transportation as a community support activity, respite or in-home respite:

- (1) a driver's license or other government issued photo identification of the service provider;
- (2) a voter's registration card of the service provider;
- (3) a lease agreement for the time period in question with the name of the service provider as the lessee or an occupant; or
- (4) a utility bill for the time period in question in the name of the service provider.

(b) Other Proof

At its discretion, HHSC may accept other written documentation as proof of the location of the residence of a service provider of respite, in-home respite, or transportation as a community support activity.

3850 Example Forms

Revision 23-2; Effective April 1, 2023

[Form 4118](#), Respite/In-Home Respite Service Delivery Log, may be used to document respite and in-home respite in accordance with [Section 3800](#). [Form 4117](#), Supported Employment/Employment Assistance Service Delivery Log, may be used to document supported employment or employment assistance in accordance with [Section 3800](#). [Form 2124](#), Supported Home Living/Community Support Transportation Log, may be used to document transportation in accordance with [Section 3800](#). A program provider may document a service component or subcomponent in any way that meets the requirements of [Section 3800](#) and the written documentation requirements described in [Section 4000](#), Specific Requirements for Service Components Based on Billable Activity, for the particular service component or subcomponent being claimed.

3900 Electronic Visit Verification

Revision 24-1; Effective January 1, 2024

A program provider must comply with 1 TAC Chapter 354, Subchapter O, Electronic Visit Verification, for any of the following services, if the service is provided in person to an individual who has a residential type of “own home/family home” in the individual’s residence:

- (1) In-home individualized skills and socialization;
- (2) In-home respite;
- (3) Licensed vocational nursing;
- (4) Occupational therapy;
- (5) Physical therapy;
- (6) Registered nursing;
- (7) Specialized licensed vocational; and
- (8) Specialized registered nursing.

Section 4000, Specific Requirements for Service Components Based on Billable Activity

Revision 22-2; Effective September 1, 2022

4100 Reserved for Future Use

Revision 12-1; Effective February 10, 2012

4200 Professional Therapies

Revision 24-1, Effective January 1, 2024

4210 General Description of Service Component

Revision 22-2; Effective September 1, 2022

The professional therapies service component consists of the following subcomponents:

- (1) Audiology — The provision of audiology as defined in Texas Occupations Code, Chapter 401.
- (2) Behavioral Support — Specialized interventions that assist an individual in increasing adaptive behaviors and replacing or modifying maladaptive or socially unacceptable behaviors that prevent or interfere with the individual's inclusion in the community.
- (3) Dietary Services — The provision of nutrition services as defined in Texas Occupations Code, Chapter 701.
- (4) Occupational Therapy — The practice of occupational therapy as described in Texas Occupations Code, Chapter 454.
- (5) Physical Therapy — The provision of physical therapy as defined in Texas Occupations Code, Chapter 453.
- (6) Speech and Language Pathology — The provision of speech-language pathology as defined in Texas Occupations Code, Chapter 401.

4220 Billable Activity

Revision 24-1, Effective January 1, 2024

The only billable activities for the professional therapies service component are:

- (1) interacting in person or by synchronous audio-visual technology with an individual, based on the service provided, to conduct assessments or provide services within the scope of the service provider's practice except for the activities listed in Section 4230(10), which must be provided in person;
- (2) interacting in person or by synchronous audio-visual technology or speaking by telephone with a person regarding the service provided to an individual, but not with:
 - (A) a staff member who is not a service provider; or
 - (B) a service provider of any nursing service component (registered nursing, licensed vocational nursing, specialized registered nursing or specialized licensed vocational nursing) or professional therapies;
- (3) writing an individualized treatment plan or for behavioral support, a behavior support plan;
- (4) reviewing documents to evaluate the quality and effectiveness of the service;
- (5) training the following persons on how to provide the service, including how to document the provision of the service:
 - (A) a service provider of Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB), transportation as a community support activity, on-site individualized skills and socialization, off-site individualized skills and socialization, in-home individualized skills and socialization, respite, in-home respite, supported employment or employment assistance; or
 - (B) a person other than a service provider who is involved in serving an individual;
- (6) reviewing documents in preparation for the training described in paragraph (5) of this subsection;
- (7) participating in a service planning team meeting;
- (8) participating in the development of an implementation plan;

- (9) participating in the development of an IPC; and
- (10) for behavioral support, in addition to the activities listed above:
 - (A) assessing the targeted behavior so that a behavior support plan may be developed;
 - (B) training and consulting an individual, family member or other persons involved in the individual's care regarding the implementation of the behavior support plan;
 - (C) monitoring and evaluating the effectiveness of the behavior support plan;
 - (D) modifying, as necessary, the behavior support plan based on the monitoring and evaluation of the plan's effectiveness;
 - (E) educating an individual, family members or other persons involved in the individual's care about the techniques to use in assisting the individual to control maladaptive or socially unacceptable behaviors exhibited by the individual.

4230 Activity Not Billable

Revision 24-1, Effective January 1, 2024

(a) **Activities in Section 3300**

The activities listed in [Section 3300](#), Activity Not Billable, are not billable for the professional therapies service component.

(b) **Activities Not Listed in Section 4220**

Any activity not described in [Section 4220](#), Billable Activity, is not billable for the professional therapies service component.

(c) **Examples of Non-billable Activities**

The following are examples of activities that are not billable for the professional therapies service component:

- (1) providing services outside the scope of the service provider's practice;
- (2) providing services that are performed by a service coordinator or were performed by a former case manager;
- (3) scheduling an appointment;
- (4) transporting an individual;
- (5) traveling or waiting to provide a professional therapies subcomponent;

- (6) training or interacting about general topics unrelated to a specific individual, such as principles of behavior management, or general use and maintenance of an adaptive aid or equipment;
- (7) creating written documentation as described in [Section 4260](#), Written Documentation;
- (8) reviewing a written narrative or written summary of a service component as described in [Section 3820](#), Written Service Log and Written Summary Log except as allowed in [Section 4220\(4\)](#);
- (9) interacting with:
 - (A) a staff member who is not a service provider; or
 - (B) a service provider of any nursing service component (registered nursing, licensed vocational nursing, specialized registered nursing or specialized licensed vocational nursing) or professional therapies, if not during a service planning team meeting or during the development of an IPC or an implementation plan;
- (10) for occupational therapy, physical therapy, and speech and language pathology, the following activities if provided by synchronous audio-visual technology or by telephone:
 - (A) any activity that requires a physical agent modality or hands-on therapy, such as a paraffin bath, aquatic therapy, manual therapy, massage, and ultrasound;
 - (B) orthotic management and training, initial encounter and subsequent encounters;
 - (C) prosthetic management or training for an upper or lower extremity, initial encounter and subsequent encounters;
 - (D) a wheelchair assessment and training;
 - (E) a complex rehabilitation technology assessment; and
- (11) providing a service using synchronous audio-visual technology without the individual's or legally authorized representative's consent.

4240 Qualified Service Provider

Revision 22-2; Effective September 1, 2022

In addition to meeting the requirements in [Section 3400](#), Qualified Service Provider, a qualified service provider of the professional therapies subcomponents must be as follows:

- (1) for audiology, an audiologist licensed in accordance with Chapter 401 of the Texas Occupations Code;
- (2) for behavioral support:
 - (A) a psychologist licensed in accordance with Chapter 501 of the Texas Occupations Code;
 - (B) a provisional license holder licensed in accordance with Chapter 501 of the Texas Occupations Code;
 - (C) a psychological associate licensed in accordance with Chapter 501 of the Texas Occupations Code;
 - (D) a licensed clinical social worker in accordance with Chapter 505 of the Texas Occupations Code;
 - (E) a licensed professional counselor in accordance with Chapter 503 of the Texas Occupations Code;
 - (F) a person certified by HHSC as described in [26 TAC §566.9](#); or
 - (G) a licensed behavior analyst in accordance with Texas Occupations Code, Chapter 506;
- (3) for dietary services, a licensed dietitian licensed in accordance with Chapter 701 of the Texas Occupations Code;
- (4) for occupational therapy, an occupational therapist or occupational therapy assistant licensed in accordance with Chapter 454 of the Texas Occupations Code;
- (5) for physical therapy, a physical therapist or physical therapist assistant licensed in accordance with Chapter 453 of the Texas Occupations Code; and
- (6) for speech and language pathology, a speech-language pathologist or licensed assistant in speech-language pathology licensed in accordance with Chapter 401 of the Texas Occupations Code.

4250 Unit of Service

Revision 22-2; Effective September 1, 2022

(a) **One Hour**

A unit of service for the professional therapies service component is one hour.

(b) **Fraction of a Unit of Service**

A service claim for professional therapies may include a fraction of a unit of service, but the fraction must be .25, .50, or .75.

(c) **Service Time**

Service time is calculated in accordance with [Section 3610\(b\)](#), Hourly Unit of Service, including when multiple persons are being served.

4260 Written Documentation

Revision 20-1; Effective September 1, 2020

A program provider must have written documentation to support a service claim for professional therapies that:

- (1) meets the requirements set forth in [Section 3800](#), Written Documentation;
- (2) includes the exact time the service event began and the exact time the service event ended documented by the service provider making the written service log; and
- (3) for any activity performed by multiple service providers at the same time for the same individual, includes a written justification in the individual's implementation plan for the use of multiple service providers.

4300 Individualized Skills and Socialization

Revision 24-1, Effective January 1, 2024

4310 On-Site Individualized Skills and Socialization

Revision 23-2; Effective April 1, 2023

4320 General Description of Service Component

Revision 23-2; Effective April 1, 2023

On-site individualized skills and socialization is the provision of assistance to an individual that is necessary for the individual to acquire skills to reside, integrate and participate successfully in the community.

4330 Requirements of Setting

Revision 23-2; Effective April 1, 2023

On-site individualized skills and socialization:

- (1) must be provided in a building or a portion of a building that is owned or leased by an individualized skills and socialization provider; and
- (2) must not be provided in:
 - (A) a setting in which an individual must not reside, as set forth in the rules governing the TxHmL Program; or
 - (B) the residence of an individual or another person.

4340 Individualized Skills and Socialization Provider

Revision 23-2; Effective April 1, 2023

On-site individualized skills and socialization must be provided by an individualized skills and socialization provider.

4350 Billable Activity

Revision 23-2; Effective April 1, 2023

The only billable activities for the on-site individualized skills and socialization service component are:

- (1) interacting in person with an individual to assist the individual in achieving objectives to:
 - (A) acquire, retain, or improve self-help skills and adaptive skills necessary to live successfully in the community and participate in home and community life;
 - (B) gain or maintain independence, socialization, community participation, current or future volunteer goals, or employment goals consistent with achieving the outcomes identified in an individual's PDP;
 - (C) supporting the individual's pursuit and achievement of employment through school, vocational rehabilitation, the TxHmL Program service of employment assistance, or the TxHmL Program service of supported employment; and
 - (D) providing personal assistance with ADLs or IADLs for an individual who cannot manage personal care needs during an individualized skills and socialization activity;

- (2) as determined by an assessment conducted by a registered nurse, providing assistance with medications and the performance of tasks delegated by a registered nurse in accordance with state law and rules, unless a physician has delegated the task as a medical act under Texas Occupations Code Chapter 157, as documented by the physician;
- (3) transporting an individual from one on-site individualized skills and socialization location to another on-site individualized skills and socialization location;
- (4) participating in a service planning team meeting;
- (5) participating in the development of an implementation plan; and
- (6) participating in the development of an IPC.

4360 Activity Not Billable

Revision 23-2; Effective April 1, 2023

(a) Activities in Section 3300

The activities listed in [Section 3300](#), Activity Not Billable, are not billable for the on-site individualized skills and socialization service component.

(b) Activities Not Listed in Section 4950

Any activity not described in [Section 4950](#), Billable Activity, is not billable for the on-site individualized skills and socialization service component.

(c) Providing On-Site Individualized Skills and Socialization While Producing Marketable Goods and Being Paid Below Minimum Wage or Performing Activities as Part of Competitive Employment

The following activities are not billable for the on-site individualized skills and socialization service component:

- (1) producing marketable goods and being paid below minimum wage for producing the goods in accordance with Section 14(c) of the Fair Labor Standards Act;
- (2) performing activities as part of competitive employment or self-employment; and
- (3) performing activities described in paragraph (1) or (2) of this subsection at the same time the individual is receiving on-site individualized skills and socialization.

4370 Restrictions Regarding Submission of Claims for On-Site Individualized Skills and Socialization

Revision 23-2; Effective April 1, 2023

A program provider may not submit a service claim for on-site individualized skills and socialization:

- (1) that was not provided in person;
- (2) provided to assist an individual in achieving objectives not documented in the individual's implementation plan;
- (3) in excess of six units of service per calendar day;
- (4) in excess of 30 units of service per calendar week;
- (5) in excess of 1560 units of service per IPC year;
- (6) provided to an individual that is funded by a source other than the TxHmL Program;
- (7) provided in a location that is not in compliance with [Section 4930](#);
- (8) provided by a service provider who is providing another service component to the individual at the same time in violation of [Section 3710](#), One Service Provider; or
- (9) provided by an entity that is not an individualized skills and socialization provider.

4380 Qualified Service Provider

Revision 23-2; Effective April 1, 2023

In addition to meeting the requirements in [Section 3400](#), Qualified Service Provider, a qualified service provider of the on-site individualized skills and socialization service component:

- (a) must have:
 - (1) one of the following:
 - (A) a high school diploma or a certificate recognized by a state as the equivalent of a high school diploma; or
 - (B) documentation of a proficiency evaluation of experience and competence to perform the job tasks that includes:
 - (i) a written competency-based assessment of the ability to document service delivery and observations of the individuals to be served; and

- (ii) at least three written personal references from persons not related by blood that indicate the ability to provide a safe, healthy environment for the individuals being served;
- (2) a valid driver's license if providing transportation; and
- (3) a vehicle insured in accordance with state law to transport individuals in; and
- (b) must be providing on-site individualized skills and socialization as an employee, contractor, or volunteer of an individualized skills and socialization provider.

4390 Unit of Service

Revision 23-2; Effective April 1, 2023

(a) One Hour

A unit of service for the on-site individualized skills and socialization service component is one hour.

(b) Fraction of a Unit of Service

A service claim for on-site individualized skills and socialization may include a fraction of a unit of service, but the fraction must be .25, .50, or .75.

43100 Written Documentation

Revision 23-2; Effective April 1, 2023

A program provider must have written documentation to support a service claim for on-site individualized skills and socialization that:

- (1) meets the requirements set forth in Section 3800, Written Documentation;
- (2) includes, for each calendar day, the exact time the service event began and the exact time the service event ended documented by a service provider providing the on-site individualized skills and socialization;
- (3) includes a description from the individual's implementation plan of objectives the program provider is assisting the individual to achieve, as described in Section 4330(1), Billable Activity; and
- (4) includes the name and signature of a service provider who provided all or a portion of the on-site individualized skills and socialization during the period documented in accordance with paragraph (2) of this section.

43101 Off-Site Individualized Skills and Socialization

Revision 23-2; Effective April 1, 2023

43101.1 General Description of Service Component

Revision 23-2; Effective April 1, 2023

Off-site individualized skills and socialization is the provision of assistance to an individual that is necessary for the individual to acquire skills to reside, integrate and participate successfully in the community.

43101.2 Requirements of Setting

Revision 23-2; Effective April 1, 2023

Off-site individualized skills and socialization:

- (1) is provided in a community setting chosen by the individual from among available community setting options; and
- (2) is not provided in:
 - (A) a building in which on-site individualized skills and socialization is provided;
 - (B) a setting in which an individual must not reside, as set forth in the rules governing the TxHmL Program, unless:
 - (i) the off-site individualized skills and socialization activity is a volunteer activity performed by an individual in such a setting; or
 - (ii) off-site individualized skills and socialization is provided in an event open to the public provided in an event open to the public; or
 - (C) the residence of an individual or another person, unless the off-site individualized skills and socialization activity is a volunteer activity performed by an individual in the residence.

43101.3 Individualized Skills and Socialization Provider

Revision 23-2; Effective April 1, 2023

Off-site individualized skills and socialization must be provided by an individualized skills and socialization provider.

43101.4 Billable Activity

Revision 23-2; Effective April 1, 2023

The only billable activities for the off-site individualized skills and socialization service component are activities provided in a community setting, including:

- (1) interacting in person with an individual to assist the individual in achieving objectives to:
 - (A) acquire, retain, or improve self-help skills and adaptive skills necessary to live successfully in the community and participate in home and community life; and
 - (B) gain or maintain independence, socialization, community participation, current or future volunteer goals, or employment goals consistent with achieving the outcomes identified in an individual's PDP;
 - (C) supporting the individual's pursuit and achievement of employment through school, vocational rehabilitation, the TxHmL Program service of employment assistance, or the TxHmL Program service of supported employment;
 - (D) providing personal assistance with ADLs or IADLs for an individual who cannot manage personal care needs during an individualized skills and socialization activity;
- (2) as determined by an assessment conducted by a registered nurse, providing assistance with medications and the performance of tasks delegated by a registered nurse in accordance with state law and rules, unless a physician has delegated the task as a medical act under Texas Occupations Code Chapter 157, as documented by the physician;
- (3) transportation of an individual between on-site individualized skills and socialization locations and off-site individualized skills and socialization locations and between off-site individualized skills and socialization locations;
- (4) participating in a service planning team meeting;
- (5) participating in the development of an implementation plan; and
- (6) participating in the development of an IPC.

43101.5 Activity Not Billable

Revision 23-2; Effective April 1, 2023

(a) Activities in Section 3300

The activities listed in [Section 3300](#), Activity Not Billable, are not billable for the off-site individualized skills and socialization service component.

(b) Activities Not Listed in Section 49101.4

Any activity not described in [Section 49101.4](#), Billable Activity, is not

billable for the off-site individualized skills and socialization service component.

(c) **Providing Off-Site Individualized Skills and Socialization While Producing Marketable Goods and Being Paid Below Minimum Wage or Performing Activities as Part of Competitive Employment**

The following activities are not billable for the off-site individualized skills and socialization service component:

- (1) producing marketable goods and being paid below minimum wage for producing the goods in accordance with Section 14(c) of the Fair Labor Standards Act;
- (2) performing activities as part of competitive employment or self-employment; and
- (3) performing activities described in paragraph (1) or (2) of this subsection at the same time the individual is receiving off-site individualized skills and socialization.

43101.6 Restrictions Regarding Submission of Claims for Off-Site Individualized Skills and Socialization

Revision 23-2; Effective April 1, 2023

A program provider may not submit a service claim for off-site individualized skills and socialization:

- (1) that was not provided in person;
- (2) provided to assist an individual in achieving objectives not documented in the individual's implementation plan;
- (3) in excess of six units of service per calendar day;
- (4) in excess of 30 units of service per calendar week;
- (5) in excess of 1560 units of service per IPC year;
- (6) provided to an individual that is funded by a source other than the TxHmL Program;
- (7) provided in a location that is not in compliance with [Section 49101.2](#);
- (8) provided by a service provider who is providing another service component to the individual at the same time in violation of [Section 3710](#), One Service Provider; or
- (9) provided by an entity that is not an individualized skills and socialization provider; or

- (10) if an individual received on-site individualized skills and socialization or in-home individualized skills and socialization during the service event.

43101.7 Qualified Service Provider

Revision 23-2; Effective April 1, 2023

In addition to meeting the requirements in [Section 3400](#), Qualified Service Provider, a qualified service provider of the off-site individualized skills and socialization service component;

(a) must have:

(1) one of the following:

- (A) a high school diploma or a certificate recognized by a state as the equivalent of a high school diploma; or
- (B) documentation of a proficiency evaluation of experience and competence to perform the job tasks that includes:
 - (i) a written competency-based assessment of the ability to document service delivery and observations of the individuals to be served; and
 - (ii) at least three written personal references from persons not related by blood that indicate the ability to provide a safe, healthy environment for the individuals being served; and

(2) a valid driver's license if providing transportation; and

(3) a vehicle insured in accordance with state law to transport individuals in;

(b) must be providing off-site individualized skills and socialization as an employee, contractor, or volunteer of an individualized skills and socialization provider.

43101.8 Unit of Service

Revision 23-2; Effective April 1, 2023

(a) One Hour

A unit of service for the off-site individualized skills and socialization service component is one hour.

(b) Fraction of a Unit of Service

A service claim for off-site individualized skills and socialization may include a fraction of a unit of service, but the fraction must be .25, .50, or .75.

43101.9 Written Documentation

Revision 23-2; Effective April 1, 2023

A program provider must have written documentation to support a service claim for off-site individualized skills and socialization that:

- (1) meets the requirements set forth in Section 3800, Written Documentation;
- (2) includes, for each calendar day, the exact time the service event began and the exact time the service event ended documented by a service provider providing the off-site individualized skills and socialization;
- (3) includes a description from the individual's implementation plan of objectives the program provider is assisting the individual to achieve, as described in Section 4330(1), Billable Activity;
- (4) includes the individual's level of need;
- (5) includes the staffing ratio as required by 26 TAC §263.2017;
- (6) includes the number of individuals and other persons receiving off-site individualized skills and socialization or a similar service during the service event;
- (7) includes a description of each location that off-site individualized skills and socialization was provided; and
- (8) includes the name and signature of a service provider who provided all or a portion of the off-site individualized skills and socialization during the period documented in accordance with paragraph (2) of this section.

43102 In-Home Individualized Skills and Socialization

Revision 23-2; Effective April 1, 2023

43102.1 General Description of Service Component

Revision 23-2; Effective April 1, 2023

In-home individualized skills and socialization is the provision of assistance to an individual that is necessary for the individual to acquire skills to reside, integrate and participate successfully in the community.

43102.2 Requirements of Setting

Revision 23-2; Effective April 1, 2023

In-home individualized skills and socialization must be provided in the individual's residence.

43102.3 Requirement for Justification by a Licensed Professional or to be 55 Years or Age or Older

Revision 23-2; Effective April 1, 2023

An individual may receive in-home individualized skills and socialization only if:

- (a) a physician has documented that the individual's medical condition justifies the provision of in-home individualized skills and socialization; or
- (b) a licensed professional or behavioral supports service provider listed in [Section 4240\(2\)](#), Qualified Service Provider, has documented that the individual's behavioral issues justify the provision of in-home individualized skills and socialization; or
- (c) the individual is 55 years of age or older and requests to receive in-home individualized skills and socialization.

43102.4 Billable Activity

Revision 23-2; Effective April 1, 2023

The only billable activities for the in-home individualized skills and socialization service component are:

- (1) interacting in person with an individual to assist the individual in achieving objectives to:
 - (A) acquire, retain or improve self-help skills, socialization skills or adaptive skills that are necessary to for the individual to successfully reside, integrate and participate in the community; and
 - (B) reinforce a skill taught in school or during the provision of any TxHmL Program service or non-waiver service;
- (2) assisting an individual with his or her personal care activities if the individual cannot perform such activities without assistance;
- (3) as determined by an assessment conducted by a registered nurse, providing assistance with medications and the performance of tasks delegated by a registered nurse in accordance with state law and rules, unless a physician has delegated the task as a medical act under Texas Occupations Code Chapter 157, as documented by the physician;
- (4) participating in a service planning team meeting;

- (5) participating in the development of an implementation plan;
and
- (6) participating in the development of an IPC.

43102.5 Activity Not Billable

Revision 23-2; Effective April 1, 2023

(a) Activities in Section 3300

The activities listed in [Section 3300](#), Activity Not Billable, are not billable for the in-home individualized skills and socialization service component.

(b) Activities Not Listed in Section 49102.5

Any activity not described in [Section 49102.5](#), Billable Activity, is not billable for the in-home individualized skills and socialization service component.

43102.6 Restrictions Regarding Submission of Claims for In-Home Individualized Skills and Socialization

Revision 23-2; Effective April 1, 2023

A program provider may not submit a service claim for in-home individualized skills and socialization:

- (1) that was not provided in person;
- (2) provided to assist an individual in achieving objectives not documented in the individual's implementation plan;
- (3) in excess of six units of service per calendar day;
- (4) in excess of 30 units of service per calendar week;
- (5) in excess of 1560 units of service per IPC year;
- (6) provided to an individual that is funded by a source other than the TxHmL Program;
- (7) provided in a location that is not in compliance with [Section 49102.2](#); or
- (8) provided by a service provider who is providing another service component to the individual at the same time in violation of [Section 3710](#), One Service Provider;
- (9) provided by the individual's host home/companion care service provider.

43102.7 Qualified Service Provider

Revision 23-2; Effective April 1, 2023

In addition to meeting the requirements in [Section 3400](#), Qualified Service Provider, a qualified service provider of the in-home individualized skills and socialization service component;

(a) must have:

(1) one of the following:

(A) a high school diploma or a certificate recognized by a state as the equivalent of a high school diploma; or

(B) documentation of a proficiency evaluation of experience and competence to perform the job tasks that includes:

(i) a written competency-based assessment of the ability to document service delivery and observations of the individuals to be served; and

(ii) at least three written personal references from persons not related by blood that indicate the ability to provide a safe, healthy environment for the individuals being served; and

(b) must not be the individual's host home/companion care service provider.

43102.8 Unit of Service

Revision 23-2; Effective April 1, 2023

(a) One Hour

A unit of service for the in-home individualized skills and socialization service component is one hour.

(b) Fraction of a Unit of Service

A service claim for in-home individualized skills and socialization may include a fraction of a unit of service, but the fraction must be .25, .50, or .75.

43102.9 Written Documentation

Revision 23-2; Effective April 1, 2023

A program provider must have written documentation to support a service claim for on-site individualized skills and socialization that:

(1) meets the requirements set forth in Section 3800, Written Documentation;

- (2) includes, for each calendar day, the exact time the service event began and the exact time the service event ended documented by a service provider providing the on-site individualized skills and socialization;
- (3) includes a description from the individual's implementation plan of objectives the program provider is assisting the individual to achieve, as described in Section 4330(1), Billable Activity; and
- (4) includes the name, signature, and staff ID of a service provider who provided all or a portion of the on-site individualized skills and socialization during the period documented in accordance with paragraph (2) of this section.

4400 Registered Nursing

Revision 24-1, Effective January 1, 2024

4410 General Description of Service Component

Revision 12-1; Effective February 10, 2012

The registered nursing service component is the provision of professional nursing, as defined in Texas Occupations Code, [Chapter 301](#), provided to an individual with a medical need.

4420 Billable Activity

Revision 24-1, Effective January 1, 2024

The only billable activities for the registered nursing service component are:

- (1) conducting the comprehensive nursing assessment:
 - (A) in person; or
 - (B) by synchronous audio-visual technology if:
 - (i) the comprehensive nursing assessment is not the annual comprehensive nursing assessment;
 - (ii) the RN who completed the most recent comprehensive nursing assessment of the individual is no longer providing a nursing service to the individual; and
 - (iii) an unlicensed service provider is not performing a delegated nursing task or a health maintenance activity for the individual;

- (2) conducting an assessment that is not a comprehensive nursing assessment:
 - (A) in person, including:
 - (i) preparing and administering medication or treatment ordered by a physician, podiatrist or dentist;
 - (ii) assisting or observing administration of medication; and
 - (iii) assessing the individual's health status, including conducting a focused assessment;
 - (B) by synchronous audio-visual technology:
 - (i) to observe administration of oral medication or delegated tasks to the individual;
 - (ii) to conduct a focused assessment of the individual's health status; or
 - (C) by telephone to assess the individual's immediate health status to provide clinical advice including referral to health care settings for diagnosis and treatment;
- (3) at the time an individual receives medication from a pharmacy, ensuring the accuracy of:
 - (A) the type and amount of medication;
 - (B) the dosage instructions; and
 - (C) checking medications at the time they are received from the pharmacy for matching labels with the doctor's order and medication administration record sheet (MARS) for correct type and amount of medication,
- (4) if an error regarding an individual's medication has been documented or a lab result shows that an individual's therapeutic levels are abnormal:
 - (A) storing medication;
 - (B) counting medication;
 - (C) reordering medication; or
 - (D) refilling medication;
- (5) researching medical information for an individual who has a medical need for registered nursing, including reviewing documents to evaluate

the quality and effectiveness of the medical treatment the individual is receiving;

(6) preparing, documenting, or transmitting medical information to a physician or a licensed healthcare professional provider of professional therapies specific to regarding an clinical appointment the individual will have or had with the physician or licensed healthcare professional;

(7) training in person the following persons how to perform nursing tasks:

(A) a service provider of Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB), transportation as a community support activity, on-site individualized skills and socialization, off-site individualized skills and socialization, in-home individualized skills and socialization, respite, in-home respite, supported employment or employment assistance; and

(B) a person other than a service provider who is involved in serving an individual;

(8) reviewing documents in preparation for the training described in paragraph (7) of this subsection;

(9) interacting in person or by synchronous audio-visual technology or speaking by telephone with only the following:

(A) a service provider of registered nursing, licensed vocational nursing, specialized registered nursing, or specialized licensed vocational nursing regarding the health status of an individual during:

(i) an emergency involving the individual, including:

- a medical emergency;
- a behavioral emergency;
- a natural disaster; and
- a pandemic;

(ii) a change in the individual's medical or behavioral condition;
or

(iii) a transition of nursing duties including:

- a shift change;
- a debriefing of on-call duties; and
- a reassignment of caseloads;

- (B) a person other than the persons listed below, regarding the health status of an individual during any situation:
 - (i) a service provider of professional therapies;
 - (ii) a staff member who is not a service provider; and
 - (iii) a service provider of nursing described in subparagraph (A) of this paragraph.
- (10) interacting in person or speaking by telephone with a pharmacist or representative of a health insurance provider, including the Social Security Administration, about an individual's insurance benefits for medication if the registered nurse justifies, in writing, the need for the registered nurse to perform the activity;
- (11) instructing a service provider, except a service provider of registered nursing or specialized registered nursing, on a topic that is specific to an individual such as choking risks for an individual who has cerebral palsy;
- (12) supervising a licensed vocational nurse regarding an individual's nursing services or health status;
- (13) instructing, supervising or verifying the competency of an unlicensed person in the performance of a task delegated in accordance with rules of the Texas Board of Nursing at 22 TAC, Chapter 225 (relating to RN Delegation to Unlicensed Personnel and Tasks not Requiring Delegation in Independent Living Environments for Clients with Stable and Predictable Conditions) or the Human Resources Code, §§161.091-.093, as applicable;
- (14) participating in a service planning team meeting;
- (15) participating in the development of an implementation plan;
- (16) participating in the development of an IPC; and
- (17) documenting or updating the Comprehensive Nursing Assessment form.

4430 Activity Not Billable

Revision 24-1, Effective January 1, 2024

(a) Activities in Section 3300

The activities listed in [Section 3300](#), Activity Not Billable, are not billable for the registered nursing service component.

(b) Activities Not Listed in Section 4420

Any activity not described in [Section 4420](#), Billable Activity, is not billable for the registered nursing service component.

(c) Examples of Non-billable Activities

The following are examples of activities that are not billable for the registered nursing service component, regardless of whether they constitute the practice of registered nursing:

- (1) performing or supervising an activity that does not constitute the practice of registered nursing, including:
 - (A) transporting an individual;
 - (B) waiting to perform a billable activity; and
 - (C) waiting with an individual at a medical appointment;
- (2) making a medical appointment;
- (3) instructing on general topics unrelated to a specific individual, such as cardiopulmonary resuscitation or infection control;
- (4) storing, counting, reordering, refilling or delivering medication except as allowed [Section 4420\(4\) and \(5\)](#);
- (5) creating written documentation as described in [Section 4470](#), Written Documentation;
- (6) reviewing a written service log or written summary log of a service component as described in [Section 3820](#), Written Service Log and Written Summary Log except as allowed in [Section 4420\(5\)](#), Billable Activity;
- (7) interacting with a staff member who is not a service provider or a provider of professional therapies and the interaction is not during a service planning team meeting or during the development of an IPC or an implementation plan; and
- (8) performing an activity for which there is no medical need.

4440 Qualified Service Provider

Revision 12-1; Effective February 10, 2012

In addition to meeting the requirements in [Section 3400](#), Qualified Service Provider, a qualified service provider of the registered nursing service component must be a registered nurse.

4450 Unit of Service

Revision 22-2; Effective September 1, 2022

(a) **One Hour**

A unit of service for the registered nursing service component is one hour.

(b) **Fraction of a Unit of Service**

A service claim for registered nursing may include a fraction of a unit of service, but the fraction must be .25, .50, or .75.

(c) **Service Time**

Service time is calculated in accordance with [Section 3610\(b\)](#), Hourly Unit of Service, including when multiple persons are being served.

4460 Accumulation of Service Times

Revision 22-2; Effective September 1, 2022

A program provider may accumulate service times, as described in [Section 3610\(b\)](#), Hourly Unit of Service, for registered nursing provided to one individual on a single calendar month. The service time of more than one registered nurse may be accumulated on the last day of the month.

Example:

A registered nurse provides registered nursing services to one individual three times during a single calendar month: July 1, 2012, 8:30-8:55 a.m. (25 minutes); July 6, 2012, 4:15-4:20 p.m. (5 minutes); and July 25, 2012, 8:00-8:05 p.m. (5 minutes).

Without accumulating service times, **.50 units of service for registered nursing are billable** for the service time of 25 minutes. The service times of five minutes are not billable because they are less than eight minutes each.

If all three service times are accumulated into one service time of 35 minutes (25 + 5 + 5), **.50 units of service for registered nursing are billable**.

If the first service time of 25 minutes is billed as .50 units of service on the day it was provided, and the second and third service times are accumulated into one service time of 10 minutes (5 + 5), which is billable as .25 unit of service on the last day of the month, July 31, 2012, **.75 units of service for registered nursing are billable** (.50 + .25).

Example:

Nurse A provides 7 minutes of registered nursing to an individual. During the same month, Nurse B provides 7 minutes of licensed vocational nursing to the same individual. You could not accumulate the time and neither service would meet the minimum requirements for billing .25 units of their respective nursing component.

4470 Written Documentation

Revision 12-1; Effective February 10, 2012

A program provider must have written documentation to support a service claim for registered nursing. The written documentation must meet the requirements set forth in [Section 3800](#), Written Documentation.

4471 Licensed Vocational Nursing

Revision 24-1, Effective January 1, 2024

4471.1 General Description of Service Component

Revision 12-1; Effective February 10, 2012

The licensed vocational nursing service component is the provision of licensed vocational nursing to an individual, as defined in Texas Occupations Code, [Chapter 301](#).

4471.2 Billable Activity

Revision 24-1, Effective January 1, 2024

The only billable activities for the licensed vocational nursing service component are:

- (1) interacting in person with an individual who has a medical need for licensed vocational nursing, including:
 - (A) preparing and administering medication or treatment ordered by a physician, podiatrist or dentist;
 - (B) assisting or observing administration of medication; and conducting a focused assessment of the individual's health status;
- (2) interacting by synchronous audio-visual technology, within the scope of practice of the licensed vocational nurse, with an individual who has a medical need for licensed vocational nursing, including:

- (A) observing administration of oral medication or delegated tasks;
and
 - (B) conducting a focused assessment of the individual's health
status;
- (3) at the time an individual receives medication from a pharmacy, ensuring
the accuracy of:
 - (A) the type and amount of medication;
 - (B) the dosage instructions; and
 - (C) checking medications at the time they are received from the
pharmacy for matching labels with the doctor's order and
medication administration record sheet (MARS) for correct type
and amount of medication;
- (4) if an error regarding an individual's medication has been documented or
a lab result shows that an individual's therapeutic levels are abnormal:
 - (A) storing medication;
 - (B) counting medication;
 - (C) reordering medication; or
 - (D) refilling medication;
- (5) researching medical information for an individual who has a medical
need for licensed vocational nursing, including reviewing documents to
evaluate the quality and effectiveness of the medical treatment the
individual is receiving;
- (6) preparing, documenting, or transmitting medical information to a
physician or a licensed healthcare professional regarding an
appointment the individual will have or had with the physician or
licensed healthcare professional;
- (7) training in person a service provider of Community First Choice Personal
Assistance Services/Habilitation (CFC PAS/HAB), transportation as a
community support activity, on-site individualized skills and
socialization, off-site individualized skills and socialization, in-home
individualized skills and socialization, respite, in-home respite,
supported employment, or employment assistance, or a person other
than a service provider who is involved in serving an individual,
regarding how to perform nursing tasks;

- (8) reviewing documents in preparation for the training described in paragraph (7) of this section;
- (9) interacting in person or by synchronous audio-visual technology or speaking by telephone with only the following:
 - (A) a service provider of registered nursing, licensed vocational nursing, specialized registered nursing, or specialized licensed vocational nursing regarding the health status of an individual during:
 - (i) an emergency involving the individual, including:
 - a medical emergency;
 - a behavioral emergency;
 - a natural disaster; and
 - a pandemic;
 - (ii) a change in the individual's medical or behavioral condition; or
 - (iii) a transition of nursing duties including:
 - a shift change;
 - a debriefing of on-call duties; and
 - a reassignment of caseloads;
 - (B) a person, other than the persons listed below, regarding the health status of an individual during any situation:
 - (i) a service provider of professional therapies;
 - (ii) a staff member who is not a service provider; and
 - (iii) a service provider of nursing described in subparagraph (A) of this paragraph.
- (10) interacting in person or speaking by telephone with a pharmacist or representative of a health insurance provider, including the Social Security Administration, about an individual's insurance benefits for medication if the licensed vocational nurse justifies, in writing, the need for the licensed vocational nurse to perform the activity;
- (11) instructing a service provider, except a service provider of registered nursing or specialized registered nursing, on a topic specific to an

individual such as choking risks for an individual who has cerebral palsy;

- (12) participating in a service planning team meeting;
- (13) participating in the development of an implementation plan;
- (14) participating in the development of an IPC; and
- (15) researching information to be included in the Comprehensive Nursing Assessment form.

4471.3 Activity Not Billable

Revision 24-1, Effective January 1, 2024

(a) Activities in Section 3300

The activities listed in [Section 3300](#), Activity Not Billable, are not billable for the licensed vocational nursing service component.

(b) Activities Not Listed in Section 4471.2

Any activity not described in [Section 4471.2](#), Billable Activity, is not billable for the licensed vocational nursing service component.

(c) Examples of Non-billable Activities

The following are examples of activities that are not billable for the licensed vocational nursing service component, regardless of whether they constitute the practice of licensed vocational nursing:

- (1) performing or supervising an activity that does not constitute the practice of licensed vocational nursing, including:
 - (A) performing an activity that constitutes the practice of professional nursing and must be performed by a registered nurse;
 - (B) transporting an individual;
 - (C) waiting to perform a billable activity; and
 - (D) waiting with an individual at a medical appointment;
- (2) making a medical appointment;
- (3) instructing on general topics unrelated to a specific individual, such as cardiopulmonary resuscitation or infection control;
- (4) storing, counting, reordering, refilling or delivering medication except as allowed in the fourth bullet of [Section 4471.2\(4\) and \(5\)](#);
- (5) creating written documentation as described in [Section 4471.7](#), Written Documentation;

- (6) reviewing a written service log or written summary log of a service component as described in [Section 3820](#), Written Service Log and Written Summary Log, except as allowed in [Section 4471.2\(5\)](#), Billable Activity;
- (7) interacting with a staff member who is not a service provider or a provider of professional therapies and the interaction is not during a service planning team meeting or during the development of an IPC or an implementation plan; and
- (8) performing an activity for which there is no medical need.

4471.4 Qualified Service Provider

Revision 12-1; Effective February 10, 2012

In addition to meeting the requirements in [Section 3400](#), Qualified Service Provider, a qualified service provider of the licensed vocational nursing service component must be a licensed vocational nurse.

4471.5 Unit of Service

Revision 22-2; Effective September 1, 2022

(a) **One Hour**

A unit of service for the licensed vocational nursing service component is one hour.

(b) **Fraction of a Unit of Service**

A service claim for licensed vocational nursing may include a fraction of a unit of service, but the fraction must be .25, .50, or .75.

(c) **Service Time**

Service time is calculated in accordance with [Section 3610\(b\)](#), Hourly Unit of Service, including when multiple persons are being served.

4471.6 Accumulation of Service Times

Revision 22-2; Effective September 1, 2022

A program provider may accumulate service times, as described in [Section 3610\(b\)](#), Hourly Unit of Service, for licensed vocational nursing provided to one individual during a single calendar month. The service times of more than one licensed vocational nurse may be accumulated on the last day of the month.

Example:

A nurse provides licensed vocational nursing services to one individual three times

during a single calendar month: July 1, 2012, 8:30-8:55 a.m. (25 minutes); July 6, 2012, 4:15-4:20 p.m. (5 minutes); and July 28, 2012, 8:00-8:05 p.m. (5 minutes).

Without accumulating service times, **.50 units of service for licensed vocational nursing are billable** for the service time of 25 minutes. The service times of five minutes are not billable because they are less than eight minutes each.

If all three service times are accumulated into one service time of 35 minutes (25 + 5 + 5), **.50 units of service for licensed vocational nursing are billable**.

If the first service time of 25 minutes is billed as .50 units of service on the day it was provided, and the second and third service times are accumulated into one service time of 10 minutes (5 + 5), which is billable as .25 units of service on the last day of the month July 31, 2012, **.75 units of service for licensed vocational nursing are billable** (.50 + .25).

Example:

Nurse A provides 7 minutes of licensed vocational nursing to an individual. During the same month, Nurse B provides 7 minutes of registered nursing to the same individual. You could not accumulate the time and neither service would meet the minimum requirements for billing .25 units of their respective nursing component.

4471.7 Written Documentation

Revision 12-1; Effective February 10, 2012

A program provider must have written documentation to support a service claim for licensed vocational nursing. The written documentation must meet the requirements set forth in [Section 3800](#), Written Documentation.

4472 Specialized Registered Nursing

Revision 24-1, Effective January 1, 2024

4472.1 General Description of Service Component

Revision 12-1; Effective February 10, 2012

The specialized registered nursing service component is the provision of professional nursing, as defined in Texas Occupations Code, [Chapter 301](#), to an individual who has a tracheostomy or is dependent on a ventilator.

4472.2 Billable Activity

Revision 24-1, Effective January 1, 2024

The only billable activities for the specialized registered nursing service component are:

- (1) conducting the comprehensive nursing assessment with an individual who has a tracheostomy or is dependent on a ventilator:
 - (A) in person; or
 - (B) by synchronous audio-visual technology if:
 - (i) the comprehensive nursing assessment is not the annual comprehensive nursing assessment;
 - (ii) the RN who completed the most recent comprehensive nursing assessment of the individual is no longer providing a nursing service to the individual; and
 - (iii) an unlicensed service provider is not performing a delegated nursing task or a health maintenance activity for the individual;
- (2) conducting an assessment that is not a comprehensive nursing assessment:
 - (A) in person with an individual who has a tracheostomy or is dependent on a ventilator, including:
 - (i) preparing and administering medication or treatment ordered by a physician, podiatrist or dentist;
 - (ii) assisting or observing administration of medication; and
 - (iii) assessing the individual's health status, including conducting a focused assessment;
 - (B) by synchronous audio-visual technology with an individual who has a tracheostomy or is dependent on a ventilator:
 - (i) to observe self-administration of oral medication or delegated tasks to an individual;
 - (ii) to conduct a focused assessment of the individual's health status; or
 - (C) by telephone with an individual who has a tracheostomy or is dependent on a ventilator to assess the individual's immediate health status to provide clinical advice including referral to health care settings for diagnosis and treatment;

- (3) at the time an individual receives medication from a pharmacy, ensuring the accuracy of:
 - (A) the type and amount of medication;
 - (B) the dosage instructions; and
 - (C) checking medications at the time they are received from the pharmacy for matching labels with the doctor's order and medication administration record sheet (MARS) for correct type and amount of medication;
- (4) if an error regarding an individual's medication has been documented or a lab result shows that an individual's therapeutic levels are abnormal:
 - (A) storing medication;
 - (B) counting medication;
 - (C) reordering medication; or
 - (D) refilling medication;
- (5) researching medical information for an individual who has a tracheostomy or is dependent on a ventilator and who has a medical need for registered nursing, including reviewing documents to evaluate the quality and effectiveness of the medical treatment the individual is receiving;
- (6) preparing, documenting, or transmitting medical information to a physician or a licensed healthcare professional regarding an appointment the individual will have or had with the physician or licensed healthcare professional;
- (7) training in person the following persons on how to perform nursing tasks for an individual who has a tracheostomy or is dependent on a ventilator:
 - (A) a service provider of Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB), transportation as a community support activity, on-site individualized skills and socialization, off-site individualized skills and socialization, in-home individualized skills and socialization, respite, in-home respite, supported employment or employment assistance; and
 - (B) a person other than a service provider who is involved in serving the individual;

- (8) reviewing documents in preparation for the training described in paragraph (7) of this subsection;
- (9) interacting in person or by synchronous audio-visual technology or speaking by telephone with only the following:
 - (A) a service provider of registered nursing, licensed vocational nursing, specialized registered nursing, or specialized licensed vocational nursing regarding the health status of an individual during:
 - (i) an emergency involving the individual, including:
 - a medical emergency;
 - a behavioral emergency;
 - a natural disaster; and
 - a pandemic;
 - (ii) a change in the individual's medical or behavioral condition; or
 - (iii) a transition of nursing duties including:
 - a shift change;
 - a debriefing of on-call duties; and
 - a reassignment of caseloads;
 - (B) a person, other than the persons listed below, regarding the health status of an individual during any situation:
 - (i) a service provider of professional therapies;
 - (ii) a staff member who is not a service provider; and
 - (iii) a service provider of nursing described in subparagraph (A) of this paragraph.
- (10) interacting in person or speaking by telephone with a pharmacist or representative of a health insurance provider, including the Social Security Administration, about an individual's insurance benefits for medication if the registered nurse justifies, in writing, the need for the registered nurse to perform the activity;
- (11) instructing a service provider, except a service provider of registered nursing or specialized registered nursing, on a topic specific to an

individual such as choking risks for an individual who has cerebral palsy;

- (12) supervising a licensed vocational nurse regarding an individual's nursing services or health status;
- (13) instructing, supervising or verifying the competency of an unlicensed person in the performance of a task delegated in accordance with rules of the Texas Board of Nursing at 22 TAC Chapter 225 (relating to RN Delegation to Unlicensed Personnel and Tasks not Requiring Delegation in Independent Living Environments for Clients with Stable and Predictable Conditions) or the Human Resources Code, §§161.091-.093, as applicable;
- (14) participating in a service planning team meeting;
- (15) participating in the development of an implementation plan;
- (16) participating in the development of an IPC; and
- (17) documenting or updating the Comprehensive Nursing Assessment form.

4472.3 Activity Not Billable

Revision 24-1, Effective January 1, 2024

(a) Activities in Section 3300

The activities listed in [Section 3300](#), Activity Not Billable, are not billable for the specialized professional nursing service component.

(b) Activities Not Listed in Section 4420

Any activity not described in [Section 4420](#), Billable Activity, is not billable for the specialized registered nursing service component.

(c) Examples of Non-billable Activities

The following are examples of activities that are not billable for the specialized registered nursing service component, regardless of whether they constitute the practice of registered nursing:

- (1) performing or supervising an activity that does not constitute the practice of registered nursing, including:
 - (A) transporting an individual;
 - (B) waiting to perform a billable activity; and
 - (C) waiting with an individual at a medical appointment;
- (2) making a medical appointment;

- (3) instructing on general topics unrelated to a specific individual, such as cardiopulmonary resuscitation or infection control;
- (4) storing, counting, reordering, refilling or delivering medication except as allowed in the fourth bullet of [Section 4472.2\(4\)](#), Billable Activity;
- (5) creating written documentation as described in [Section 4472.7](#), Written Documentation;
- (6) reviewing a written service log or written summary log of a service component as described in [Section 3820](#), Written Service Log and Written Summary Log, except as allowed in [Section 4472.2\(5\)](#), Billable Activity;
- (7) interacting with a staff member who is not a service provider or a provider of professional therapies and the interaction is not during a service planning team meeting or during the development of an IPC or an implementation plan; and
- (8) performing an activity for which there is no medical need.

4472.4 Qualified Service Provider

Revision 12-1; Effective February 10, 2012

In addition to meeting the requirements in [Section 3400](#), Qualified Service Provider, a qualified service provider of the specialized registered nursing service component must be a registered nurse.

4472.5 Unit of Service

Revision 22-2; Effective September 1, 2022

(a) **One Hour**

A unit of service for the specialized registered nursing service component is one hour.

(b) **Fraction of a Unit of Service**

A service claim for specialized registered nursing may include a fraction of a unit of service, but the fraction must be .25, .50, or .75.

(c) **Service Time**

Service time is calculated in accordance with [Section 3610\(b\)](#), Hourly Unit of Service, including when multiple persons are being served.

4472.6 Accumulation of Service Times

Revision 22-2; Effective September 1, 2022

A program provider may accumulate service times, as described in [Section 3610\(b\)](#), Hourly Unit of Service, for specialized registered nursing provided to one individual during a single calendar month. The service times of more than one specialized registered nurse may be accumulated on the last day of the month.

Example:

A nurse provides specialized registered nursing services to one individual three times in a single calendar month: July 1, 2012, 8:30-8:55 a.m. (25 minutes); July 6, 2012, 4:15-4:20 p.m. (5 minutes); and July 28, 2012, 8:00-8:05 p.m. (5 minutes).

Without accumulating service times, **.50 units of service for specialized registered nursing are billable** for the service time of 25 minutes. The service times of five minutes are not billable because they are less than eight minutes each.

If all three service times are accumulated into one service time of 35 minutes (25 + 5 + 5), **.50 units of service for specialized registered nursing are billable**.

If the first service time of 25 minutes is billed as .50 units of service on the day it was provided, and the second and third service times are accumulated into one service time of 10 minutes (5 + 5), which is billable as .25 unit of service on the last day of the month, July 31, 2012, **.75 units of service for specialized registered nursing are billable** (.50 + .25).

Example:

Nurse A provides 7 minutes of specialized registered nursing to an individual. On the same calendar day, Nurse B provides 7 minutes of specialized licensed vocational nursing to the same individual. You could not accumulate the time and neither service would meet the minimum requirements for billing .25 units of their respective nursing component.

4472.7 Written Documentation

Revision 12-1; Effective February 10, 2012

A program provider must have written documentation to support a service claim for specialized registered nursing. The written documentation must meet the requirements set forth in [Section 3800](#), Written Documentation.

4473 Specialized Licensed Vocational Nursing

Revision 24-1, Effective January 1, 2024

4473.1 General Description of Service Component

Revision 12-1; Effective February 10, 2012

The specialized licensed vocational nursing service component is the provision of licensed vocational nursing, as defined in Texas Occupations Code, [Chapter 301](#), to an individual who has a tracheostomy or is dependent on a ventilator.

4473.2 Billable Activity

Revision 24-1, Effective January 1, 2024

The only billable activities for the specialized licensed vocational nursing service component are:

- (1) interacting in person with an individual who has a tracheostomy or is dependent on a ventilator and who has a medical need for licensed vocational nursing, including:
 - (A) preparing and administering medication or treatment ordered by a physician, podiatrist or dentist;
 - (B) assisting or observing administration of medication; and
 - (C) conducting a focused assessment of the individual's health status;
- (2) interacting by synchronous audio-visual technology, within the scope of practice of the licensed vocational nurse, with an individual who has a tracheostomy or is dependent on a ventilator and who has a medical need for licensed vocational nursing, including:
 - (A) observing administration of oral medication or delegated tasks; and
 - (B) conducting a focused assessment of the individual's health status;
- (3) at the time an individual receives medication from a pharmacy, ensuring the accuracy of:
 - (A) the type and amount of medication;
 - (B) the dosage instructions; and
 - (C) checking medications at the time they are received from the pharmacy for matching labels with the doctor's order and medication administration record sheet (MARS) for correct type and amount of medication;

- (4) if an error regarding an individual's medication has been documented or a lab result shows that an individual's therapeutic levels are abnormal:
 - (A) storing medication;
 - (B) counting medication;
 - (C) reordering medication; or
 - (D) refilling medication;
- (5) researching medical information for an individual who has a tracheostomy or is dependent on a ventilator and who has a medical need for licensed vocational nursing, including reviewing documents, to evaluate the quality and effectiveness of the medical treatment the individual is receiving;
- (6) preparing, documenting, or transmitting medical information to a physician or a licensed healthcare professional regarding an appointment the individual will have or had with the physician or licensed healthcare professional;
- (7) training in person a service provider of Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB), transportation as a community support activity, on-site individualized skills and socialization, off-site individualized skills and socialization, in-home individualized skills and socialization, respite, in-home respite, employment assistance or supported employment, or a person other than a service provider who is involved in serving an individual on how to perform nursing tasks for an individual who has a tracheostomy or is dependent on a ventilator;
- (8) reviewing documents in preparation for the training described in paragraph (7) of this section;
- (9) interacting in person or by synchronous audio-visual technology or speaking by telephone with only the following:
 - (A) a service provider of registered nursing, licensed vocational nursing, specialized registered nursing, or specialized licensed vocational nursing regarding the health status of an individual who has a traceostomy or is dependent on a ventilator during:
 - (i) an emergency involving the individual, including:
 - a medical emergency;
 - a behavioral emergency;

- a natural disaster; and
- a pandemic;
- (ii) a change in the individual's medical or behavioral condition;
or
- (iii) a transition of nursing duties including:
 - a shift change;
 - a debriefing of on-call duties; and
 - a reassignment of caseloads;
- (B) a person, other than the persons listed below, regarding the health status of an individual during any situation:
 - (i) a service provider of professional therapies;
 - (ii) a staff member who is not a service provider; and
 - (iii) a service provider of nursing described in subparagraph (A) of this paragraph.
- (10) interacting in person or speaking by telephone with a pharmacist or representative of a health insurance provider, including the Social Security Administration, about an individual's insurance benefits for medication if the licensed vocational nurse justifies, in writing, the need for the licensed vocational nurse to perform the activity;
- (11) instructing a service provider, except a service provider of registered nursing or specialized registered nursing, on a topic specific to an individual such as choking risks for an individual who has cerebral palsy;
- (12) participating in a service planning team meeting;
- (13) participating in the development of an implementation plan;
- (14) participating in the development of an IPC; and
- (15) researching information to be included in the Comprehensive Nursing Assessment form.

4473.3 Activity Not Billable

Revision 24-1, Effective January 1, 2024

(a) **Activities in Section 3300**

The activities listed in [Section 3300](#), Activity Not Billable, are not billable for the specialized licensed vocational nursing service component.

(b) **Activities Not Listed in Section 4420**

Any activity not described in [Section 4420](#), Billable Activity, is not billable for the specialized licensed vocational nursing service component.

(c) **Examples of Non-billable Activities**

The following are examples of activities that are not billable for the specialized licensed vocational nursing service component, regardless of whether they constitute the practice of licensed vocational nursing:

- (1) performing or supervising an activity that does not constitute the practice of licensed vocational nursing, including:
 - (A) performing an activity that constitutes the practice of professional nursing and must be performed by a registered nurse;
 - (B) transporting an individual;
 - (C) waiting to perform a billable activity; and
 - (D) waiting with an individual at a medical appointment;
- (2) making a medical appointment;
- (3) instructing on general topics unrelated to a specific individual, such as cardiopulmonary resuscitation or infection control;
- (4) storing, counting, reordering, refilling or delivering medication except as allowed in the fourth bullet of [Section 4473.2](#), Billable Activity;
- (5) creating written documentation as described in [Section 4473.7](#), Written Documentation;
- (6) reviewing a written service log or written summary log of a service component as described in [Section 3820](#), Written Service Log and Written Summary Log, except as allowed in [Section 4473.2\(5\)](#), Billable Activity;
- (7) interacting with a staff member who is not a service provider or a provider of professional therapies and the interaction is not during a service planning team meeting or during the development of an IPC or an implementation plan; and
- (8) performing an activity for which there is no medical need.

4473.4 Qualified Service Provider

Revision 12-1; Effective February 10, 2012

In addition to meeting the requirements in [Section 3400](#), Qualified Service Provider, a qualified service provider of the specialized licensed vocational nursing service component must be a licensed vocational nurse.

4473.5 Unit of Service

Revision 22-2; Effective September 1, 2022

(a) **One Hour**

A unit of service for the specialized licensed vocational nursing service component is one hour.

(b) **Fraction of a Unit of Service**

A service claim for specialized licensed vocational nursing may include a fraction of a unit of service, but the fraction must be .25, .50, or .75.

(c) **Service Time**

Service time is calculated in accordance with [Section 3610\(b\)](#), Hourly Unit of Service, including when multiple persons are being served.

4473.6 Accumulation of Service Times

Revision 22-2; Effective September 1, 2022

A program provider may accumulate service times, as described in [Section 3610\(b\)](#), Hourly Unit of Service, for specialized licensed vocational nursing provided to one individual during a single calendar month. The service times of more than one specialized licensed vocational nurse may be accumulated.

Example:

A nurse provides specialized licensed vocational nursing services to one individual three times during a single calendar month: July 1, 2012, 8:30-8:55 a.m. (25 minutes); July 6, 2012, 4:15-4:20 p.m. (5 minutes); and July 28, 2012, 8:00-8:05 p.m. (5 minutes).

Without accumulating service times, **.50 units of service for specialized licensed vocational nursing are billable** for the service time of 25 minutes. The service times of five minutes are not billable because they are less than eight minutes each.

If all three service times are accumulated into one service time of 35 minutes (25 + 5 + 5), **.50 units of service for specialized licensed vocational nursing are billable**.

If the first service time of 25 minutes is billed as .50 units of service on the day it was provided, and the second and third service times are accumulated into one service time of 10 minutes (5 + 5), which is billable as .25 units of service on the last day of the month, July 31, 2012, **.75 units of service for specialized licensed vocational nursing are billable** (.50 + .25).

Example:

Nurse A provides 7 minutes of specialized licensed vocational nursing to an individual. During the same month, Nurse B provides 7 minutes of registered nursing to the same individual. You could not accumulate the time and neither service would meet the minimum requirements for billing .25 units of their respective nursing component.

4473.7 Written Documentation

Revision 12-1; Effective February 10, 2012

A program provider must have written documentation to support a service claim for specialized licensed vocational nursing. The written documentation must meet the requirements set forth in [Section 3800](#), Written Documentation.

4500 Community Support (Transportation)

Revision 24-1, Effective January 1, 2024

4510 General Description of Service Component

Revision 15-2; Effective October 30, 2015

The community support service component is transportation provided to an individual.

4520 Community Support Billing Requirements

Revision 24-1, Effective January 1, 2024

(a) Billable Activity

The only billable activity for the community support subcomponent is transporting the individual, except from one day habilitation, employment assistance or supported employment site to another.

(b) Activity Not Billable

(1) Activities in Section 3300

The activities listed in [Section 3300](#), Activity Not Billable, are not billable for transportation as a community support activity.

(2) Activities Not Listed in Subsection (a)

Any activity not described in subsection (a) of this section is not billable for transportation as a community support activity.

(c) Restrictions Regarding Submission of Claims for Transportation as a Community Support Activity

A program provider may not submit a service claim for transporting an individual from one day habilitation or supported employment site to another.

(d) Qualified Service Provider

In addition to meeting the requirements in [Section 3400](#), Qualified Service Provider, a qualified service provider of transportation as a community support activity:

(1) may not have the same residence as the individual; and

(2) must have one of the following:

(A) a high school diploma;

(B) a high school equivalency certificate issued in accordance with the law of the issuing state; or

(C) both of the following:

(i) a successfully completed written competency-based assessment demonstrating the ability to provide transportation as a community support activity and the ability to document the provision of transportation as a community support activity in accordance with [Section 3800](#), Written Documentation, and subsection (f) of this section; and

(ii) written personal references which evidence the service provider's ability to provide a safe and healthy environment for the individual from at least three persons who are not relatives of the service provider ([Appendix VI](#), Degree of Consanguinity or Affinity, explains who is considered a relative for purposes of these billing requirements).

(e) Unit of Service

(1) One Hour

A unit of service for transportation as a community support activity is one hour.

(2) Fraction of a Unit of Service

A service claim for transportation as a community support activity may include a fraction of a unit of service, but the fraction must be .25, .50, or .75.

(f) Service Time

Service time is calculated in accordance with [Section 3610\(b\)](#), Hourly Unit of Service, including when multiple persons are being served. **Determining Unit of Service for Transportation as a Community Support Activity**

The unit of service for a service claim for transportation as a community support activity is determined by:

- (1) calculating transportation time, number of passengers and number of service providers using Method A or Method B, as described in subsection (g) of this section;
- (2) determining service time using the formula set forth in subsection (h) of this section; and
- (3) converting service time to units of service for a service claim using [Appendix III](#), Conversion Table, as described in subsection (h)(3) of this section.

(g) Calculating Transportation Time, Passengers, Service Providers

(1) How to Calculate

Transportation time, number of passengers and number of service providers must be calculated using Method A or Method B as described below.

(2) Use of Only One Method on a Single Calendar Day

A program provider may not use Method A and Method B on the same calendar day.

(3) Definitions Applicable for Method A and Method B

The following definitions apply to Method A and Method B:

- (A) A "passenger" is a person who receives a service funded by HHSC, including a person enrolled in the intermediate care facilities for persons with intellectual disability (ICF/ID) program or a waiver program other than HCS.

- (B) A "trip" is a discrete period of continuous time during which one or more individuals are being transported in the same vehicle.

(4) Method A

Using Method A, the transportation time, number of passengers and number of service providers are the same for all individuals transported in a single trip:

- (A) Transportation time begins when the first individual gets on the vehicle and ends when the last individual gets off the vehicle.
- (B) The number of passengers is the total number of passengers transported during the trip.
- (C) The number of service providers is the total number of service providers who provide services during the trip, including the driver of the vehicle.

(5) Method B

Using Method B, the transportation time, number of passengers and number of service providers are determined separately for each individual transported in a single trip in segments that begin and end when the number of passengers or the number of service providers changes during the trip.

(h) Determining Service Time

(1) How to Determine

Service time must be determined using the transportation time, number of passengers and number of service providers for an entire trip (if using Method A) or for each segment of a trip (if using Method B).

(2) Formula

The formula for calculating the service time is:

Service Time = [Number of Service Providers x Transportation Time] ÷ Number of Passengers

(3) Converting Service Time to Units of Service

Service time must be converted to units of service for a service claim as set forth in Appendix III, Conversion Table.

(4) Examples of Determining Unit of Service for Transportation as a Community Support Activity

See [Appendix II](#), Determining Units of Service for the Community Support Activity of Transporting an Individual, for examples of

determining the units of service for a service claim for transportation as a community support activity.

(5) Accumulation of Service Times

(A) For Single Calendar Day

A program provider may accumulate service times, as described in [Section 3610\(b\)](#), 15-Minute Unit of Service, for transporting one individual on a single calendar day. The service times of more than one service provider may be accumulated.

(B) Example of Accumulating Service Time

See Appendix II, Determining Units of Service for the Community Support Activity of Transporting an Individual for an example of accumulating service time for transportation as a community support activity.

(i) Written Documentation

A program provider must have written documentation to support a service claim for transportation as a community support activity. The written documentation must be made within 14 calendar days after the community support activity is provided and must include:

- (1) the name of the individual who was being transported;
- (2) the day, month and year the transportation was provided;
- (3) the place of departure and destination for the individual being transported;
- (4) a notation of whether the program provider is using Method A or Method B to calculate transportation time, as required by subsection (f)(1) of this section;
- (5) a begin and end time for each transportation time, as described in (g) of this section;
- (6) the total minutes of each transportation time;
- (7) for each "trip" if using Method A (subsection (g)(3) and (4) of this section) or, for each "segment" if using Method B (subsection (g)(5) of this section).
 - (A) the number of passengers;
 - (B) the number of service providers;
 - (C) the resulting service time; and

- (D) the signature of the service provider transporting the individual;
- (8) the unit of service for a service claim resulting from each service time; and
- (9) any service times accumulated to make a unit of service for a service claim.

Example Form

[Form 2124](#), Community Support Transportation Log, may be used to document transportation as a community support activity. This log is only an example, however. A program provider may document such activity in any way that meets requirements.

4600 Respite

Revision 23-2; Effective April 1, 2023

4610 General Description of Service Component

Revision 21-1; Effective January 1, 2021

(a) Temporary Provision of Assistance

The respite service component:

- (1) is the temporary provision of assistance and support necessary for an individual to perform personal care, health maintenance and independent living tasks; participate in community activities; and develop, retain and improve community living skills; and
- (2) provides relief for a caregiver of the individual who:
 - (A) has the same residence as the individual;
 - (B) routinely provides assistance and support necessary for an individual to perform personal care, health maintenance and independent living tasks; participate in community activities; and develop, retain and improve community living skills;
 - (C) is temporarily unavailable to provide such assistance and support; and
 - (D) is not a service provider of Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB) unless:
 - (i) the service provider of CFC PAS/HAB routinely provides unpaid assistance and support to the individual; and

(ii) is used to provide temporary support to the primary caregiver.

(b) Room and Board

The program provider must provide room and board to the individual free of charge.

4620 Requirement of Setting

Revision 23-2; Effective April 1, 2023

Respite must be provided to an individual in a setting that is not the residence of the individual. The settings in which respite may be provided are as follows:

- (1) a site at which on-site individualized skills and socialization is provided;
- (2) a camp accredited by the American Camp Association;
- (3) a respite facility;
- (4) the residence of another person including:
 - (A) a three-person residence;
 - (B) a four-person residence;
 - (C) a residence in which host home/companion care is provided;
- (5) a setting in the community other than those described in paragraphs (1)-(4) of this section.

4630 Billable Activity

Revision 23-2; Effective April 1, 2023

The only billable activities for the respite service component are:

- (1) interacting in person with an individual to:
 - (A) assist the individual with activities of daily living, including:
 - (i) bathing, dressing and personal hygiene;
 - (ii) eating;
 - (iii) meal planning and preparation; and
 - (iv) housekeeping;
 - (B) assist the individual with ambulation and mobility;
 - (C) reinforce any professional therapies subcomponent provided to the individual;

- (D) assist with the administration of the individual's medication or to perform a task delegated by a registered nurse in accordance with rules of the Texas Board of Nursing at 22 TAC, Chapter 225 (relating to RN Delegation to Unlicensed Personnel and Tasks not Requiring Delegation in Independent Living Environments for Clients with Stable and Predictable Conditions) or the Human Resources Code, §161.091-.093, as applicable;
 - (E) conduct habilitation activities that teach the individual to:
 - (i) develop or improve skills that allow the individual to live more independently;
 - (ii) develop socially valued behaviors;
 - (iii) integrate into community activities;
 - (iv) use natural supports and typical community services available to the public; and
 - (v) participate in leisure activities;
 - (F) secure transportation for the individual;
 - (G) supervise the individual's safety and security; and
 - (H) transport the individual, except during the provision of on-site individualized skills and socialization or off-site individualized skills and socialization;
- (2) interacting in person or by telephone with an individual or an involved person regarding an incident that directly affects the individual's health or safety;
- (3) performing one of the following activities that does not involve interacting in person with an individual:
- (A) shopping for the individual;
 - (B) planning or preparing meals for the individual;
 - (C) housekeeping for the individual;
 - (D) procuring or preparing the individual's medication;
 - (E) securing transportation for the individual; and
 - (F) any billable activity referenced in this section that occurs at a camp that is accredited by the American Camp Association;
- (4) participating in a service planning team meeting;

- (5) participating in the development of an implementation plan; and
- (6) participating in the development of an IPC.

4640 Respite in Residence or During Overnight Stay in Non-residence

Revision 21-1; Effective January 1, 2021

(a) Residence

If an individual receives respite in a residence, the residence must be:

- (1) a three-person residence;
- (2) a four-person residence;
- (3) a residence in which host home/companion care is provided; or
- (4) the residence of another person (other than a three-person residence, four-person residence or a residence in which host home/companion care is provided) in which no more than three persons are receiving TxHmL or HCS Program services or a non-TxHmL/HCS program service similar to TxHmL or HCS Program services.

(b) Non-residence

- (1) Except as provided in paragraph (2) of this subsection. If an individual is receiving respite during an overnight stay in a setting that is not the residence of any person, no more than six persons receiving TxHmL or HCS Program services or a non-TxHmL/HCS Program service similar to TxHmL or HCS Program services may be in the setting.
- (2) An individual may receive respite in a camp setting if the camp is accredited by the American Camp Association.

4641 Residential Location

Revision 21-1; Effective January 1, 2021

A program provider may provide respite to an individual only if the program provider has documented a residential location of "own/family home" on the individual's [IPC](#).

4650 Activity Not Billable

Revision 21-1; Effective January 1, 2021

(a) **Activities in Section 3300**

The activities listed in [Section 3300](#), Activity Not Billable, are not billable for the respite service component.

(b) **Activities Not Listed in Section 4620**

Any activity not described in [Section 4620](#), Billable Activity, is not billable for the respite service component.

4651 Submitting a Service Claim for Respite

Revision 22-2; Effective September 1, 2022

If a program provider provides 10 hours or more of respite to an individual in one calendar day, the program provider may submit a service claim for no more than 10 units of service.

4652 Restrictions Regarding Submission of Claims for Respite

Revision 22-2; Effective September 1, 2022

A program provider may not submit a service claim for:

- (1) respite provided to an individual whose IPC does not have a residential location of "own/family home;"
- (2) respite provided to an individual who does not have the same residence as a caregiver who routinely provides assistance and support necessary for the individual to perform personal care, health maintenance and independent living tasks; participate in community activities; and develop, retain and improve community living skills;
- (3) respite provided to an individual that is not for relief of a caregiver who routinely provides assistance and support described in the bullet directly above;
- (4) respite provided to an individual that is relief of a caregiver who is a service provider of host home/companion care, residential support or supervised living to the individual;
- (5) respite provided to an individual who lives independently (that is, does not have a caregiver who routinely provides the assistance and support described in the second bullet above);
- (6) respite provided in a location that does not meet the requirements of Section 4620, Requirement of Setting;

- (7) 10 units of service or more of respite provided on a day for which a service claim for CFC PAS/HAB is also submitted; or
- (8) respite provided in an ICF/IID, nursing facility, or hospital.

4660 Qualified Service Provider

Revision 21-3; Effective September 1, 2021

In addition to meeting the requirements in [Section 3400](#), Qualified Service Provider, a qualified service provider of the respite service component:

- (1) may not have the same residence as the individual; and
- (2) must have one of the following:
 - (A) a high school diploma;
 - (B) a high school equivalency certificate issued in accordance with the law of the issuing state; or
 - (C) both of the following:
 - (i) a successfully completed written competency-based assessment demonstrating the ability to provide respite and the ability to document the provision of respite in accordance with [Section 3800](#), Written Documentation, and [Section 4690](#), Written Documentation; and
 - (ii) written personal references which evidence the service provider's ability to provide a safe and healthy environment for the individual from at least three persons who are not relatives of the service provider ([Appendix VI](#), Degree of Consanguinity or Affinity, explains who is considered a relative for purposes of these billing requirements).

4670 Unit of Service

Revision 22-2; Effective September 1, 2022

(a) **One Hour**

A unit of service for the respite service component is one hour.

(b) **Fraction of a Unit of Service**

A service claim for respite may include a fraction of a unit of service, but the fraction must be .25, .50, or .75.

4680 Payment Limit

Revision 21-1; Effective January 1, 2021

The maximum amount HHSC will pay a program provider for respite, in-home respite, or a combination of both provided to an individual is based on the dollar cap for services per [IPC](#) year. Respite and in-home respite is the same program service on the IPC.

4690 Written Documentation

Revision 21-1; Effective January 1, 2021

A program provider must have written documentation to support a service claim for respite. The written documentation must:

- (1) meet the requirements set forth in [Section 3800](#), Written Service Log and Written Summary Log;
- (2) include the exact time the service event began and the exact time the service event ended documented by the service provider making the written service log; and
- (3) include a written justification in the individual's [PDP](#) for the use of more than one service provider for any activity simultaneously performed by more than one service provider.

4691 In-Home Respite

4691.1 General Description of Service Component

Revision 21-1; Effective January 1, 2021

Temporary Provision of Assistance

The in-home respite service component:

- (1) is the temporary provision of assistance and support necessary for an individual to perform personal care, health maintenance and independent living tasks; and develop, retain and improve community living skills in the individual's residence; and
- (2) provides relief for a caregiver of the individual who:
 - (A) has the same residence as the individual;
 - (B) routinely provides assistance and support necessary for an individual to perform personal care, health maintenance and

independent living tasks; and develop, retain and improve community living skills;

(C) is temporarily unavailable to provide such assistance and support; and

(D) is not a service provider of Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB) unless:

(i) the service provider of CFC PAS/HAB routinely provides unpaid assistance and support to the individual; and

(ii) is used to provide temporary support to the primary caregiver.

4691.2 Requirement of Setting

Revision 21-1; January 1, 2021

In-home respite must be provided in the individual's residence.

4691.3 Billable Activity

Revision 22-2; Effective September 1, 2022

The only billable activities for the in-home respite service component are:

(1) interacting in person with an individual to:

(A) assist the individual with activities of daily living, including:

(i) bathing, dressing and personal hygiene;

(ii) eating;

(iii) meal planning and preparation; and

(iv) housekeeping;

(B) assist the individual with ambulation and mobility;

(C) reinforce any professional therapies subcomponent provided to the individual;

(D) assist with the administration of the individual's medication or to perform a task delegated by a registered nurse in accordance with rules of the Texas Board of Nursing at 22 TAC, Chapter 225 (relating to RN Delegation to Unlicensed Personnel and Tasks not Requiring Delegation in Independent Living Environments for Clients with Stable and Predictable Conditions) or the Human Resources Code, §161.091-.093, as applicable;

- (E) conduct habilitation activities that teach the individual to:
 - (i) develop or improve skills that allow the individual to live more independently;
 - (ii) develop socially valued behaviors;
 - (iii) integrate into community activities;
 - (iv) use natural supports and typical community services available to the public; and
 - (v) participate in leisure activities;
- (F) secure transportation for the individual; and
- (G) supervise the individual's safety and security;
- (2) interacting in person with an individual or an involved person regarding an incident that directly affects the individual's health or safety;
- (3) performing one of the following activities that does not involve interacting in person with an individual:
 - (A) shopping for the individual by phone or online;
 - (B) planning or preparing meals for the individual;
 - (C) housekeeping for the individual;
 - (D) procuring the individual's medication by phone or online;
 - (E) preparing the individual's medication;
 - (F) securing transportation for the individual; or
 - (G) any billable activity referenced in this section that occurs at a camp that is accredited by the American Camp Association;
- (4) participating in a service planning team meeting;
- (5) participating in the development of an implementation plan; and
- (6) participating in the development of an IPC.

4691.4 Residential Location

Revision 21-1; Effective January 1, 2021

A program provider may provide in-home respite to an individual only if the program provider has documented a residential location of "own/family home" on the individual's [IPC](#).

4691.5 Activity Not Billable

Revision 21-1; Effective January 1, 2021

(a) Activities in Section 3300

The activities listed in [Section 3300](#), Activity Not Billable, are not billable for the in-home respite service component.

(b) Activities Not Listed in Section 4691.3

Any activity not described in [Section 4691.3](#), Billable Activity, is not billable for the in-home respite service component.

4691.6 Submitting a Service Claim for In-Home Respite

Revision 21-1; Effective January 1, 2021

The program provider may submit a service claim for no more than 96 units of service (24 hours) in one calendar day.

4691.7 Restrictions Regarding Submission of Claims for In-Home Respite

Revision 21-1; Effective January 1, 2021

A program provider may not submit a service claim for:

- (1) in-home respite provided to an individual whose IPC does not have a residential location of "own/family home;"
- (2) in-home respite provided to an individual who does not have the same residence as a caregiver who routinely provides assistance and support necessary for the individual to perform personal care, health maintenance and independent living tasks; participate in community activities; and develop, retain and improve community living skills;
- (3) in-home respite provided to an individual that is not for relief of a caregiver who routinely provides assistance and support described in paragraph (2) directly above;
- (4) in-home respite provided to an individual that is relief of a caregiver who is a service provider of host home/companion care, residential support or supervised living to the individual;
- (5) in-home respite provided to an individual who lives independently (that is, does not have a caregiver who routinely provides the assistance and support described in paragraph(2);

- (6) in-home respite provided in a location that is not the individual's residence; or
- (7) 40 units of service or more of in-home respite provided on a day for which a service claim for CFC PAS/HAB is also submitted.

4691.8 Qualified Service Provider

Revision 21-3; Effective September 1, 2021

In addition to meeting the requirements in [Section 3400](#), Qualified Service Provider, a qualified service provider of the in-home respite service component:

- (1) may not have the same residence as the individual; and
- (2) must have one of the following:
 - (A) a high school diploma;
 - (B) a high school equivalency certificate issued in accordance with the law of the issuing state; or
 - (C) both of the following:
 - (i) a successfully completed written competency-based assessment demonstrating the ability to provide in-home respite and the ability to document the provision of respite in accordance with [Section 3800](#), Written Documentation, and [Section 4690](#), Written Documentation; and
 - (ii) written personal references which evidence the service provider's ability to provide a safe and healthy environment for the individual from at least three persons who are not relatives of the service provider ([Appendix VI](#), Degree of Consanguinity or Affinity, explains who is considered a relative for purposes of these billing requirements).

4691.9 Unit of Service

Revision 22-2; Effective September 1, 2022

(a) One Hour

A unit of service for the in-home respite service component is one hour.

(b) Fraction of a Unit of Service

A service claim for in-home respite may include a fraction of a unit of service, but the fraction must be .25, .50, or .75.

4691.10 Payment Limit

Revision 21-1; Effective January 1, 2021

The maximum amount HHSC will pay a program provider for respite, in-home respite or a combination of both provided to an individual is based on the dollar cap for services per [IPC](#) year. Respite and in-home respite is the same program service on the IPC.

4691.11 Written Documentation

Revision 21-1; Effective January 1, 2021

A program provider must have written documentation to support a service claim for in-home respite. The written documentation must:

- (1) meet the requirements set forth in [Section 3800](#), Written Service Log and Written Summary Log;
- (2) include the exact time the service event began and the exact time the service event ended documented by the service provider making the written service log; and
- (3) include a written justification in the individual's [PDP](#) for the use of more than one service provider for any activity simultaneously performed by more than one service provider.

4700 Supported Employment

Revision 12-1; Effective February 10, 2012

4710 General Description of Service Component

Revision 14-2; Effective September 1, 2014

Supported employment means assistance provided in order to sustain competitive employment or self-employment to an individual who, because of a disability, requires intensive, ongoing support to be self-employed, work from home or perform in a work setting at which individuals without disabilities are employed. Supported employment includes employment adaptations, supervision, training related to an individual's assessed needs, and earning at least a minimum wage (if not self-employed).

4720 Billable Activity

Revision 19-1; Effective November 15, 2019

The only billable activities for the supported employment service component are:

- (1) employment adaptations, supervision and training related to an individual's disability;
- (2) assisting the individual with transportation needs which include:
 - (A) determining how the individual will travel to and from a job;
 - (B) training the individual on how to travel to and from a job; and
 - (C) securing transportation for or transporting an individual, as necessary, to assist self-employment, work from home or perform in a work setting;
- (3) participating in a service planning team meeting;
- (4) orienting and training the individual in work-related tasks;
- (5) training or consulting with employers, coworkers or advocates to maximize natural supports;
- (6) monitoring job performance;
- (7) communicating with managers and supervisors to gather input and plan training;
- (8) communicating with company personnel or support systems to ensure job retention;
- (9) training in work-related tasks or behaviors to ensure job retention (for example, grooming or behavior management);
- (10) setting up compensatory strategies;
- (11) assisting the individual to report earned income to the Social Security Administration and HHSC;
- (12) assisting the individual to develop a method for ongoing income reporting and for staying informed about the impact of the individual's earnings on cash, Medicaid and other benefits;
- (13) assisting the individual to utilize work incentives to maintain needed benefits and continue to access needed supports and services;
- (14) assisting the individual with career advancement;

- (15) assisting the individual to develop assets and obtain self-sufficiency through work;
- (16) training or consulting in work-related tasks or behaviors such as support for advertising, marketing and sales;
- (17) training or consulting with paid or natural supports (accountants, employees, etc.) who are supporting the individual either short-term or long-term in managing the business;
- (18) problem-solving related to company personnel or support systems necessary to run the business effectively and efficiently; and
- (19) assistance with bookkeeping, marketing and managing data or inventories.

4730 Activity Not Billable

Revision 22-2; Effective September 1, 2022

(a) Activities in Section 3300

The activities listed in [Section 3300](#), Activity Not Billable, are not billable for the supported employment service component.

(b) Activities Not Listed in Section 4720

Any activity not described in [Section 4720](#), Billable Activity, is not billable for the supported employment service component.

(c) Examples of Non-billable Activities

The following are examples of activities that are not billable for the supported employment service component:

- (1) interacting with an individual prior to the individual's employment;
- (2) interacting in person with an individual to provide supported employment services simultaneously with day habilitation, in-home day habilitation, employment assistance, Community First Choice Personal Assistance Services/Habilitation (CFC PAS/HAB), respite, or in-home respite is being provided face-face;
- (3) habilitation activities provided and billed as part of the day habilitation, in-home day habilitation or CFC PAS/HAB;
- (4) time spent waiting to provide a service;
- (5) any activity taking place in a sheltered work environment or other similar types of vocational services furnished in specialized facilities, or using

Medicaid funds paid by HHSC to the provider for incentive payments, subsidies or unrelated vocational training expenses;

- (6) any activity that occurs before or after employment which is gained as a result of paying an employer to encourage the employer to hire an individual;
- (7) any activity that occurs before or after employment which is gained as a result of paying an employer for supervision, training, support and adaptations for an individual that the employer typically makes available to other workers without disabilities filling similar positions in the business;
- (8) paying the individual as an incentive to participate in Supported Employment activities; and
- (9) paying the individual for expenses associated with the start-up costs or operating expenses of an individual's business.

4740 Qualified Service Provider

Revision 19-1; Effective November 15, 2019

In addition to meeting the requirements in [Section 3400](#), Qualified Service Provider, a qualified service provider of the supported employment service component:

- (1) is at least 18 years of age, is not the individual's legally responsible person and must have one of the following:
 - (A) a bachelor's degree in rehabilitation, business, marketing or a related human services field, and at least six months of paid or unpaid experience providing services to people with disabilities;
 - (B) an associate's degree in rehabilitation, business, marketing or a related human services field, and at least one year of paid or unpaid experience providing services to people with disabilities; or
 - (C) a high school diploma or a certificate recognized by a state as the equivalent of a high school diploma, and at least two years of paid or unpaid experience providing services to people with disabilities, and
- (2) has experience evidenced by:
 - (A) for paid experience, a written statement from a person who paid for the service or supervised the provision of the service; and

(B) for unpaid experience, a written statement from a person who has personal knowledge of the experience.

4750 Restrictions Regarding Submission of Claims for Supported Employment

Revision 14-1; Effective April 10, 2014

A program provider may not submit a service claim for supported employment provided to an individual if supported employment is available to the individual through the public school system.

4760 Unit of Service

Revision 22-2; Effective September 1, 2022

(a) One Hour

A unit of service for the supported employment service component is one hour.

(b) Fraction of a Unit of Service

A service claim for supported employment may include a fraction of a unit of service, but the fraction must be .25, .50, or .75.

(c) Service Time

Service time is calculated in accordance with [Section 3610\(b\)](#), Hourly Unit of Service, including when multiple persons are being served.

4770 Written Documentation

Revision 14-1; Effective April 10, 2014

A program provider must have written documentation to support a service claim for supported employment. The written documentation must:

- (1) meet the requirements set forth in [Section 3800](#), Written Documentation;
- (2) include the exact time the service event began and the exact time each service event ended documented by the service provider making the written service log;
- (3) include evidence that supported employment services are not available to the individual through a program funded under the Individuals with Disabilities Education Act (20 U.S.C. §1401 et seq.); and

- (4) for any activity simultaneously performed by more than one service provider, include a written justification in the individual's [PDP](#) for the use of more than one service provider.

4800 Employment Assistance

Revision 14-1; Effective April 10, 2014

4810 General Description of Service Component

Revision 19-1; Effective November 15, 2019

Employment assistance means assistance provided to an individual to help the individual locate paid employment in the community or self-employment and consists of individualized, person-directed activities to develop and implement strategies for achieving the individual's desired employment outcome, including more suitable employment for individuals who are employed.

4820 Employment Assistance Billable Time/Activities

Revision 19-1; Effective November 15, 2019

- (a) The only billable activities for employment assistance service component are:
- (1) identifying an individual's employment preferences, job skills and requirements for a work setting and work conditions;
 - (2) locating prospective employers offering employment compatible with an individual's identified preferences, skills and requirements;
 - (3) contacting a prospective employer on behalf of an individual and negotiating the individual's employment;
 - (4) assisting the individual with transportation needs, which include:
 - (A) determining how the individual will travel to and from a job;
 - (B) training the individual on how to travel to and from a job;
 - (C) securing transportation for or transporting an individual, as necessary, to assist the individual to obtain a job; and
 - (D) transporting the individual to help the individual locate paid employment in the community;
 - (5) participating in service planning team meetings, including those with the Texas Workforce Commission or, for individuals under age 22, with the individual's school district;

- (6) exploring options related to wages and employment outcomes (including self-employment outcomes);
- (7) exploring the individual's interests, capabilities, preferences and ongoing support needs;
- (8) exploring the extended services and supports required at and away from the job site that will be necessary for employment success;
- (9) observing the individual's work skills and behaviors at home and in the community;
- (10) touring current or potential work environments with the individual;
- (11) assisting the individual to understand the impact of work activity on his/her services and financial supports;
- (12) assisting the individual to utilize work incentives to maintain needed benefits;
- (13) collecting personal and professional reference information;
- (14) assessing the individual's learning style and needs for adaptive technology, accommodations and on-site supports;
- (15) assessing the individual's strengths, challenges and transferable skills from previous job placements;
- (16) identifying the individual's assets, strengths and abilities;
- (17) identifying negotiable and non-negotiable employment conditions;
- (18) identifying targeted job tasks the individual can perform or potentially perform;
- (19) identifying potential employers or self-employment options;
- (20) training related to an individual's assessed needs specific to his/her employment preferences, job skills and requirements for a work setting and work conditions;
- (21) writing resumes and proposals to assist in placement;
- (22) contacting employers and developing individual jobs;
- (23) performing a job analysis to determine if a potential job meets the individual's interests, capabilities, preferences and ongoing support needs;
- (24) assisting the individual with job applications, pre-employment forms, practice interviews, and pre-employment testing or physicals;

- (25) accompanying the individual to interviews;
- (26) negotiating aspects of the individual's employment with prospective employers; and
- (27) educating the employer about the Work Opportunity Tax Credit and other employer benefits.
- (28) If the individual is seeking self-employment:
 - (A) supporting the individual in work-related tasks or behaviors such as advertising, marketing, sales, accounting and obtaining licenses and registrations;
 - (B) training or consulting with paid or natural supports (accountants, employees, etc.) who will be supporting the individual either short-term or long-term in managing the business; and
 - (C) setting up services to address long-term supports that will be necessary to sustain the business.

4830 Employment Assistance Non-Billable Time/Activities

Revision 23-2; Effective April 1, 2023

(a) Activities in Section 3300

The activities listed in [Section 3300](#), Activity Not Billable, are not billable for the employment assistance service component.

(b) Activities Not Listed in Section 4820

Any activity not described in [Section 4820](#), Billable Activity, is not billable for the employment assistance service component.

(c) Examples of Non-billable Activities

The following are examples of activities that are not billable for the employment assistance service component:

- (1) employment assistance provided when an individual is independently employed in the community, unless the person-directed plan (PDP) has identified outcomes for the individual to find additional or more suitable employment.
- (2) habilitation activities provided and billed as part of the on-site individualized skills and socialization, off-site individualized skills and socialization, in-home individualized skills and socialization or CFC PAS/HAB service component.

- (3) time spent waiting to provide a billable activity for employment assistance;
- (4) interacting in person with an individual to provide employment assistance at the same time that on-site individualized skills and socialization, off-site individualized skills and socialization, in-home individualized skills and socialization, supported employment, CFC PAS/HAB, respite, or in-home respite is being provided face-face;
- (5) services similar to employment assistance accessed or funded through other sources at no cost to the TxHmL provider. Examples include, but are not limited to, services provided to an individual through the Texas Workforce Commission, the public school system, Medicaid Rehabilitative Services for Persons with Chronic Mental Illness, senior citizen centers, volunteer programs or other community-based sources.
- (6) any activity using Medicaid funds paid by HHSC to the program provider for incentive payments, subsidies or unrelated vocational training expenses, such as paying an employer:
 - (A) to encourage the employer to hire an individual; or
 - (B) for supervision, training, support and adaptations for an individual that the employer typically makes available to other workers without disabilities filling similar positions in the business, and
- (7) any activity using Medicaid funds paid by HHSC to the program provider for incentive payments, subsidies or unrelated vocational training expenses, such as paying the individual:
 - (A) as an incentive to participate in employment assistance activities; or
 - (B) for expenses associated with the start-up costs or operating expenses of the individual's business.

4840 Employment Assistance Qualified Service Provider

Revision 19-1; Effective November 15, 2019

In addition to meeting the requirements in [Section 3400](#), Qualified Service Provider, a qualified service provider of the employment services component:

- (1) is at least 18 years of age, is not the individual's legally responsible person and must have one of the following:

- (A) a bachelor's degree in rehabilitation, business, marketing or a related human services field, and at least six months of paid or unpaid experience providing services to people with disabilities;
 - (B) an associate's degree in rehabilitation, business, marketing or a related human services field, and at least one year of paid or unpaid experience providing services to people with disabilities; or
 - (C) a high school diploma or a certificate recognized by a state as the equivalent of a high school diploma, and at least two years of paid or unpaid experience providing services to people with disabilities; and
- (2) has experience evidenced by:
- (A) for paid experience, a written statement from a person who paid for the service or supervised the provision of the service; and
 - (B) for unpaid experience, a written statement from a person who has personal knowledge of the experience.

4850 Unit of Service

Revision 22-2; Effective September 1, 2022

(a) One Hour

A unit of service for the supported employment service component is one hour.

(b) Fraction of a Unit of Service

A service claim for supported employment may include a fraction of a unit of service, but the fraction must be .25, .50, or .75.

(c) Service Time

Service time is calculated in accordance with [Section 3610\(b\)](#), Hourly Unit of Service, including when multiple persons are being served.

4860 Written Documentation

Revision 19-1; Effective November 15, 2019

A program provider must have written documentation to support a service claim for employment assistance. The written documentation must:

- (1) meet the requirements set forth in [Section 3800](#), Written Documentation;
- (2) include the exact time the service event began and the exact time each service event ended documented by the service provider making the written service log;
- (3) include evidence that employment assistance services are not available to the individual through a program funded under §110 of the Rehabilitation Act of 1973 or a program funded under the Individuals with Disabilities Education Act (20 U.S.C. §1401 et seq.); and
- (4) for any activity simultaneously performed by more than one service provider, include a written justification in the individual's PDP for the use of more than one service provider.

Section 5000, General Requirements for Service Components Not Based on Billable Activity

Revision 24-1, Effective January 1, 2024

5100 Applicable Service Components

Revision 19-1; Effective November 15, 2019

[Section 5000](#) applies only to the following service components:

- (1) adaptive aids;
- (2) minor home modifications; and
- (3) dental treatment.

5200 Service Claim Requirements

Revision 24-1, Effective January 1, 2024

A program provider must submit an electronic service claim that meets the following requirements:

- (1) the claim must be for a service component that is authorized by an IPC that meets the requirements of [26 TAC §262.301](#);
- (2) the claim must be for a service component or subcomponent provided during a period of time for which the individual has an LOC;
- (3) the claim must be for a service component provided to only one individual;
- (4) the claim must be for the date the individual received the service component;
- (5) the claim must be supported by written documentation as described in [Section 5300](#), Written Documentation, and [Section 6000](#), Adaptive Aids, Minor Home Modifications and Dental Treatment, for the particular service component being claimed; and

(6) the claim must be a clean claim and be submitted to the state Medicaid claims administrator no later than 12 months after the last day of the month in which:

- (A) the individual received the adaptive aid;
- (B) the minor home modification was completed; or
- (C) the individual received the dental treatment.

5300 Written Documentation

Revision 19-1; Effective November 15, 2019

(a) **Legible**

A program provider must have written, legible documentation as described by this section and [Section 6000](#), Adaptive Aids, Minor Home Modifications and Dental Treatment, to support a service claim.

(b) **Proof of Licensed Professional Qualifications**

A program provider must have a written document from the appropriate state licensing agency or board to prove that a licensed professional, as required by [Section 6160\(a\)\(1\)](#), Required Documentation for an Adaptive Aid, and a provider of dental treatment, as described in [Section 6350](#), Provider of Dental Treatment, is properly licensed.

5400 Requisition Fee

A program provider may request a requisition fee for an adaptive aid, minor home modification, and dental treatment in accordance with the HCS and TxHmL Bill Code Crosswalk, found at hhs.texas.gov.

Section 6000, Adaptive Aids, Minor Home Modifications and Dental Treatment

Revision 22-2; Effective September 1, 2022

6100 Adaptive Aids

Revision 22-2; Effective September 1, 2022

6110 General Description of Service Component

Revision 12-1; Effective February 10, 2012

An adaptive aid is an item or service that enables an individual to retain or increase the ability to perform activities of daily living or to control the individual's environment.

6120 Billable Adaptive Aids

Revision 12-1; Effective February 10, 2012

The only billable items and services for the adaptive aids service component are listed in [Appendix IV](#), Billable Adaptive Aids. The repair and maintenance of a billable item not covered by warranty is also billable for the adaptive aids service component.

6130 Items and Services Not Billable

Revision 22-1; Effective May 2, 2022

(a) Items and Services Not Listed in Appendix IV

Any item or service not listed in [Appendix IV](#), Billable Adaptive Aids, is not billable under the adaptive aids service component.

(b) Examples of Non-Billable Items and Services

The following are examples of items and services that are not billable for the adaptive aids service component:

- (1) an appliance (for example, washer, dryer, stove, dishwasher or vacuum cleaner);
- (2) swimming pool;

- (3) hot tub;
- (4) eye exam;
- (5) shoes not specifically designed for the individual;
- (6) automobile;
- (7) lift for a vehicle other than one owned or leased by the individual's care provider, the individual or the individual's relative ([Appendix VI](#), Degree of Consanguinity or Affinity, explains who is considered a relative for purposes of these requirements);
- (8) toy, game or puzzle;
- (9) recreational equipment (for example, swing set or slide);
- (10) personal computer or software for purposes other than to augment expressive and receptive communication (for example, educational purposes);
- (11) medication, including a co-payment for a medication;
- (12) daily hygiene products (for example, deodorant, lotions, soap, toothbrush, toothpaste, feminine products, adhesive bandages or cotton swabs);
- (13) rent;
- (14) utilities (for example, gas, electric, cable or water);
- (15) food;
- (16) ordinary bedding supplies (for example, bedspread, pillow or sheet);
- (17) exercise equipment;
- (18) pager, including a monthly service fee;
- (19) conventional telephone, including a cellular phone or a monthly service fee;
- (20) home security system, including a monthly service fee;
- (21) non-sterile gloves for use by paid service providers;
- (22) iPads, iPods or tablets;
- (23) iPad, iPod or tablet accessories or applications; and
- (24) audio video monitoring device or a surveillance system.

6140 Property of Individual

Revision 12-1; Effective February 10, 2012

Except for a vehicle lift, a billable item must be the exclusive property of the individual to whom it is provided.

6150 Payment Limit

Revision 15-1; Effective May 2, 2015

The maximum amount HHSC pays a program provider for all adaptive aids provided to an individual is \$10,000 per [IPC](#) year.

6160 Required Documentation for an Adaptive Aid

Revision 22-2; Effective September 1, 2022

(a) **Adaptive Aid Costing \$500 or More**

For an adaptive aid costing \$500 or more, a program provider must obtain the documentation described below before purchasing the adaptive aid.

(1) **Written Assessment**

A program provider must obtain a written, legible assessment by one of the licensed professionals noted for the specific adaptive aid, as shown in [Appendix IV](#), Billable Adaptive Aids. The written assessment must:

- (A) be based on an in-person evaluation of the individual by the licensed professional conducted not more than one year before the date of purchase of the adaptive aid;
- (B) include a description of and a recommendation for a specific adaptive aid listed on [Appendix IV](#) and any associated items or modifications necessary to make the adaptive aid functional;
- (C) include a diagnosis that is related to the individual's need for the adaptive aid (for example, cerebral palsy, quadriplegia or deafness);
- (D) include a description of the condition related to the diagnosis (for example, unable to ambulate without assistance); and
- (E) include a description of the specific needs of the individual, including information justifying medical necessity, if required, and how the adaptive aid will meet those needs (for example, the individual needs to ambulate safely and independently from room to room and the use of a walker will allow him to do so).

(2) Individual and Program Provider Agreement

An individual or legally authorized representative and program provider must:

- (A) meet and consider the written assessment required by paragraph (1) of this subsection.;
- (B) document any discussion about the recommended adaptive aid;
- (C) agree that the recommended adaptive aid is necessary and should be purchased; and
- (D) document their agreement in writing and sign the agreement.

(3) Proof of Non-coverage by Medicaid and Medicare

(A) Obtaining Proof of Non-Coverage from the DME Provider that Contracts with the Individual's Managed Care Organization

A program provider must obtain proof of non-coverage as described in subparagraph (B) of this paragraph from a durable medical equipment provider that contracts with the individual's managed care organization.

(B) Adaptive Aids Noted with a (1) or (2) on Appendix VII, Billable Adaptive Aids

(i) Documentation Required

For an adaptive aid noted on [Appendix IV](#), Billable Adaptive Aids, with a (1) or, for an adaptive aid noted with a (2), the program provider must obtain, as proof of non-coverage by Medicaid, a letter from TMHP or from the individual's managed care organization that includes:

- a statement that the requested adaptive aid is denied under:
 - the Texas Medicaid Home Health Services;
 - the Texas Health Steps Comprehensive Care Program; or
 - the Title XIX Home Health Services Durable Medical Equipment (DME) and Supplies Exceptional Circumstances process described in Section 2.2.3 of the Durable Medical Equipment, Medical Supplies, and Nutritional Products Handbook in the TMPPM; and
- the reason for the denial, which must not be one of the following:

- Medicare is the primary source of coverage;
- information submitted to Texas Medicaid to make payment was incomplete, missing, insufficient or incorrect;
- the requested adaptive aid is not medically necessary;
- the request was not made in a timely manner;
- the requested adaptive aid must be leased.

(ii) Additional Documentation Required for Individuals Who are Eligible for Medicare

In addition to the documentation required by clause (i) of this subparagraph:

- for an individual eligible for Medicare and who is not enrolled in a Medicare Advantage Plan, a program provider must obtain one of the following for an adaptive aid noted with a (1) or (2) on [Appendix IV, Billable Adaptive Aids](#):
 - a copy of a Medicare Remittance Advice Notice that includes:
 - a statement that the requested adaptive aid is denied under Medicare; and
 - the reason for the denial, which must not be one of the following:
 - information submitted to Medicare to make payment was incomplete, missing, insufficient or incorrect;
 - the request was not made in a timely manner; or
 - the adaptive aid must be leased;
 - a copy of a Medicare Remittance Advice Notice stating that the adaptive aid is approved and the amount to be paid, which must be less than the cost of the requested adaptive aid;
 - a provision from the [Medicare National Coverage Determinations \(NCD\) Manual, Chapter 1, Part 4, Section 280.1](#) stating that the requested adaptive aid is not covered by Medicare; or

- a provision from the current DME MAC Jurisdiction C Supplier Manual stating that the requested adaptive aid is not covered by Medicare.
- for an individual who is enrolled in a Medicare Advantage Plan, a program provider must obtain one of the following for an adaptive aid noted with a (1) or (2) on [Appendix IV, Billable Adaptive Aids](#):
 - a copy of an Explanation of Benefits (EOB) from the Medicare Advantage Plan; or
 - a denial notice from the Medicare Advantage Plan

(iii) Unacceptable Documentation

The following are examples of documentation that are not acceptable as proof of non-coverage:

- a statement from a Medicaid enrolled DME provider that the requested adaptive aid is not medically necessary;
- a statement from a Medicaid enrolled DME provider that the request for the adaptive aid was not made in a timely manner;
- a statement from a Medicaid enrolled DME provider that the requested adaptive aid must be leased;
- a statement from a Medicaid enrolled DME provider that the adaptive aid requested is not covered by the Texas Medicaid Home Health Services or the Texas Health Steps programs; and
- a statement from a Medicare DME provider that the adaptive aid requested is not covered by Medicare.

(C) Nutritional Supplements

For a nutritional supplement (service code 121), the program provider must obtain one of the following as proof of non-coverage by Medicaid:

- (i) the documentation described under subparagraph (B)(i) of this paragraph; or
- (ii) a written statement from the individual's program provider that the individual:
 - is not fed through a G-tube; and

- is not dependent on the nutritional supplement as the individual's sole source of nutrition.

(4) Bids

(A) Required Number of Bids

A program provider must obtain comparable bids for the requested adaptive aid from three vendors, except as provided in subparagraph (C) of this paragraph. Comparable bids describe the adaptive aid and any associated items or modifications identified in the assessment required by paragraph (1) of this subsection.

(B) Required Content and Time Frame

A bid must:

- (i) be cost effective according to current market prices for the adaptive aid and be the lowest cost based on availability unless contraindicated by specific written justification for using a higher bid;
- (ii) state the total cost of the requested adaptive aid;
- (iii) include the name, address and telephone number of the vendor, who may not be a relative of the individual ([Appendix VI](#), Degree of Consanguinity or Affinity, explains who is considered a relative for purposes of these requirements);
- (iv) for an adaptive aid other than interpreter service (service code 126) and specialized training for augmentative communication programs (service code 259), include a complete description of the adaptive aid and any associated items or modifications as identified in the written assessment required by paragraph (1) of this subsection, which may include pictures or other descriptive information from a catalog, website or brochure;
- (v) for interpreter service (service code 126) and specialized training for augmentative communication programs (service code 259), include the number of hours of direct service to be provided and the hourly rate of the service; and
- (vi) be obtained within one year after the written assessment required by paragraph (1) of this subsection is obtained.

(C) Program Provider Not Required to Obtain Three Bids

(i) **One Bid**

A program provider may obtain only one bid for the following adaptive aids:

- eyeglasses (service code 220);
- hearing aids, batteries and repairs (service code 260); and
- orthotic devices, orthopedic shoes and braces (service code 107).

(ii) **One or Two Bids**

A program provider may obtain only one bid or two comparable bids for an adaptive aid, other than one listed in clause (i) of this subparagraph, if the program provider has written justification for obtaining less than three bids because the adaptive aid is available from a limited number of vendors.

(D) **Request for Payment of Higher Bid**

(i) **Documentation Required**

If a program provider will request reimbursement, that is not based on the lowest bid, the program provider must have written justification for payment of a higher bid.

(ii) **Examples of Justification That May Be Acceptable**

The following are examples of justifications that support payment of a higher bid:

- the higher bid is based on the inclusion of a longer warranty for the adaptive aid; and
- the higher bid is from a vendor that is more accessible to the individual than another vendor.

(E) **Proof of Ownership**

If applicable, a program provider must obtain proof that the individual, individual's family member or care provider owns the vehicle for which a vehicle lift (service code 101) is requested.

(b) **Adaptive Aids Costing Less Than \$500**

For an adaptive aid costing less than \$500, a program provider must obtain the documentation described in paragraph (1) of this subsection before purchasing the adaptive aid.

(1) **Individual and Program Provider Agreement, Proof of Non-Coverage, Bids and Proof of Ownership**

For an adaptive aid costing less than \$500, a program provider must obtain:

- (A) a recommendation for the adaptive aid listed in [Appendix IV](#), Billable Adaptive Aids that:
 - (i) is from one of the licensed professionals noted for the specific adaptive aid, as shown in [Appendix IV](#); and
 - (ii) includes a description of the adaptive aid;
- (B) an individual and program provider agreement, as described in subsection (a)(2) of this section (except that there may not be a written assessment to consider), made not more than one year before the date of purchase of the adaptive aid;
- (C) if applicable, proof of non-coverage by Medicaid and Medicare, as described in subsection (a)(3) of this section;
- (D) bids, as described in subsection (a)(4) of this section, unless the program provider has obtained HHSC approval of an annual vendor in accordance with paragraph (2) of this subsection;
- (E) if applicable, written justification for less than three bids and payment of a higher bid as described in subsections (a)(4)(C) and (D) of this section;
- (F) if applicable, proof of ownership as described in subsection (a)(5) in this section; and
- (G) documentation justifying the medical necessity of the adaptive aid if required by the Medicaid State Plan.

(2) Approval of Annual Vendor

In lieu of obtaining bids in accordance with subsection (a)(4) of this section for an adaptive aid costing less than \$500 monthly, a program provider must, in accordance with this subparagraph, obtain HHSC approval of an annual vendor.

(A) Documentation Required

To obtain approval of an annual vendor, a program provider must submit the following written documentation to HHSC:

- (i) a list of the adaptive aids to be provided by an annual vendor;
- (ii) documentation of the current price of each adaptive aid on the list from three vendors who are:
 - Durable Medical Equipment Home Health (DMEH) suppliers;

- Medicare suppliers; and
 - not relatives of the individual ([Appendix VI](#), Degree of Consanguinity or Affinity, explains who is considered a relative for purposes of these requirements);
- (iii) documentation identifying the vendor for whom the program provider seeks HHSC approval; and
- (iv) documentation that the cost of the majority of the adaptive aids to be provided by the identified vendor is the lowest of the three vendors.

(B) Approval Period and Time Frame for Submission

(i) Approval Period

An approval of an annual vendor by HHSC is only valid for a calendar year.

(ii) Time Frame for Submission

To obtain approval of an annual vendor, a program provider must submit documentation required by subparagraph (A) of this paragraph:

- no sooner than November 1 of the year prior to the calendar year for which the request is being made; and
- no later than January 31 of such calendar year.

(C) Approval of Multiple Vendors

HHSC may approve more than one annual vendor for a program provider per calendar year.

6200 Minor Home Modifications

Revision 23-2; Effective April 1, 2023

6210 General Description of Service Component

Revision 12-1; Effective February 10, 2012

A minor home modification is a physical adaptation to an individual's residence that is necessary to address the individual's specific needs and that enables the individual to function with greater independence in the individual's residence or to control his or her environment.

6220 Billable Minor Home Modifications

Revision 12-1; Effective February 10, 2012

The only billable adaptations for the minor home modification service component are listed in [Appendix V](#), Billable Minor Home Modifications. The repair and maintenance of a billable adaptation not covered by warranty is also billable for the minor home modifications service component.

6230 Adaptations Not Billable

Revision 21-3, Effective September 1, 2021

(a) Adaptations Not Listed in Appendix V

Any adaptation not listed in [Appendix V](#), Billable Minor Home Modifications, is not billable under the minor home modification service component.

(b) Examples of Non-Billable Adaptations

The following are examples of adaptations that are not billable for the minor home modification service component:

- (1) general repair of a residence (for example, repairing a leaking roof or rotten porch, controlling termite damage or leveling a floor);
- (2) general remodeling of a residence that does not address an individual's specific needs;
- (3) an adaptation that adds square footage to a residence;
- (4) construction of new room, including installation of plumbing and electricity;
- (5) a septic tank;
- (6) general plumbing or electrical work;
- (7) hot water heater;
- (8) central heating or cooling system;
- (9) heater;
- (10) fire sprinkler system;
- (11) fire alarm system;
- (12) appliance (for example, washer, dryer, stove, dishwasher or refrigerator);
- (13) fence;

- (14) carport;
- (15) driveway;
- (16) deck; and
- (17) hot tub.

(c) **Items or Services Not Included in the Selected Bid**

An item or service that is not included in the bid upon which the request for reimbursement is based is not billable.

6240 Payment Limit

Revision 23-2; Effective April 1, 2023

Payment by HHSC to a program provider for minor home modifications is subject to the following limitations:

- (1) a program provider may be paid a maximum of \$7,500 during the time the individual is enrolled in the TxHmL Program and such payment may be made in one or more IPC years; and
- (2) in addition to the maximum of \$7,500 described in (1) above, a program provider may be paid a maximum of \$300 per individual, per IPC year.

6250 Required Documentation for a Minor Home Modification

Revision 22-2; Effective September 1, 2022

(a) **Minor Home Modification Costing \$1,000 or More**

For a minor home modification costing \$1,000 or more, a program provider must obtain the documentation described in this subsection before purchasing the minor home modification.

(1) **Written Assessment**

A program provider must obtain a written, legible assessment by one of the licensed professionals noted for the specific minor home modification on [Appendix V](#), Billable Minor Home Modifications. The written assessment must:

- (A) be based on an in-person evaluation of the individual by the licensed professional conducted in the individual's residence not more than

one year before the date of purchase of the minor home modification;

- (B) include a description of and a recommendation for a specific minor home modification listed in Appendix V and any associated installation specifications necessary to make the minor home modification functional;
- (C) include a diagnosis that is related to the individual's need for the minor home modification (for example, cerebral palsy, quadriplegia or deafness);
- (D) include a description of the condition related to the diagnosis (for example, unable to ambulate without assistance); and
- (E) include a description of the specific needs of the individual and how the minor home modification will meet those needs (for example, the individual needs to enter and exit the home safely and the addition of a wheelchair ramp will allow him to do so).

(2) Individual and Program Provider Agreement

An individual or legally authorized representative and program provider must:

- (A) meet and consider the written assessment required by paragraph (1) of this subsection;
- (B) document any discussion about the recommended minor home modification;
- (C) agree that the recommended minor home modification is necessary and should be purchased; and
- (D) document their agreement in writing and sign the agreement.

(3) Bids

(A) Required Number of Bids

A program provider must obtain comparable bids for the requested minor home modification from three vendors, except as provided in subparagraph (C) of this paragraph. Comparable bids describe the minor home modification and any associated installation specifications identified in the written assessment required by paragraph (1) of this subsection.

(B) Required Content and Time Frame

A bid must:

- (i) be cost effective according to current market prices for the adaptive aid and be the lowest cost based on availability unless contraindicated by specific written justification for using a higher bid;
- (ii) state the total cost of the requested minor home modification and, if it includes more than one modification, state the cost of each modification by service code;
- (iii) include the name, address and telephone number of the vendor who may not be a relative of the individual (Appendix VI, Degree of Consanguinity or Affinity, explains who is considered a relative for purposes of these requirements);
- (iv) include a complete description of the minor home modification and any associated installation specifications, as identified in the written assessment required by paragraph (1) of this subsection;
- (v) include a drawing or picture of both the existing and proposed floor plans;
- (vi) include a statement that the minor home modification will be made in accordance with all applicable state and local building codes; and
- (vii) be obtained within one year after the written assessment required by paragraph (1) of this subsection is obtained.

(C) Program Provider Not Required to Obtain Three Bids

A program provider may obtain only two comparable bids for the requested minor home modification if the program provider has written justification for obtaining less than three bids because the minor home modification is available from a limited number of vendors.

(D) Request for Reimbursement of Higher Bid

(i) Documentation Required

If a program provider will request reimbursement that is not based on the lowest bid, the program provider must have written justification for the reimbursement of a higher bid.

(ii) Examples of Justification That May be Acceptable

An example of justification that supports payment of a higher bid is the inclusion of a longer warranty for the minor home modification.

(b) Minor Home Modification Costing Less Than \$1,000

For a minor home modification costing less than \$1,000, a program provider must obtain the following documentation before purchasing the minor home modification:

- (1) a recommendation for the minor home modification listed in [Appendix V](#), Billable Minor Home Modifications that:
 - (A) is from one of the licensed professionals noted for the specific minor home modification, as shown in [Appendix V](#); and
 - (B) includes a description of the Minor Home Modification;
- (2) an individual and program provider agreement, as described in subsection (a)(2) of this section (except that there may be no written assessment to consider), made not more than one year before the date of purchase of the minor home modification; and
- (3) bids, as described in subsection (a)(3) of this section; and
- (4) if applicable, written justification for less than three bids or payment of a higher bid as described in subsection (a)(3)(C) and (D) of this section.

6300 Dental Treatment

Revision 22-1; Effective May 2, 2022

6310 General Description of Service Component

Revision 12-1; Effective February 10, 2012

The dental treatment service component includes emergency dental treatment, preventive dental treatment, therapeutic dental treatment and orthodontic dental treatment.

6320 Age Requirement

Revision 12-1; Effective February 10, 2012

Dental treatment may be provided only to an individual 21 years of age or older.

6330 Billable Dental Treatment

Revision 22-1; Effective May 2, 2022

The only billable services for the dental treatment service component are:

- (1) dental treatment necessary to control bleeding, relieve pain or eliminate acute infection;
- (2) an operative procedure required to prevent the imminent loss of teeth;
- (3) treatment of an injury to a tooth or supporting structure;
- (4) a dental examination, a custom fitted mouthguard to protect the teeth, an oral prophylaxis or a topical fluoride application;
- (5) pulp therapy for permanent or primary teeth;
- (6) restoration of carious permanent or primary teeth;
- (7) dental treatment related to maintenance of space;
- (8) the limited provision of a removable prosthesis (for example, dentures) when masticatory function is impaired, an existing prosthesis is unserviceable, or employment or social development is impaired due to aesthetic considerations;
- (9) treatment of retained deciduous teeth;
- (10) cross bite therapy;
- (11) treatment of a facial accident involving a severe traumatic deviation;
- (12) treatment of a cleft palate with a gross malocclusion that will benefit from early treatment;
- (13) treatment of a severe, handicapping malocclusion affecting permanent dentition with a minimum score of 26 as measured on the Handicapping Labio-lingual Deviation Index; and
- (14) anesthesiology services as needed for billable dental treatment.

6340 Services Not Billable

Revision 19-1; Effective November 15, 2019

(a) Items and Services Not Listed in Subsection 6330

Any service not listed in [Section 6330](#), Billable Dental Treatment, is not billable under the dental treatment service component.

(b) Examples of Non-Billable Services

The following are examples of services that are not billable for the dental treatment service component:

- (1) cosmetic orthodontia; and
- (2) teeth whitening.

6350 Provider of Dental Treatment

Revision 12-1; Effective February 10, 2012

A provider of the dental treatment service component must be a person licensed to practice dentistry in accordance with Texas Occupations Code, Chapter 256.

6360 Payment Limit

Revision 19-1; Effective November 15, 2019

The maximum amount HHSC pays a program provider for all dental treatment provided to an individual is \$1,000 per IPC year.

Appendices

TXHMLBR, Appendix I, Provider Fiscal Compliance Review Protocol

Revision 21-3; Effective September 1, 2021

(a) **Introduction**

This protocol is used to conduct a provider fiscal compliance review of a Texas Home Living (TxHmL) Program provider. A provider fiscal compliance review is a review conducted by HHSC staff of written documentation maintained by a program provider and submitted to HHSC upon request. The purpose of a review is to determine whether the program provider is in compliance with the *TxHmL Program Billing Requirements*. HHSC recoups from a program provider for a service claim that HHSC cannot verify is supported by written documentation in accordance with the *Billing Requirements* and may require corrective action by the program provider.

(b) **Types of Reviews**

(1) **Routine reviews**

A routine review is a provider fiscal compliance review conducted by HHSC for an TxHmL program provider at least once every four years per program provider. During a routine review, HHSC reviews documentation required by the *Billing Requirements* for:

- (A) services provided during a three-month period of time; and
- (B) the following number of individuals for each TxHmL contract of the program provider:
 - (i) for a TxHmL provider for which the previous routine review resulted in a recoupment amount that is 10% or less of the total amount of the claims reviewed, five individuals plus 5% of the total number of individuals provided services during the review period;
 - (ii) for a TxHmL provider for which a routine review has not been conducted:
 - if the program provider provided TxHmL Program services to 10 or fewer individuals during the review period, the number

of individuals provided services during the review period, but in no case more than five individuals; or

- if the program provider provided TxHmL Program services to more than 10 individuals during the review period, five individuals plus 10% of the total number of individuals provided services during the review period; or

(iii) for a TxHmL provider for which the previous routine review resulted in a recoupment amount that is more than 10% of the total amount of the claims reviewed:

- if the program provider provided TxHmL Program services to 10 or fewer individuals during the review period, all of the individuals; or
- if the program provider provided TxHmL Program services to more than 10 individuals during the review period, 10 individuals plus 10 % of the total number of individuals provided services during the review period.

(2) Special reviews

A special review is a provider fiscal compliance review conducted by HHSC for one or more TxHmL contracts as a result of a billing anomaly identified by HHSC staff or as a result of information related to billing issues received from a source other than HHSC staff. During a special review, HHSC reviews documentation for:

- (A) any length of time as determined by HHSC;
- (B) any number of individuals as determined by HHSC; and
- (C) any type of service as determined by HHSC.

(c) Methods of Review

(1) On-site review

An on-site review is a provider fiscal compliance review conducted at a program provider's place of business.

(2) Desk review

A desk review is a provider fiscal compliance review conducted at a HHSC office.

(d) Routine Review Process

(1) On-site review

- (A) HHSC notifies a program provider of an on-site review by telephone at least 14 calendar days before and by fax or email at least one day before the date the on-site review is scheduled to begin. The telephonic and written notices include a statement that all written documentation required by the *Billing Requirements* related to a specified program provider agreement must be made available to the HHSC review team at a specified time and place.
- (B) At least two business days before the on-site review, HHSC faxes or emails the program provider the list of individuals for whom records will be reviewed.
- (C) Upon arrival at the program provider's place of business, the HHSC review team informs the program provider of the sample of individuals and time period for which written documentation will be reviewed. During the review, the review team may expand the time period under review and may request documentation related to individuals who were not initially included in the review.
- (D) The review team reviews the documentation submitted by the program provider. The review team does not accept any documentation created by the program provider during the review.
- (E) When the review team completes the initial review of the documentation submitted by the program provider, the review team gives the program provider a list of all unverified claims and explains why the claims are unverified. The review team allows the program provider to provide additional documentation and refute the unverified claims.
- (F) The review team conducts an exit conference with the program provider. During the exit conference the review team summarizes the findings of the review, provides technical assistance to improve documentation practices, and answers questions from the program provider. The review team also gives an estimate of the amount of overpayments made to the program provider by HHSC. HHSC does not allow the program provider to submit additional documentation or refute any unverified claims after the exit conference.
- (G) HHSC sends a letter by certified mail, fax, or email, to the program provider. Generally, HHSC sends this letter within 30 days after the exit conference. If HHSC did not identify any overpayments, the letter notifies the program provider of such. If HHSC identified overpayments, the letter includes a detailed report of the paid

claims that were determined to be overpayments, the reason for the overpayment determination, the amount to be recouped by HHSC, any required corrective action and notice of the right to request an administrative hearing. Examples of corrective actions that HHSC may require a program provider to take are submitting a plan to improve the program provider's billing practices and reviewing documentation beyond the scope of the provider fiscal compliance review.

- (H) If HHSC requires a program provider to take a corrective action and the program provider does not request an administrative hearing for the recoupment, the program provider must take the corrective action by the date stated in the letter described in subparagraph (F) of this paragraph. If the program provider does not take the required corrective action by the required date, HHSC may:
 - (i) impose a vendor hold on payments due to the program provider under the TxHmL contract until the program provider takes the corrective action; and
 - (ii) terminate the TxHmL contract.

(2) Desk review

- (A) HHSC notifies a program provider of a desk review by telephone and also by certified mail, fax, or email. The written notice specifies the individuals and time period to be reviewed, as well as the documentation the program provider must submit to HHSC for the desk review. The notice states that the documentation must be received by HHSC within 14 calendar days after the program provider receives the notice. If the notice is sent by certified mail, the date the notice is received by the program provider is the date of the signature appearing on the "green card" — Postal Service form 1138. If the signature is not dated, the received date will be the date the "green card" is postmarked. If the notice is faxed or emailed, the date the notice is received by the program provider is the date the fax was transmitted or the date of the email.
- (B) HHSC will accept one of the following as proof of its receipt of the documentation submitted by the program provider:
 - (i) the dated signature of a HHSC employee on a "green card" — Postal Service form 1138;

- (ii) a dated signature of an agent of HHSC evidencing receipt of the documentation; or
 - (iii) a dated, traceable receipt from a commercial courier service or the U.S. Postal Service.
 - (iv) a receipt page printed by the fax machine showing the date and time the documentation was faxed to HHSC; or
 - (v) the email containing the documentation emailed to HHSC showing the date of the email in the header.
- (C) HHSC does not accept documentation received by HHSC after the 14-day time period described in the notice.
- (D) HHSC reviews the documentation submitted by the program provider. During the review, HHSC may expand the time period under review and may request documentation related to individuals who were not initially included in the review.
- (E) HHSC sends a letter by certified mail, fax, or email to the program provider about the results of the desk review. If HHSC did not identify any overpayments, the letter notifies the program provider of such. If HHSC identified overpayments, the letter includes a detailed report of the paid claims that were determined to be overpayments, the reason for the overpayment determination, and the proposed amount to be recouped by HHSC. The letter also gives the program provider an opportunity to submit additional documentation for certain claims that resulted in overpayment and a written argument to refute any claim identified as an overpayment. Further, the letter states that the additional documentation and written argument must be received by HHSC within 14 calendar days after the program provider receives the letter. If the letter is sent by certified mail, the date the letter is received by the program provider is the date of the signature appearing on the "green card" – Postal Service form 1138. If the signature is not dated, the received date will be the date the "green card" is postmarked. If the letter is faxed or emailed, the date the letter is received by the program provider is the date the fax was transmitted or the date of the email.
- (F) Proof of receipt by HHSC of any additional documentation and written argument submitted by the program provider is the same as

the proof of receipt of documentation described in subparagraph (B) of this paragraph.

- (G) HHSC does not accept additional documentation or a written argument received by HHSC after the 14-day time period described in the letter.
- (H) HHSC reviews any additional documentation and argument submitted by the program provider. HHSC sends a letter by certified mail, fax, or email to the program provider that either upholds the overpayment determination stated in the previous letter or revises the overpayment determination and adjusts the amount to be recouped by HHSC. The letter also includes any required corrective action, and notice of the right to request an administrative hearing. Examples of corrective actions that HHSC may require a program provider to take are submitting a plan to improve the program provider's billing practices and reviewing documentation beyond the scope of the provider fiscal compliance review.
- (I) If HHSC requires a program provider to take a corrective action and the program provider does not request an administrative hearing for the recoupment, the program provider must take the corrective action by the date stated in the letter described in subparagraph (H) of this paragraph. If the program provider does not take the required corrective action by the required date, HHSC may:
 - (i) impose a vendor hold on payments due to the program provider under the TxHmL contract until the program provider takes the corrective action; or
 - (ii) terminate the TxHmL contract.

(e) **Special Review Process**

A special review is generally conducted in accordance with the process for a routine review except:

- (1) HHSC may not always give a program provider prior notice of an on-site review;
- (2) during an on-site review, HHSC may interview an individual or program provider staff and may visit an individual's residence or any other location where an individual receives TxHmL Program services; and
- (3) in addition to documentation required by the *Billing Requirements*, HHSC may request the program provider to submit documentation required by state or federal law, rule or regulation for HHSC review.

(f) Payment to HHSC for Overpayments

Payment to HHSC by a program provider of an overpayment is accomplished by HHSC as described in paragraph (1) or (2) of this subsection.

- (1) Except as provided in paragraph (2), HHSC recoups the overpayment electronically through the automated billing system that was used to bill for the claims. A program provider determines the amount of the recoupment by referring to the applicable electronic billing report.
- (2) If HHSC cannot recoup the overpayment electronically through the automated billing system that was used to bill for the claims, HHSC will require the program provider to submit payment to HHSC for the amount of the overpayment and include the accounts receivable tracking system number on the payment.

TXHMLBR, Appendix II, Determining Units of Service for the Community Supports Activity of Transporting an Individual

Revision 22-2; Effective September 1, 2022

Determining Units of Service for a Single Trip (Examples 1 and 2)

Example 1

Example 1 Facts

- A program provider transports Individuals A, B and C, who are individuals receiving TxHmL community support (transportation), and Passenger D, a person enrolled in the program provider's ICF/IID program, in the same vehicle, using one service provider.
- Individual A departs at 8:15 a.m., Individual B departs at 8:25 a.m., and Individual C and Passenger D depart at 9:00 a.m.

- Individuals A and B arrive at 9:15 a.m. Individual C and Passenger D arrive at 10:00 a.m.

Individual	Departure Time	Arrival Time
A	8:15	9:15
B	8:25	9:15
C	9:00	10:00
D	9:00	10:00

Example 1: Method A

Transportation time for Individuals A, B, and C is 105 minutes, with **four passengers** (A, B, C and D) and **one service provider**: The first individual (A) departed at 8:15 a.m. and the last individual (C) arrived at 10:00 a.m. The time between 8:15 and 10:00 is 105 minutes.

Passenger D does not need units of service determined because he is not enrolled in the TxHmL program. However, he is counted when determining the number of passengers.

The service time for individuals A, B, and C is 26.25 minutes:

Service Time = [# of Service Providers x Transportation Time] ÷ # of Passengers

- Service Time = $(1 \times 105) \div 4$

Service Time = $105 \div 4$

Service Time = 26.25 minutes

Using [Appendix III](#), Conversion Table, the service time of 26.25 minutes is converted to .50 units of service.

Using Method A, Individuals A, B and C all have .50 units of service.

Example 1: Method B

Individual A's transportation time has three segments:

- transportation time of 10 minutes (8:15-8:25) with one passenger (A only) and one service provider;
- transportation time of 35 minutes (8:25-9:00) with two passengers (A and B) and one service provider; and
- transportation time of 15 minutes (9:00-9:15) with four passengers (A, B, C and D) and one service provider.

Individual B's transportation time has two segments:

- transportation time of 35 minutes (8:25-9:00) with two passengers (A and B) and one service provider; and
- transportation time of 15 minutes (9:00-9:15) with four passengers (A, B, C and D) and one service provider.

Individual C's transportation time has two segments:

- transportation time of 15 minutes (9:00-9:15) with four passengers (A, B, C and D) and one service provider; and
- transportation time of 45 minutes (9:15-10:00) with two passengers (C and D) and one service provider.

Passenger D does not need units of service determined because he is not enrolled in the TxHmL program. However, he is counted when determining the number of passengers.

Service Time = [# of Service Providers x Transportation Time] ÷ # of Passengers

Individual A's service time for each segment:

- Service Time = $(1 \times 10) \div 1$
Service Time = $10 \div 1$
Service Time = 10 minutes
- Service Time = $(1 \times 35) \div 2$
Service Time = $35 \div 2$
Service Time = 17.5 minutes
- Service Time = $(1 \times 15) \div 4$
Service Time = $15 \div 4$
Service Time = 3.75 minutes

Individual B's service time for each segment:

- Service Time = $(1 \times 35) \div 2$

$$\text{Service Time} = 35 \div 2$$

$$\text{Service Time} = 17.5 \text{ minutes}$$

- $\text{Service Time} = (1 \times 15) \div 4$

$$\text{Service Time} = 15 \div 4$$

$$\text{Service Time} = 3.75 \text{ minutes}$$

Individual C's service time for each segment:

- $\text{Service Time} = (1 \times 15) \div 4$

$$\text{Service Time} = 15 \div 4$$

$$\text{Service Time} = 3.75 \text{ minutes}$$

- $\text{Service Time} = (1 \times 45) \div 2$

$$\text{Service Time} = 45 \div 2$$

$$\text{Service Time} = 22.5 \text{ minutes}$$

Total service time for each individual is determined by adding the service time of each segment:

- **Individual A:** 10 minutes + 17.5 minutes + 3.75 minutes = 31.25 minutes
- **Individual B:** 17.5 minutes + 3.75 minutes = 21.25 minutes
- **Individual C:** 3.75 minutes + 22.5 minutes = 26.25 minutes

Using [Appendix III](#), Conversion Table, service time is converted to units of service:

- **Individual A:** 31.25 minutes = .50 units of service
- **Individual B:** 21.25 minutes = .25 units of service
- **Individual C:** 26.25 minutes = .50 units of service

Using Method B, Individual B has .25 units of service, and Individuals A and C each have .50 units of service.

Example 2

Example 2 Facts

- A program provider transports two individuals, Individuals E and F, in the same vehicle using two service providers.

- Individual E departs with a service provider at 2:00 p.m. Individual F departs with another service provider at 2:10 p.m.
- Individuals E and F arrive at 2:40 p.m.

Individual	Departure Time	Arrival Time
E	2:00	2:40
F	2:10	2:40

Example 2: Method A

The transportation time for Individuals E and F is 40 minutes, with two passengers (E and F) and two service providers. The first individual (E) departed at 2:00 and the last individuals (E and F) arrived at 2:40. The time between 2:00 and 2:40 is 40 minutes.

The service time for individuals E and F is 40 minutes:

Service Time = [# of Service Providers x Transportation Time] ÷ # of Passengers

- Service Time = $(2 \times 40) \div 2$

Service Time = $80 \div 2$

Service Time = 40 minutes

Using [Appendix III](#), Conversion Table, the service time of 40 minutes is converted to .75 units of service.

Using Method A, Individuals E and F each have .75 units of service of supported home living for the transportation provided.

Example 2: Method B

Individual E's transportation time has two segments:

- transportation time of 10 minutes (2:00-2:10) with one passengers (E only) and one service provider; and
- transportation time is 30 minutes (2:10-2:40) with two passengers (E and F) and two service providers.

Individual F's transportation time has one segment:

- Transportation time is 30 minutes (2:10-2:40) with two passengers (E and F) and two service providers.

Service Time = [# of Service Providers x Transportation Time] ÷ # of Passengers

Individual E's service time for each segment:

- Service Time = $(1 \times 10) \div 1$
Service Time = $10 \div 1$
Service time = 10 minutes
- Service Time = $(2 \times 30) \div 2$
Service Time = $60 \div 2$
Service Time = 30 minutes

Individual F's service time:

- Service Time = $(2 \times 30) \div 2$
Service Time = $60 \div 2$
Service Time = 30 minutes

Total service time for Individual E is determined by adding the service time of each segment:

- Individual E: 10 minutes + 30 minutes = 40 minutes

Using [Appendix III](#), Conversion Table, service time is converted to units of service:

- **Individual E:** 40 minutes = .75 units of service
- **Individual F:** 30 minutes = .50 units of service

Using Method B, Individual E has .75 units of service and Individual F has .50 units of service.

Determining Units of Service for Multiple Trips (Example 3)

Example 3

Example 3 Facts

- A program provider transports Individuals A, B and C and Passenger D, as described in Example 1 (this will be referred to as the "outgoing trip").
- The program provider transports Individuals A, B and C and Passenger D back to their original locations later the same day (the "return trip").
- Service times for the return trip for Individuals A, B and C are the same as the service times for the outgoing trip.

Example 3: Method A Service Times (see Example 1: Method A)

Individual	Outgoing Trip Service Time	Return Trip Service Time
A	26.25	26.25
B	26.25	26.25
C	26.25	26.25

Example 3: Method A – Without Accumulation of Service Times

Service times for the outgoing and return trips for Individuals A, B and C are **not** accumulated; units of service from the outgoing trip (see Example 1: Method A) are combined with the units of service of the return trip: .50 units of service + .50 units of service = 1 unit of service.

Using Method A without accumulating service times for the outgoing and return trips, Individuals A, B and C each have 1 unit of service.

Example 3: Method A – With Accumulation of Service Times

Service times of the outgoing and the return trips for Individuals A, B and C are accumulated for a total service time of 52.5 minutes: 26.25 minutes + 26.25 minutes = 52.5 minutes.

Using [Appendix III](#), Conversion Table, the total service time of 52.5 minutes is converted to .75 units of service.

Using Method A and accumulating service times for the outgoing and return trips, Individuals A, B and C each have .75 units of service.

Example 3: Method B Service Times (see Example 1: Method B)

Individual	Outgoing Trip Service Time	Return Trip Service Time
A	31.25	31.25
B	21.25	21.25
C	26.25	26.25

Example 3: Method B – Without Accumulation of Service Times

Service times for the two trips are **not** accumulated; units of service from the outgoing trip (see Example 1: Method B) are combined with the units of service of the return trip:

- **Individual A:** .50 units of service + .50 units of service = 1 unit of service
- **Individual B:** .25 units of service + .25 units of service = .50 units of service
- **Individual C:** .50 units of service + .50 units of service = 1 unit of service

Using Method B without accumulating service times for the outgoing and return trips, Individuals A and C each have 1 unit of service; Individual B has .50 units of service.

Example 3: Method B – With Accumulation of Service Times

Service times of the outgoing and the return trips for Individuals A, B and C are accumulated for a total service time:

- **Individual A:** 31.25 minutes + 31.25 minutes = 1 hour, 2.5 minutes
- **Individual B:** 21.25 minutes + 21.25 minutes = 42.5 minutes
- **Individual C:** 26.25 minutes + 26.25 minutes = 52.5 minutes

Using [Appendix III](#), Conversion Table, the total service time is converted to units of service:

- **Individual A:** 1 hour, 2.5 minutes = 1 unit of service

- **Individual B:** 42.5 minutes = .75 units of service
- **Individual C:** 52.5 minutes = .75 units of service

Using Method B and accumulating service times for the outgoing and return trips, Individual A has 1 unit of service, and Individuals B and C each have .75 units of service.

TXHMLBR, Appendix III, Conversion Table

Effective May 1, 2022

Service Time	Unit(s) of Service for Service Claim
at least 8 minutes – but less than 23 minutes	.25 units
at least 23 minutes – but less than 38 minutes	.50 units
at least 38 minutes – but less than 53 minutes	.75 units
at least 53 minutes – but less than 1 hour, 8 minutes	1 unit
at least 1 hour, 8 minutes – but less than 1 hour, 23 minutes	1.25 units
at least 1 hour, 23 minutes – but less than 1 hour, 38 minutes	1.50 units
at least 1 hour, 38 minutes – but less than 1 hour, 53 minutes	1.75 units
at least 1 hour, 53 minutes – but less than 2 hours, 8 minutes	2 units
at least 2 hours, 8 minutes – but less than 2 hours, 23 minutes	2.25 units
at least 2 hours, 23 minutes – but less than 2 hours, 38 minutes	2.50 units

Service Time	Unit(s) of Service for Service Claim
at least 2 hours, 38 minutes – but less than 2 hours, 53 minutes	2.75 units
at least 2 hours, 53 minutes – but less than 3 hours, 8 minutes	3 units
at least 3 hours, 8 minutes – but less than 3 hours, 23 minutes	3.25 units
at least 3 hours, 23 minutes – but less than 3 hours, 38 minutes	3.50 units
at least 3 hours, 38 minutes – but less than 3 hours, 53 minutes	3.75 units
at least 3 hours, 53 minutes – but less than 4 hours, 8 minutes	4 units
at least 4 hours, 8 minutes – but less than 4 hours, 23 minutes	4.25 units
at least 4 hours, 23 minutes – but less than 4 hours, 38 minutes	4.50 units
at least 4 hours, 38 minutes – but less than 4 hours, 53 minutes	4.75 units
at least 4 hours, 53 minutes – but less than 5 hours, 8 minutes	5 units

Service Time	Unit(s) of Service for Service Claim
at least 5 hours, 8 minutes – but less than 5 hours, 23 minutes	5.25 units
at least 5 hours, 23 minutes – but less than 5 hours, 38 minutes	5.50 units
at least 5 hours, 38 minutes – but less than 5 hours, 53 minutes	5.75 units
at least 5 hours, 53 minutes – but less than 6 hours, 8 minutes	6 units
at least 6 hours, 8 minutes – but less than 6 hours, 23 minutes	6.25 units
at least 6 hours, 23 minutes – but less than 6 hours, 38 minutes	6.50 units
at least 6 hours, 38 minutes – but less than 6 hours, 53 minutes	6.75 units
at least 6 hours, 53 minutes – but less than 7 hours, 8 minutes	7 units
at least 7 hours, 8 minutes – but less than 7 hours, 23 minutes	7.25 units
at least 7 hours, 23 minutes – but less than 7 hours, 38 minutes	7.50 units

Service Time	Unit(s) of Service for Service Claim
at least 7 hours, 38 minutes – but less than 7 hours, 53 minutes	7.75 units
at least 7 hours, 53 minutes – but less than 8 hours, 8 minutes	8 units
at least 8 hours, 8 minutes – but less than 8 hours, 23 minutes	8.25 units
at least 8 hours, 23 minutes – but less than 8 hours, 38 minutes	8.50 units
at least 8 hours, 38 minutes – but less than 8 hours, 53 minutes	8.75 units
at least 8 hours, 53 minutes – but less than 9 hours, 8 minutes	9 units
at least 9 hours, 8 minutes – but less than 9 hours, 23 minutes	9.25 units
at least 9 hours, 23 minutes – but less than 9 hours, 38 minutes	9.50 units
at least 9 hours, 38 minutes – but less than 9 hours, 53 minutes	9.75 units
at least 9 hours, 53 minutes – but less than 10 hours, 8 minutes	10 units

Service Time	Unit(s) of Service for Service Claim
at least 10 hours, 8 minutes – but less than 10 hours, 23 minutes	10.25 units
at least 10 hours, 23 minutes – but less than 10 hours, 38 minutes	10.50 units
at least 10 hours, 38 minutes – but less than 10 hours, 53 minutes	10.75 units
at least 10 hours, 53 minutes – but less than 11 hours, 8 minutes	11 units
at least 11 hours, 8 minutes – but less than 11 hours, 23 minutes	11.25 units
at least 11 hours, 23 minutes – but less than 11 hours, 38 minutes	11.50 units
at least 11 hours, 38 minutes – but less than 11 hours, 53 minutes	11.75 units
at least 11 hours, 53 minutes – but less than 12 hours, 8 minutes	12 units
at least 12 hours, 8 minutes – but less than 12 hours, 23 minutes	12.25 units
at least 12 hours, 23 minutes – but less than 12 hours, 38 minutes	12.50 units

Service Time	Unit(s) of Service for Service Claim
at least 12 hours, 38 minutes – but less than 12 hours, 53 minutes	12.75 units
at least 12 hours, 53 minutes – but less than 13 hours, 8 minutes	13 units
at least 13 hours, 8 minutes – but less than 13 hours, 23 minutes	13.25 units
at least 13 hours, 23 minutes – but less than 13 hours, 38 minutes	13.50 units
at least 13 hours, 38 minutes – but less than 13 hours, 53 minutes	13.75 units
at least 13 hours, 53 minutes – but less than 14 hours, 8 minutes	14 units
at least 14 hours, 8 minutes – but less than 14 hours, 23 minutes	14.25 units
at least 14 hours, 23 minutes – but less than 14 hours, 38 minutes	14.50 units
at least 14 hours, 38 minutes – but less than 14 hours, 53 minutes	14.75 units
at least 14 hours, 53 minutes – but less than 15 hours, 8 minutes	15 units

Service Time	Unit(s) of Service for Service Claim
at least 15 hours, 8 minutes – but less than 15 hours, 23 minutes	15.25 units
at least 15 hours, 23 minutes – but less than 15 hours, 38 minutes	15.50 units
at least 15 hours, 38 minutes – but less than 15 hours, 53 minutes	15.75 units
at least 15 hours, 53 minutes – but less than 16 hours, 8 minutes	16 units
at least 16 hours, 8 minutes – but less than 16 hours, 23 minutes	16.25 units
at least 16 hours, 23 minutes – but less than 16 hours, 38 minutes	16.50 units
at least 16 hours, 38 minutes – but less than 16 hours, 53 minutes	16.75 units
at least 16 hours, 53 minutes – but less than 17 hours, 8 minutes	17 units
at least 17 hours, 8 minutes – but less than 17 hours, 23 minutes	17.25 units
at least 17 hours, 23 minutes – but less than 17 hours, 38 minutes	17.50 units

Service Time	Unit(s) of Service for Service Claim
at least 17 hours, 38 minutes – but less than 17 hours, 53 minutes	17.75 units
at least 17 hours, 53 minutes – but less than 18 hours, 8 minutes	18 units
at least 18 hours, 8 minutes – but less than 18 hours, 23 minutes	18.25 units
at least 18 hours, 23 minutes – but less than 18 hours, 38 minutes	18.50 units
at least 18 hours, 38 minutes – but less than 18 hours, 53 minutes	18.75 units
at least 18 hours, 53 minutes – but less than 19 hours, 8 minutes	19 units
at least 19 hours, 8 minutes – but less than 19 hours, 23 minutes	19.25 units
at least 19 hours, 23 minutes – but less than 19 hours, 38 minutes	19.50 units
at least 19 hours, 38 minutes – but less than 19 hours, 53 minutes	19.75 units
at least 19 hours, 53 minutes – but less than 20 hours, 8 minutes	20 units

Service Time	Unit(s) of Service for Service Claim
at least 20 hours, 8 minutes – but less than 20 hours, 23 minutes	20.25 units
at least 20 hours, 23 minutes – but less than 20 hours, 38 minutes	20.50 units
at least 20 hours, 38 minutes – but less than 20 hours, 53 minutes	20.75 units
at least 20 hours, 53 minutes – but less than 21 hours, 8 minutes	21 units
at least 21 hours, 8 minutes – but less than 21 hours, 23 minutes	21.25 units
at least 21 hours, 23 minutes – but less than 21 hours, 38 minutes	21.50 units
at least 21 hours, 38 minutes – but less than 21 hours, 53 minutes	21.75 units
at least 21 hours, 53 minutes – but less than 22 hours, 8 minutes	22 units
at least 22 hours, 8 minutes – but less than 22 hours, 23 minutes	22.25 units
at least 22 hours, 23 minutes – but less than 22 hours, 38 minutes	22.50 units

Service Time	Unit(s) of Service for Service Claim
at least 22 hours, 38 minutes – but less than 22 hours, 53 minutes	22.75 units
at least 22 hours, 53 minutes – but less than 23 hours, 8 minutes	23 units
at least 23 hours, 8 minutes – but less than 23 hours, 23 minutes	23.25 units
at least 23 hours, 23 minutes – but less than 23 hours, 38 minutes	23.50 units
at least 23 hours, 38 minutes – but less than 23 hours, 53 minutes	23.75 units
at least 23 hours, 53 minutes – but less than 24 hours, 8 minutes	24 units

TXHMLBR, Appendix IV, Billable Adaptive Aids

Revision 24-1, Effective January 1, 2024

(1) Abbreviations and Numbers

The following abbreviations and numbers, as used in this attachment, have the following meanings:

(A) Licensed Professionals

- **(AU)** – A person licensed as an audiologist in accordance with Chapter 401 of the Texas Occupations Code.
- **(DI)** – A person licensed as a dietitian in accordance with Chapter 701 of the Texas Occupations Code.

- **(NU)** – A person licensed to practice professional or vocational nursing by the Board of Nurse Examiners in accordance with Chapter 301 of the Texas Occupations Code.
- **(MD)** – A person licensed as a physician in accordance with Texas Occupations Code, Chapter 155.
- **(OT)** – A person licensed as an occupational therapist in accordance with Chapter 454 of the Texas Occupations Code.
- **(OPH)** – A person licensed as a physician in accordance with Texas Occupations Code, Chapter 155, and certified by the American Board of Ophthalmology.
- **(OPT)** – A person licensed as an optometrist or therapeutic optometrist in accordance with Texas Occupations Code, Chapter 351.
- **(PT)** – A person licensed as a physical therapist in accordance with Chapter 453 of the Texas Occupations Code.
- **(PS/BS)** – A person licensed as a psychologist, provisional license holder or psychological associate in accordance with Chapter 501 of the Texas Occupations Code; a person certified by HHSC as described in 26 TAC §304.302; or a behavior analyst certified by the Behavior Analyst Certification Board, Inc.
- **(SP)** – A person licensed as a speech-language pathologist in accordance with Chapter 401 of the Texas Occupations Code.

(B) Other Abbreviations and Numbers

(1) – The item is available through:

- for individuals of any age, Texas Medicaid Home Health Services and Medicare; and
- for individuals 21 years of age or older, the Title XIX Home Health Services Durable Medical Equipment (DME) and Supplies Exceptional Circumstances process described in Section 2.2.3 of the Durable Medical Equipment, Medical Supplies, and Nutritional Products Handbook in the TMPPM.

(2) – The item is available through:

- for individuals under the age of 21, Texas Health Steps Comprehensive Care Program; and
- for individuals 21 years of age or older, the Title XIX Home Health Services DME and Supplies Exceptional Circumstances process described in Section 2.2.3 of the Durable Medical Equipment, Medical Supplies, and Nutritional Products Handbook in the TMPPM.

(2) List of Billable Adaptive Aids

The following items and services, listed by category, including repair and maintenance not covered by warranty, are billable adaptive aids:

Lifts

101	<p>a vehicle lift adaptation for a vehicle owned by an individual, an individual's family member or host home/companion care provider if it is the primary mode of transportation for the individual, but not to exceed one lift every five years. Repairs and maintenance not covered by warranty are not limited to the five-year requirement.</p> <p>A vehicle that is expected to be modified or adapted must meet one of the following criteria:</p> <ul style="list-style-type: none">▶ is less than 5 years old and has less than 50,000 miles; or▶ is registered with the Texas Department of Motor Vehicles. <p>(OT, PT, MD)</p>
104	<ul style="list-style-type: none">• a hydraulic, manual or electronic lift (1) (OT, PT, MD);• replacement sling (1) (OT, PT, MD);• a barrier-free (ceiling or wall mounted) lift system including installation of the lift (2) (OT,PT,MD);• a porch lift or stair lift (OT,PT,MD)
128	a transfer bench (1) (OT, PT, MD)

Mobility Aids

106	a crutch, walker or cane (1) (OT, PT, MD)
107	an orthotic device, orthopedic shoes or a brace which is custom fabricated specifically for an individual (2) (OT, PT, MD)

157	a manual or electric wheelchair or a necessary accessory (1) (OT, PT, MD)
158	a forearm platform attachment for a walker (1) (OT, PT, MD)
159	a portable wheelchair ramp (1) (OT, PT, MD)
160	a battery or charger for an electric wheelchair (1) (OT, PT, MD, NU)
161	a gait trainer or gait belt (1) (OT, PT, MD, NU)
163	a adaptive stroller or travel seat (OT, PT, MD)

Positioning Devices

151	a hospital bed (1) or crib (2) (OT, PT, MD)
154	a standing board or frame, positioning chair, or wedge (1) (OT, PT, MD)
155	a trapeze bar (1) (OT, PT, MD)
156	a lift chair, but not the lift mechanism if it is reimbursable through Medicare (OT, PT, MD)
162	a bath or shower chair (1) (OT, PT, MD, NU)
164	a toileting chair (1) (OT, PT, MD, NU)
165	a portable bathtub rail (1) (OT, PT, MD)

Controls and Switches

109	a sip and puff control (1) (OT, PT)
110	an adaptive switch used to operate items necessary for daily functioning (OT, PT)

Environmental Control Units

111	an adaptive lock (OT, PT)
112	an electronic control unit or automatic door opener (OT, PT)
114	a voice, light, smoke or motion activated device (OT, PT, AU)

Rental and Repair

210	<p>temporary rental of a billable adaptive aid to allow for the repair, purchase or replacement of the adaptive aid (1) (OT, PT, MD, NU)</p> <p>*Texas Medicaid will consider repairs only to individual-owned equipment that is considered a benefit of Texas Medicaid</p>
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Medical Supplies

120	diapers, briefs, pull-ons, liners, diaper wipes, disposable underpads, reusable underpads (1) (MD, NU)
121	<ul style="list-style-type: none"> a vitamin, multivitamin, mineral, multi mineral or multi mineral vitamin product(s) with a prescription, (2)(MD) a nutritional supplement listed in the <i>Texas Medicaid Provider Procedures Manual</i> (for example, Ensure, Boost, Glucerna) or or a food and beverage thickening agent (for example, Thick-It or EasyMix) (2) (MD)(SP)
122	an enteral feeding formula and supplies (1) (MD)
201	medically necessary supplies for tracheotomy care, decubitus care, ostomy care, respirator/ventilator care or catheterization (1) (MD, NU)
206	<ul style="list-style-type: none"> a glucose monitor (1) (MD, NU) other supplies for an individual's use in self-monitoring blood sugar (1) (MD, NU)

207	an adapted medication dispenser or pill crusher (MD, NU)
208	an air humidifier, purifier or specialized air filter, or a medically necessary portable heating and/or cooling device to manage the symptoms of a seizure disorder, respiratory or cardiac condition, or inability to regulate body temperature (MD)
209	a muscle stimulator (1) (OT, PT, MD)
211	a urinal (1) (MD, NU)
212	a specialized thermometer (MD, NU)
213	a specialized scale (MD, NU, DI)
214	medical support hose (1) (MD, NU)
215	specialized clothing (for example, a weighted vest), a dressing aid or bib (OT, PT, MD, NU)
216	a specialized or treated mattress or mattress cover (2) (MD, NU)
217	an egg-crate, sheepskin or other medically necessary mattress pad (1) (MD, NU)
218	a cleft palate feeder (1) (MD, OT, PT, DI)
219	a blood pressure or pulse monitor for an individual's use in self-monitoring (1) (MD, NU)
220	<p>prescription eyeglasses beyond Medicaid limit (1) (OPH, OPT)</p> <p>(Texas Medicaid covers prescription eye glasses annually for individuals under 21 years of age with no limit on repair or replacement for damaged or lost glasses. Texas Medicaid covers glasses every 2 years for individuals 21 years of age or older.)</p>

221	non-sterile disposable gloves for individuals who require catheterization, have skin breakdown or require wound care, or have a documented disease that may be transmitted through urine or stool and the care of the individual is provided by a non-paid caregiver (1) (MD, NU)
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Communication Aids (including batteries)

124	a direct selection, alphanumeric, scanning or encoding communicator (1) (SP)
125	a speech amplifier or augmentative communication device (1) (SP)
126	sign language interpreter service for non-routine communications, such as IDT meetings, or medical/professional appointments (SP, AU)
251	an emergency response system or service, monitoring device such as a Medalert medical alert bracelet (MD, NU)
254	a communication board or book (SP, AU)
255	a closed-captioning device for an individual with a hearing impairment (AU, SP, MD)
256	a signature stamp for an individual with a visual or physical impairment, muscular weakness or limited range of motion (OPH, OT, PT)
257	a signature guide for an individual with a visual or physical impairment, muscular weakness or limited range of motion (OPH, OT, PT)
258	a personal computer or accessory necessary for the individual to communicate independently (SP)
259	specialized training for augmentative communication software, not to exceed \$1,000 per individual, per IPC year (1) (SP) (If Texas Medicaid purchases an augmentative communication device, training is included in the cost of the device.)

260	a hearing aid (1) (AU) or battery (1) (AU, MD, NU)
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Adapted Equipment for Activities of Daily Living

324	a lever door handle (OT, PT)
401	a device or item used to enable an individual to independently pick up or grasp an object (for example, a reacher) (OT, PT)
402	a device or item used to enable an object to be firmly positioned and secure (for example, a dycem mat) (OT, PT)
403	a device or item used to enable an individual to independently hold and sustain control of an object (for example, a hand strap) (OT, PT)
404	adapted dinnerware, an eating utensil or meal preparation device (OT, PT)
405	a specialized clock or wristwatch for an individual with a visual or hearing impairment (OT, PT)
406	an electric razor or electric toothbrush for an individual with a muscular weakness or limited range of motion who shaves self or brushes own teeth (OT, PT)
407	a speaker, large button or braille telephone for an individual who is verbal but cannot use a conventional telephone (OT, PT)
408	a microwave oven, if use of a conventional oven presents a safety hazard to the individual (OT, PT)
409	a hand-held shower device (1) (OT, PT)

Safety Restraints and Safety Devices

113	a safety restraint (1) (PS, MD) or wheelchair tie down (1) (OT, PT, MD, NU)
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450	a side rail for a hospital bed (1) (OT, PT, MD, NU) , a side rail for a non-hospital bed (OT, PT, MD, NU)
451	safety padding (1) (PS/BS, OT, PT, MD)
452	a helmet used due to a seizure disorder or other medical condition (2) (PS/BS, MD, NU)
453	an adaptation to furniture (PS/BS) (OT, PT)

TXHMLBR, Appendix V, Billable Minor Home Modifications

Revision 20-1; Effective September 1, 2020

Abbreviations

The following abbreviations, as used in this attachment, have the following meanings:

Licensed Professionals

- **(MD)** – A person licensed as a physician in accordance with Texas Occupations Code, Chapter 155.
- **(OT)** – A person licensed as an occupational therapist in accordance with Chapter 454 of the Texas Occupations Code.
- **(PT)** – A person licensed as a physical therapist in accordance with Chapter 453 of the Texas Occupations Code.
- **(PS/BS)** – A person licensed as a psychologist, provisionally licensed psychologist, board certified behavioral specialist or psychological associate in accordance with Chapter 501 of the Texas Occupations Code.
- **(SP)** – A person licensed as a speech-language pathologist in accordance with Chapter 401 of the Texas Occupations Code.

List of Billable Minor Home Modifications

The following adaptations, listed by category, including repair and maintenance not covered by warranty, are billable minor home modifications:

Wheelchair Ramp

301	a wheelchair ramp or landing that meets the requirements in §4.8 of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) found at www.ada.gov (OT, PT)
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Modification to a Bathroom

302	a shower adaptation (OT, PT)
303	a sink adaptation (OT, PT)
304	a bathtub adaptation (OT, PT)
305	a toilet adaptation (OT, PT)
306	a water faucet control adaptation (OT, PT)
307	a floor urinal or bidet adaptation (OT, PT)
308	a plumbing adaptation (OT, PT)
309	a turnaround space adaptation (OT, PT)

Modifications to Kitchen Facilities

310	a sink adaptation (OT, PT)
311	a sink cut-out (OT, PT)
312	a turnaround space adaptation (OT, PT)
313	a water faucet control adaptation (OT, PT)
314	a plumbing adaptation (OT, PT)
315	a worktable or work surface adjustment (OT, PT)

316	a cabinetry adjustment (OT, PT)
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Specialized Accessibility and Safety Adaptations

317	a door widening or emergency exit adaptation (OT, PT)
318	a flooring adaptation for wheelchair accessibility (OT, PT)
319	a handrail or safety bar permanently attached to a wall, floor and/or ceiling (for example, a grab bar, a toilet frame, a super pole) (OT, PT)
320	an adapted wall switch or outlet, a specialized doorbell or door scope (OT, PT)
321	a voice, light, motion activated or electronic device hard wired in the individual's residence (OT, PT)
322	a fire alarm adaptation made to an existing system (OT, PT)
324	a lever door handle (OT, PT)
325	a safety glass, film or padding adaptation (PS/BS, MD)

TXHMLBR, Appendix VI, Degree of Consanguinity or Affinity

Revision 21-3; Effective September 1, 2021

For the purposes of these billing requirements, a person is considered to be a relative if the person is related within the fourth degree of consanguinity or within the second degree of affinity.

Relationships of Consanguinity

Two people are related to each other by consanguinity if one is a descendant of the other or if they share a common ancestor. An adopted child is considered to be a child of the adoptive parent for this purpose.

Example: Person A is related by the third degree of consanguinity to person B if person B is person A's uncle (brother of person A's father) because they share a common ancestor. However, person A is not related by consanguinity to person C if person C is the uncle's spouse, because person A and person C share no common ancestor.

Relationships of Affinity

Two people are related by affinity if they are married to each other, or if one person is related by consanguinity to the other person's spouse.

Example: Person A is related within the second degree of affinity to the brother of person A's spouse because the brother and the spouse are related by consanguinity.

The ending of a marriage between two people by divorce or the death of a spouse ends relationships by affinity created by that marriage, unless a child of that marriage is living, in which case the marriage is considered to continue as long as a child of that marriage lives.

The chart below lists relationships within the fourth degree of consanguinity and within the second degree of affinity.

Relationship of Consanguinity

	1st Degree	2nd Degree	3rd Degree*	4th Degree*
Person	child or parent	grandchild, sister, brother or grand-parent	great-grandchild, niece, nephew, aunt,* uncle* or great-grandparent	great-great-grandchild, grandniece, grandnephew, first cousin, great aunt,* great uncle* or great-great-grandparent

*An aunt, uncle, great aunt or great uncle is related to a person by consanguinity only if he or she is the sibling of the person's parent or grandparent.

Relationship of Affinity

1st Degree		2nd Degree
Person	spouse, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, stepmother or stepfather	brother-in-law, sister-in-law, spouse's grandparent, spouse's grandchild, grandchild's spouse or spouse of grandparent

Shared Appendix 29

This appendix appears in the following handbooks:

- Home and Community-based Services Program Billing Requirements (HCSBR): Appendix II
- Texas Home Living Program Billing Requirements (TxHmLBR): Appendix VI
- Transition Assistance Services Orientation Handbook (TAS): Appendix III

TXHMLBR, Appendix VII, Reserved for Future Use

TxHmLBR, Forms

Form	Title
2122	Service Delivery Log with Written Narrative/Written Summary
2123	Adaptive Aid/Minor Home Modification Request for Prior Approval
2124	Community Support Transportation Log
4116-MHM-AA	Minor Home Modification/Adaptive Aids Summary Sheet
4117	Supported Employment/Employment Assistance Service Delivery Log
4118	Respite Service Delivery Log
4123	Nurse Services Delivery Log - Billable Activities

Revisions

TxHmLBR Revision 24-1, Updating EVV Requirements

TxHmLBR Revision 24-1; Effective January 1, 2024

Revised	Title	Change
Entire Handbook	Various Sections	Updated TAC references from Title 40 to Title 26
Entire Handbook	Various Sections	Replaced “person” with “member” in reference to a staff member.
<u>Section 2000</u>	Definitions	(51) replaced “local authority” with “local intellectual and developmental disability authority” and deleted “see definition of “MRA” in §9.553(20).

Revised	Title	Change
<u>Section 3210</u>	(Service Claim Requirement) General Requirements	<p>In subsection (2), added “and transportation plan, if community support is included on the PDP” and “<u>26 TAC §262.103(s)</u>”</p> <p>In subsection (7), deleted “must” before “be based on activity performed by a qualified service provider.”</p> <p>In subsection (14), replaced “claim for in-home individualized skills and socialization and in-home respite” with “component ... or subcomponent that requires the use of EVV as described in Section 3900.” Updated EVV rules’ citation from “1 TAC §354.4009(a)(4), relating to Requirements for Claims Submission and Approval” to “1 TAC §354.4009(c), relating to EVV Visit Transaction and EVV Claim.”</p>

Revised	Title	Change
<u>Section 3810</u>	(Written Documentation) General Requirements	<p>In Subsection (b)(1), deleted “some professional therapies” from the heading. Deleted “the name of the individual who provided the service component or subcomponent,” the day, moth and year the service component or subcomponent was provided,” and “the service component or subcomponent that was provided” as required content for written documentation to support a service claim because these elements are listed in Section 3820, Written Service Log and Written Summary Log.</p> <p>In Subsection (b)(2), deleted several required elements that must be included on a written documentation to support a service claim for the nursing service components, and instead, added that the written documentation to support a service claim for the nursing service components must include “a written service log described in Section 3820, Written Service Log and Written Summary Log.”</p>

Revised	Title	Change
<u>Section 3820</u>	(Written Documentation) Written Service Log and Written Summary Log	<p>Added as required content of a written service log:</p> <p>the service component or subcomponent that was provided;</p> <p>the name of the individual who was provided the service component or subcomponent;</p> <p>the day, month and year the service component or subcomponent was provided;</p> <p>In subsection (a)(1)(E), added “except transportation as a community support activity” after “for service components or subcomponents with a hourly unit of service, as listed in Section 3510, Hourly Unit of Service.” In subsection (a)(1)(E)(i), added “detailed” before description of list of activities.”</p> <p>Reformatted subsection (a)(1)</p>
<u>Section 3900</u>	Electronic Visit Verification	<p>Added New Section 3900 Electronic Visit Verification. It adds that a program provider must comply with 1 TAC Chapter 354, Subchapter O, Electronic Visit Verification, for certain services, if the service is provided in person to an individual who has a residential type of “own home/family home” in the individual’s residence.</p>

Revised	Title	Change
<u>Section 43102</u>	In-Home Individualized Skills and Socialization	Deleted Section 43102.4, EVV Requirements for In-Home Individualized Skills and Socialization. Moved Section 43102.5, Billable Activity, to Section 43102.4. Moved 43102.6, Activity Not Billable, to Section 43102.5. Moved 43102.7, Restrictions Regarding Submission of Claims for In-Home Individualized Skills and Socialization, to Section 43102.6. Moved 43102.8, Qualified Service Provider, to Section 43102.7. Moved 43102.9, Unit of Service, to 43102.8. Moved 43102.10, Written Documentation, to Section 43102.9.
<u>Section 4420</u>	Registered Nursing (Billable Activity)	In Subsection (9), added a new paragraph (B) that allows as billable activity for the registered nursing service component, interacting with a person regarding the health status of an individual during any situation except a service provider of professional therapies, a staff member who is not a service provider and a service provider of nursing described in subparagraph (A) of this paragraph.

Revised	Title	Change
<u>Section 4471.2</u>	Licensed Vocational Nursing (Billable Activity)	In Subsection (9), added a new paragraph (B) that allows as billable activity for the registered nursing service component, interacting with a person regarding the health status of an individual during any situation except a service provider of professional therapies, a staff member who is not a service provider and a service provider of nursing described in subparagraph (A) of this paragraph.
<u>Section 4472.2</u>	Specialized Registered Nursing (Billable Activity)	In Subsection (9), added a new paragraph (B) that allows as billable activity for the registered nursing service component, interacting with a person regarding the health status of an individual during any situation except a service provider of professional therapies, a staff member who is not a service provider and a service provider of nursing described in subparagraph (A) of this paragraph.

Revised	Title	Change
<u>Section 4473.2</u>	Specialized Licensed Vocational Nursing (Billable Activity)	In Subsection (9), added a new paragraph (B) that allows as billable activity for the registered nursing service component, interacting with a person regarding the health status of an individual during any situation except a service provider of professional therapies, a staff member who is not a service provider and a service provider of nursing described in subparagraph (A) of this paragraph.
<u>Section 4520</u>	Community Support Billing Requirements	In Subsection (i), added "be made within 14 calendar days after the supported home living activity is provided and must" after "the written documentation must."

TxHmLBR Revision 23-2, Removing Day Habilitation, MHM Payment Limit

TxHmLBR Revision 23-2; Effective April 1, 2023

Revised	Title	Change
<u>Section 1200</u>	Service Component	Removed day habilitation and in-home day habilitation.

Revised	Title	Change
<u>Section 2000</u>	Definitions	Updated (41) LON or level of need definition to replace “day habilitation, in-home day habilitation” with “on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization.”, Added definition of “Staff ID.”
<u>Section 3100</u>	Applicable Service Components	Removed day habilitation and in-home day habilitation.
<u>Section 3210</u>	General Requirements	Replaced in-home day habilitation with in-home individualized skills and socialization.
<u>Section 3420</u>	Relative, Guardian or Managing Conservator Qualified as Service Provider	Replaced day habilitation and in-home day habilitation with on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization.
Section 3520	Daily Unit of Service	Removed Section 3520.
Section 3620	Daily Unit of Service	Removed Section 3620.

Revised	Title	Change
<u>Section 3700</u>	Billing Service Components Provided at the Same Time and Billing On-Site Individualized Skills and Socialization, Off-Site Individualized Skills and Socialization, and In-Home Individualized Skills and Socialization Provided at the Same Time as Service Coordination	Updated the title to replace day habilitation and in-home day habilitation with on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization.
<u>Section 3720</u>	Multiple Service Providers	Replaced day habilitation and in-home day habilitation with on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization.

Revised	Title	Change
<u>Section 3730</u>	Service Coordination and On-Site Individualized Skills and Socialization, Off-Site Individualized Skills and Socialization, or In Home Individualized Skills and Socialization Provided at the Same Time	Replaced day habilitation and in-home day habilitation with on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization.
<u>Section 3810</u>	General Requirements	In (b)(1), removed on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization. In (D)(i), added on-site, off-site, and in-home individualized skills and socialization. In (D)(ii), Removed day habilitation and in-home day habilitation. Removed (b)(4).
<u>Section 3850</u>	Example Forms	Added additional example forms and updated the section number to be clearer.

Revised	Title	Change
<u>Section 4220</u>	Billable Activity	In (5)(A), replaced day habilitation with on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization.
<u>Section 4300</u>	Individualized Skills and Socialization	Removed Section 4300, Day Habilitation and Section 4381, In-Home Day Habilitation. Moved Section 4900, Individualized Skills and Socialization to Section 4300. Moved Section 49101, Off-Site Individualized Skills and Socialization to Section 43101. Moved Section 49102, In-Home Individualized Skills and Socialization to Section 43102.
<u>Section 43100,</u> <u>Section 43101.9,</u> <u>Section 43102.10</u>	Written Documentation	Removed requirement for a program provider to complete all fields on Form 8615, On-Site and Off-Site Individualized Skills and Socialization Service Delivery Log and Form 8616, In-Home Individualized Skills and Socialization Service Delivery Log. Added requirements for a program provider to have written documentation to support a service claim for individualized skills and socialization.
<u>Section 43101.2</u>	Requirements of Setting	In (2)(A), replaced "off-site" with "on-site."

Revised	Title	Change
<u>Section 43101.6</u>	Restrictions Regarding Submission of Claims for Off-Site Individualized Skills and Socialization	Added (10) - if an individual received on-site individualized skills and socialization or in-home individualized skills and socialization during the service event.
<u>Section 4420</u>	Billable Activity	In (7)(A), Replaced day habilitation and in-home day habilitation with on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization.
<u>Section 4471.2</u>	Billable Activity	In (7), Replaced day habilitation and in-home day habilitation with on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization.
<u>Section 4472.2</u>	Billable Activity	In (7)(A), Replaced day habilitation and in-home day habilitation with on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization.

Revised	Title	Change
<u>Section 4473.2</u>	Billable Activity	In (7), Replaced day habilitation and in-home day habilitation with on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization.
<u>Section 4620</u>	Requirement of Setting	In (1), replaced day habilitation with on-site individualized skills and socialization.
<u>Section 4630</u>	Billable Activity	Replaced "from one day habilitation site to another" with "during the provision of on-site individualized skills and socialization or off-site individualized skills and socialization."
<u>Section 4830</u>	Employment Assistance Non-billable Time/Activities	In (c)(2) and (c)(4), Replaced day habilitation and in-home day habilitation with on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization.

Revised	Title	Change
<u>Section 6240</u>	Payment Limit	In (2), Replaced "beginning the first full IPC year after the \$7,500 amount is paid, the maximum amount HHSC pays a program provider" with "in addition to the maximum of \$7,500 described in (1) above, a program provider may be paid a maximum of"
TxHmLBR - Forms	Forms	Removed Form 4120 - Day Habilitation Service Delivery Log

TxHmLBR Revision 23-1, Individualized Skills and Socialization

TxHmLBR Revision 23-1; Effective January 1, 2023

Revised	Title	Change
<u>Section 1200</u>	Service Components	Added on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization.
<u>Section 2000</u>	Definitions	<p>Added definition: individualized skills and socialization provider, volunteer.</p> <p>Added "or volunteer" to the definition of service provider</p>

Revised	Title	Change
<u>Section 3100</u>	Applicable Service Components	Added on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization.
<u>Section 3510</u>	Hourly Unit of Service	Added on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization.

Revised	Title	Change
<u>Section 3810</u>	General Requirements	<ul style="list-style-type: none"> • In (b)(1): Added on-site individualized skills and socialization, off-site individualized skills and socialization, and in-home individualized skills and socialization. • Added new (b)(4): On-site individualized skills and socialization, Off-site individualized skills and socialization, and in-home individualized skills and socialization <ul style="list-style-type: none"> A. A program provider must have written documentation to support a service claim for on-site, off-site, and in-home individualized skills and socialization as described in Section 49100, Written Documentation, Section 49101.9, Written Documentation, and Section 49102.10, Written Documentation.

Revised	Title	Change
<u>Section 4900</u>	Individualized Skills and Socialization	<p>Added New Sections for on-site individualized skills and socialization, which includes:</p> <ul style="list-style-type: none"> • <u>Section 4910</u> • <u>Section 4920</u> • <u>Section 4930</u> • <u>Section 4940</u> • <u>Section 4950</u> • <u>Section 4960</u> • <u>Section 4970</u> • <u>Section 4980</u> • <u>Section 4990</u> • <u>Section 49100</u>

Revised	Title	Change
<u>Section 49101</u>	Off-Site Individualized Skills and Socialization	<p>Added New Sections for off-site individualized skills and socialization, which includes:</p> <ul style="list-style-type: none"> • <u>Section 49101.1</u> • <u>Section 49101.2</u> • <u>Section 49101.3</u> • <u>Section 49101.4</u> • <u>Section 49101.5</u> • <u>Section 49101.6</u> • <u>Section 49101.7</u> • <u>Section 49101.8</u> • <u>Section 49101.9</u>

Revised	Title	Change
<u>Section 49102</u>	In-Home Individualized Skills and Socialization	<p>Added New Sections for in-home individualized skills and socialization, which includes:</p> <ul style="list-style-type: none"> • <u>Section 49102.1</u> • <u>Section 49102.2</u> • <u>Section 49102.3</u> • <u>Section 49102.4</u> • <u>Section 49102.5</u> • <u>Section 49102.6</u> • <u>Section 49102.7</u> • <u>Section 49102.8</u> • <u>Section 49102.9</u> • <u>Section 49102.10</u>

TxHmLBR Revision 22-2, HB4, TMHP Updates

TxHmLBR Revision 22-2; Effective September 1, 2022

Revised	Title	Change
Entire Billing Requirements	Various Sections	<ul style="list-style-type: none">Updated the names of certain professional therapies subcomponents to remove "services," in order to make naming consistent with TxHmL Rules and waiver application.Changed "face-to-face" to "in-person" or "in person."Changed "video conference" to "synchronous audio-visual technology."
<u>Section 2000</u>	Definitions	Added definitions: Comprehensive Nursing Assessment, in person or in-person, respite facility, synchronous audio-visual Removed definitions: Face-to-face, integrated employment
<u>Section 3510</u>	Hourly Unit of Service	Replaced "15-Minute Unit of Service" with "Hourly Unit of Service." Added "one hour but may be billed in quarterly increments:"
<u>Section 3610</u>	Hourly Unit of Service	Replaced "15-Minute" with "Hourly" in two instances.

Revised	Title	Change
<u>Section 3720</u>	Multiple Service Providers	Replaced "15-Minute" with "Hourly" in three instances.
<u>Section 3810</u>	General Requirements	Replaced "15-minute" with "Hourly." Removed (2)(B).
<u>Section 3820</u>	Written Service Log and Written Summary Log	<ul style="list-style-type: none"> • Replaced "15-minute" with "Hourly." • In (c)(2), re-ordered sentence and added "or written documentation that supports a service claim." • Added (f): Additional Documentation for Services Provided Using Synchronous Audio-Visual Technology
<u>Section 4220</u>	Billable Activity	<ul style="list-style-type: none"> • Replaced "professional therapies subcomponent" with "service." • In (1), added "except for the activities listed in Section 4230(10), which must be provided in person." • In (3), replaced "for an individual's professional therapies that," with "or"

Revised	Title	Change
<u>Section 4230</u>	Activity Not Billable	<p>Added:</p> <ul style="list-style-type: none"> • (10) for occupational therapy, physical therapy, and speech and language pathology, the following activities if provided by synchronous audio-visual technology or by telephone: <ul style="list-style-type: none"> A. any activity that requires a physical agent modality or hands-on therapy, such as a paraffin bath, aquatic therapy, manual therapy, massage, and ultrasound; B. orthotic management and training, initial encounter and subsequent encounters; C. prosthetic management or training for an upper or lower extremity, initial encounter and subsequent encounters; D. a wheelchair assessment and training; E. a complex rehabilitation technology assessment; and • (11) providing a service using synchronous audio-visual technology without the individual's or legally authorized representative's consent.

Revised	Title	Change
Section 4250 , Section 4450 , Section 4471.5 , Section 4472.5 , Section 4473.5 , Section 4520(e) , Section 4670 , Section 4691.9 , Section 4760 , Section 4850	Unit of Service	<ul style="list-style-type: none"> Replaced "15-Minutes" with "One Hour." In (b), removed "not" and added "but the fraction must be .25, .50, or .75." In (c), replaced "15-minute" with "Hourly"
Section 4420	Billable Activity	<ul style="list-style-type: none"> Updated information regarding the Comprehensive Nursing Assessment, and clarified what activity was billable in person, via synchronous audio-visual technology, and via telephone. Updated information in (5) regarding interacting in person or by synchronous audio-visual technology. Updated information in (9) regarding interaction during an emergency situation, a change in the individual's medical or behavioral condition, and a transition of nursing duties. Updated (17) to say "documenting or updating the Comprehensive Nursing Assessment form."

Revised	Title	Change
<u>Section 4430</u>	Activity Not Billable	<ul style="list-style-type: none"> Removed "(4) preparing a treatment or medication for administration and not interacting face-to-face with an individual." Updated Section Reference in (6)
<u>Section 4471.2</u>	Billable Activity	<ul style="list-style-type: none"> In 2(A), added "oral" to medication, and added "or delegated tasks." In (5), removed "completing a focused assessment." Updated information in (9) regarding interaction during an emergency situation, a change in the individual's medical or behavioral condition, and a transition of nursing duties. Updated (17) to say "researching information to be included in the Comprehensive Nursing Assessment form."

Revised	Title	Change
<u>Section 4471.3</u>	Activity Not Billable	<ul style="list-style-type: none"> Removed "(4) preparing a treatment or medication for administration and not interacting face-to-face with an individual." Updated Section Reference in (6)
<u>Section 4472.2</u>	Billable Activity	<ul style="list-style-type: none"> Updated information regarding the Comprehensive Nursing Assessment, and clarified what activity was billable in person, via synchronous audio-visual technology, and via telephone. Updated information in (5) regarding interacting in person or by synchronous audio-visual technology. Updated information in (9) regarding interaction during an emergency situation, a change in the individual's medical or behavioral condition, and a transition of nursing duties. Updated (17) to say "documenting or updating the Comprehensive Nursing Assessment form."

Revised	Title	Change
<u>Section 4472.3</u>	Activity Not Billable	<ul style="list-style-type: none"> Removed "(4) preparing a treatment or medication for administration and not interacting face-to-face with an individual." Updated Section Reference in (6)
<u>Section 4473.2</u>	Billable Activity	<ul style="list-style-type: none"> In 2(A), added "oral" to medication, and added "or delegated tasks." In (5), removed "completing a focused assessment." Updated information in (9) regarding interaction during an emergency situation, a change in the individual's medical or behavioral condition, and a transition of nursing duties. Updated (17) to say "researching information to be included in the Comprehensive Nursing Assessment form."

Revised	Title	Change
<u>Section 4473.3</u>	Activity Not Billable	<ul style="list-style-type: none"> Removed "(4) preparing a treatment or medication for administration and not interacting face-to-face with an individual." Updated Section Reference in (6)
<u>Section 4460</u> , <u>Section 4471.6</u> , <u>Section 4472.6</u> , <u>Section 4473.6</u>	Accumulation of Service Times	Replaced "15-Minute" with "Hourly." Updated examples of unit numbers to reflect updates made in the Appendix III Conversion Table.
<u>Section 4620</u>	Requirement of Setting	Corrected spelling error.
<u>Section 4651</u>	Submitting a Service Claim for Respite	<ul style="list-style-type: none"> Replaced "40 units" with "10 units."
<u>Section 4652</u>	Restrictions Regarding Submission of Claims for Respite	<ul style="list-style-type: none"> In (7), replaced "40 units" with "10 units." Added (8): respite provided in an ICF/IID, nursing facility, or hospital.
<u>Section 5400</u>	Requisition Fee	Added Section 5400

Revised	Title	Change
<u>Section 6250</u>	Required Documentation for a Minor Home Modification	For (3)(B)(iii) added "who may not be a relative of the individual (Appendix VI, Degree of Consanguinity or Affinity, explains who is considered a relative for purposes of these requirements)."
<u>Appendix II</u>	Determining Units of Service for the Supported Home Living Activity of Transporting an Individual	Updated examples of unit numbers to reflect updates made in the Appendix III Conversion Table.
<u>Appendix III</u>	Appendix III Conversion Table	Updated the conversion table to reflect correct conversion units.

TxHmLBR Revision 22-1, TMHP, Adaptive Aids Updates

TxHmLBR Revision 22-1; Effective May 2, 2022

Revised	Title	Change
<u>Section 2000</u>	Definitions	Added definition: TMHP, TMPPM.
<u>Section 3400</u>	Qualified Service Provider	Added (8) if transporting an individual in a vehicle, have a valid driver's license.

Revised	Title	Change
<u>Section 3410</u>	(Qualified Service Provider) Service Provider Not Qualified	For (c), removed "or social work services."
<u>Section 3720</u>	(Billing Service Components Provided at the Same Time and Billing Day Habilitation and In-Home Day Habilitation Provided at the Same Time as Service Coordination) Multiple Service Providers	<p>For (a)(2), added: "Service Provider of Day Habilitation and In-Home Day habilitation</p> <p>A service provider of day habilitation and in-home day habilitation may provide day habilitation and in-home day habilitation to an individual at the same time a service provider of licensed vocational nursing, registered nursing, or professional therapies provides a service to the individual only inf the individual is assigned a LON 9.</p> <p>Example:</p> <p>An occupational therapist provides occupational therapy by interacting directly with an individual assigned a LON 9 while the individual receives day habilitation or in-home day habilitation. A program provider may submit a service claim for both occupational therapy and day habilitation or in-home day habilitation for the overlapping time period because billable activity for both day habilitation or in-home day habilitation and occupational therapy was occurring at the same time for an individual who was assigned a LON 9."</p>

Revised	Title	Change
<u>Section 3720</u>	(Billing Service Components Provided at the Same Time and Billing Day Habilitation and In-Home Day Habilitation Provided at the Same Time as Service Coordination) Multiple Service Providers	For (a)(4), added "day habilitation, in-home day habilitation, employment assistance," to this section.
<u>Section 4240</u>	(Professional Therapies) Qualified Service Provider	For (2)(G), changed to say "a licensed behavior analyst in accordance with Texas Occupations Code, Chapter 506;"
<u>Section 4350</u>	(Day Habilitation) Restrictions Regarding Submission of Claims for Day Habilitation	In (5), Removed "(for example, the Department of Assistive and Rehabilitative Services)"
<u>Section 4380</u>	(Day Habilitation) Written Documentation	Added (6) "includes the signature of a service provider who provided all or a portion of the day habilitation during the period documented in accordance with paragraph (3) of this section.
<u>Section 4381.7</u>	(In-Home Day Habilitation) Restrictions Regarding Submission of Claims for Day Habilitation	In (5), Removed "such as (the Texas Workforce Commission)"

Revised	Title	Change
<u>Section 4381.7</u>	(In-Home Day Habilitation) Restrictions Regarding Submission of Claims for In-Home Day Habilitation	Removed (7) "day habilitation provided to the individual that is in violation of Section 3210 (1) and (2), General Requirements.
<u>Section 4381.8</u>	(In-Home Day Habilitation) Qualified Service Provider	Added "in-home" before day habilitation in three instances.
<u>Section 4381.9</u>	(In-Home Day Habilitation) Unit of Service	In (b)(1), added "in-home" before day habilitation.
<u>Section 4652</u>	(Respite) Restrictions Regarding Submission of Claims for Respite	For (7) added "40" to units of service.
<u>Section 6130</u>	(Adaptive Aids) Items and Services Not Billable	Added to (b), (24) audio video monitoring device or a surveillance system.
<u>Section 6160</u>	(Adaptive Aids) Required Documentation for an Adaptive Aid	In (a)(3)(B)(i), deleted reference to subparagraph (C) and reference to an individual who is under 21 years of age.

Revised	Title	Change
<u>Section 6160</u>	(Adaptive Aids) Required Documentation for an Adaptive Aid	For (a)(3)(B)(i), added "Home Health Services" to "the Texas Medicaid Home Health Services"
<u>Section 6160</u>	(Adaptive Aids) Required Documentation for an Adaptive Aid	In (a)(3)(B)(i), added "the Title XIX Home Health Services DME and Supplies Exceptional Circumstances process described in Section 2.2.3 of the Durable Medical Equipment, Medical Supplies, and Nutritional Products Handbook in the TMPPM."
<u>Section 6160</u>	(Adaptive Aids) Required Documentation for an Adaptive Aid	In (a)(3)(B)(i), deleted "a letter from Texas Medicaid Healthcare Partnership (TMHP) or the individual's managed care organization stating that the adaptive aid is approved and the amount to be paid, which must be less than the cost of the requested adaptive aid; or"
<u>Section 6160</u>	(Adaptive Aids) Required Documentation for an Adaptive Aid	In (a)(3)(B)(i), deleted "a provision from the current Texas Medicaid Providers Procedure Manual stating that the requested adaptive aid is not covered by Texas Medicaid or the Texas Health Steps Comprehensive Care Program.
<u>Section 6160</u>	(Adaptive Aids) Required Documentation for an Adaptive Aid	In (a)(3)(B)(ii), added "Billable Adaptive Aids" to "Appendix VII, Billable Adaptive Aids" in two instances.

Revised	Title	Change
<u>Section 6160</u>	(Adaptive Aids) Required Documentation for an Adaptive Aid	For (a)(3)(C)(ii), Deleted "is 21 years of age or older."
<u>Section 6160</u>	(Adaptive Aids) Required Documentation for an Adaptive Aid	In (a)(4)(D)(i), deleted references to authorization for reimbursement and Section 6170.
Section 6170	(Adaptive Aids) Authorization for Reimbursement	Deleted Section 6170 regarding Authorization for Reimbursement.
<u>Section 6240</u>	(Minor Home Modifications) Payment Limit	For (1), replaced "HCS Program" with "TxHmL Program."
Section 6260	(Minor Home Modifications) Authorization for Reimbursement	Deleted Section 6260 regarding Authorization for Reimbursement.
<u>Section 6330</u>	(Dental Treatment) Billable Dental Treatment	For (4), added "a custom fitted mouthguard to protect the teeth" to "a dental examination, a custom fitted mouthguard to protect the teeth, an oral prophylaxis or topical fluoride application"

Revised	Title	Change
Section 6370	(Dental Treatment) Authorization for Reimbursement	Deleted Section 6370 regarding Authorization for Reimbursement.
<u>Appendix II</u>	Determining Units of Service for the Community Supports Activity of Transporting an Individual	For "Example 1 Facts," replaced "HCS supported home living" with "TxHmL community support (transportation)."
<u>Appendix II</u>	Determining Units of Service for the Community Supports Activity of Transporting an Individual	For "Example 1: Method A," replaced "HCS Program" with "TxHmL Program."

Revised	Title	Change
<u>Appendix IV</u>	Billable Adaptive Aids	<p>For (1)(B), for items marked with a (1), added:</p> <ul style="list-style-type: none"> • for individuals of any age, Texas Medicaid Home Health Services and Medicare; and • for individuals 21 years of age or older, the Title XIX Home Health Services DME and Supplies Exceptional Circumstances process described in Section 2.2.3 of the Durable Medical Equipment, Medical Supplies, and Nutritional Products Handbook in the TMPPM.

Revised	Title	Change
<u>Appendix IV</u>	Billable Adaptive Aids	<p>For (1)(B), for items marked with a (2), added:</p> <ul style="list-style-type: none"> • for individuals under the age of 21, Texas Health Steps-Comprehensive Care Program; and • for individuals 21 years of age or older, the Title XIX Home Health Services DME and Supplies Exceptional Circumstances process described in Section 2.2.3 of the Durable Medical Equipment, Medical Supplies, and Nutritional Products Handbook in the TMPPM.

Revised	Title	Change
<u>Appendix IV</u>	Billable Adaptive Aids	For (1)(B), deleted "Texas Medicaid covers items marked with a (1) or (2) through the Home Health Durable Medical Equipment Prosthetics, Orthotics, and Supplies (DMEPOS) policy.
<u>Appendix IV</u>	Billable Adaptive Aids	<p>For 101, Lifts, edited:</p> <p>"A vehicle that is expected to be modified or adapted must meet one of the following criteria:</p> <ul style="list-style-type: none"> • is less than 5 years old and has less than 50,000 miles; or • is registered with the Texas Department of Motor Vehicles."
<u>Appendix IV</u>	Billable Adaptive Aids	For 206, Medical Supplies, added (1) to "a glucose monitor (1)."
<u>Appendix IV</u>	Billable Adaptive Aids	For 251, Communication Aids (including batteries), added "such as a Medalert" to monitoring device, and deleted "(MD, NU)" from the middle of the sentence.

Revised	Title	Change
Appendix VII	Minor Home Modifications, Adaptive Aids or Dental Summary Sheet	Deleted Appendix VII regarding Minor Home Modifications, Adaptive Aids or Dental Summary Sheet and reserved this appendix for future use.

TxHmLBR Revision 21-3, Billing Requirements and Provider Fiscal Compliance

TxHmLBR Revision 21-3; Effective September 1, 2021

Revised	Title	Change
Entire Billing Requirements	Various Sections	Changed "Billing Guidelines" to "Billing Requirements". Changed "Billing and Payment" to "Provider Fiscal Compliance". Changed "TxHmLBR" to "TxHmLBR", Changed "DADS" to "HHSC"
<u>Section 2000</u>	Definitions	Added Definitions: DME, DME MAC, TxHmL Contract. Removed "DADS" definition.
<u>Section 3210</u>	(Service Claim Requirements) General Requirements	Added requirement that a service claim must identify the service provider delivering the service component or subcomponent.
<u>Section 3810</u>	(Written Documentation) General Requirements	In subsection (b) (1) (D) – deleted the word "service" from "a written service log."
<u>Section 3820</u>	(Written Documentation) Written Service Log and Written Summary Log	In subsection (a) (2) (D) – added the word "include" before "a brief description of the location of the service event,"

Revised	Title	Change
<u>Section 6160</u>	Required Documentation for an Adaptive Aid	For proof of non coverage by Medicaid and Medicare deleted "Durable Medical Equipment" and replaced with "DME."
<u>Section 6160</u>	Required Documentation for an Adaptive Aid	Added for additional documentation required for individuals who are eligible for Medicare language to clarify individuals not enrolled in a Medicare Advantage Plan.
<u>Section 6160</u>	Required Documentation for an Adaptive Aid	Added for additional documentation for individuals who are eligible for Medicare that one of the following documents required can be the Medicare National Coverage Determinations (NCD) Manual, Chapter 1, Part 4, Section 280.1 stating that the requested adaptive aid is not covered by Medicare.
<u>Section 6160</u>	Required Documentation for an Adaptive Aid	Deleted "Region C DMERC (Durable Medical Equipment Region C) DMEPOS (Durable Medical Equipment Prosthetics, Orthotics, and Supplies)" and Replaced with "DME MAC Jurisdiction C Supplier Manual Supplier".

Revised	Title	Change
<u>Section 6160</u>	Required Documentation for an Adaptive Aid	<p>Added for additional documentation for individuals who are eligible for Medicare that for an individual who is enrolled in a Medicare Advantage Plan, a program provider must obtain one of the following for an adaptive aid noted with a (1) or (2) on <u>Appendix IV</u>:</p> <ul style="list-style-type: none"> ○ a copy of an Explanation of Benefits (EOB) from the Medicare Advantage Plan; ○ or a denial notice from the Medicare Advantage Plan
<u>Section 6160</u>	Required Documentation for an Adaptive Aid	<p>Added for unacceptable documentation examples of documentation that are not acceptable as proof of non-coverage:</p> <ul style="list-style-type: none"> ○ a statement from a Medicaid enrolled DME provider that the requested adaptive aid is not medically necessary; ○ a statement from a Medicaid enrolled DME provider that the request was not made in a timely manner; ○ a statement from a Medicaid enrolled DME provider that the requested adaptive aid must be leased;
<u>Section 6160</u>	Required Documentation for an Adaptive Aid	<p>For unacceptable documentation deleted "Durable Medical Equipment" and removed parenthesis around DME.</p>

Revised	Title	Change
<u>Section 6230</u>	Adaptations Not Billable	Added for Adaptations Not Billable “(c)Items or Services Not Included in the Selected Bid <ul style="list-style-type: none"> ○ An item or service that is not included in the bid upon which the request for reimbursement is based is not billable.”
<u>Section 6250</u>	Required Documentation for a Minor Home Modification	Deleted references to “payment” and replaced with “reimbursement”
<u>Appendix I</u>	Provider Fiscal Compliance Review Protocol	For provider fiscal compliance review protocol, deleted “provider agreements” and replaced with “contracts”
<u>Appendix I</u>	Provider Fiscal Compliance Review Protocol	For provider fiscal compliance review protocol, added fax or email as ways HHSC can notify a program provider, and deleted “facsimile”.
<u>Appendix I</u>	Provider Fiscal Compliance Review Protocol	For provider fiscal compliance review protocol, revised wording to clarify calendar days.
<u>Appendix I</u>	Provider Fiscal Compliance Review Protocol	For routine reviews, revised wording to clarify each TxHmL contract of the program provider.
<u>Appendix I</u>	Provider Fiscal Compliance Review Protocol	For routine reviews, revised wording to clarify the previous routine review.
<u>Appendix I</u>	Provider Fiscal Compliance Review Protocol	For routine review process, removed references to unverified claims and claims to be recouped and replaced with overpayments.

Revised	Title	Change
<u>Appendix I</u>	Provider Fiscal Compliance Review Protocol	For desk review, revised to add clarity about the date a notice is received by a program provider in regards to fax, email, or certified mail.
<u>Appendix I</u>	Provider Fiscal Compliance Review Protocol	For desk review, added acceptable proof of receipt for fax and email.
<u>Appendix I</u>	Provider Fiscal Compliance Review Protocol	For routine review process, deleted "The review team" and replaced with "HHSC".
<u>Appendix I</u>	Provider Fiscal Compliance Review Protocol	For desk review process, added information for if HHSC requires a program provider to take corrective action and the program provider does not request an administrative hearing.
<u>Appendix I</u>	Provider Fiscal Compliance Review Protocol	Revised language to provide clarity on the overpayment process.
<u>Appendix IV</u>	Billable Adaptive Aids	Under Safety Restraints and Safety Devices, added a siderail for a hospital bed and a side rail for a non-hospital bed for adaptive aid 450.
<u>Appendix V</u>	Billable Minor Home Modifications	Added "Billable" for title.
<u>TxHmLBR</u> <u>Contact Us</u>	Contact Us	Removed direction to contact the accessibility department for accessibility issues. Updated email addresses.

TxHmLBR, Revision 21-1, EVV Updates, In-Home Day Habilitation and In-Home Respite

TxHmLBR, Revision 21-1; Effective January 1, 2021

Revised	Title	Change
Entire Billing Guidelines	Various Sections	Updated references to day habilitation and respite to include in-home day habilitation and in-home respite
<u>Section 3210</u>	(Service Claim Requirements) General Requirements	Added requirement that a service claim for in-home day habilitation and in-home respite match the EVV visit transaction
<u>Section 3510</u>	15-Minute Unit of Service	Added in-home respite as 15-minute unit of service
<u>Section 3520</u>	Daily Unit of Service	Added in-home day habilitation as daily unit of service
<u>Section 4220</u>	(Professional Therapies) Billable Activity	Deleted the requirement that a service provider of professional therapies cannot review written service log or written summary log as a billable activity
<u>Section 4230</u>	(Professional Therapies) Activity Not Billable	Added the service provider of professional therapies can review a written service log or written summary log as described in Section 4220(4)
<u>Section 4320</u>	(Day Habilitation) Requirement of Setting	Revised Section 4320 to require that Day habilitation must be provided to an individual in a setting that is not the residence of the individual.

Revised	Title	Change
<u>Section 4350</u>	(Day Habilitation) Restrictions Regarding Submission of Claims for Day Habilitation	Added a restriction for Day Habilitation provided that contravenes a physicians order, a behavioral support provider or for an individual who is 55 years of age or older and chooses to receive in-home Day Habilitation
<u>Section 4360</u>	(Day Habilitation) Qualified Service Provider	Deleted requirement that a qualified service provider must not be the host home/companion care service provider unless the day habilitation services are provided at a location that has a different address from the individual's residence.
<u>Section 4360</u>	(Day Habilitation) Qualified Service Provider	Deleted requirement that a qualified service provider must not be the host home/companion care service provider unless the day habilitation services are provided at a location that has a different address from the individual's residence.
<u>Section 4381</u>	In-Home Day Habilitation	Added New Section In-Home Day Habilitation
<u>Section 4381.3</u>	(In-Home Day Habilitation) Requirement for Jusitfication by a Licensed Professional or to be 55 years of age or Older	Added new section
<u>Section 4381.4</u>	(In-Home Day Habilitation) EVV Requirements for In-Home Day Habilitation	Added that for individuals who have a residential location of "own home/family home" must comply with 1 TAC Chapter 354, Subchapter O, Electronic Visit Verification

Revised	Title	Change
<u>Section 4620</u>	(Respite) Requirement of Setting	Revised Section 4620 that respite can only be provided in a location that is not the individuals residence and the locations where respite can be provided
<u>Section 4630</u>	(Respite) Billable Activity	Added billable activities, participating in a service planning team meeting, participating in the development of an implementation plan; and participating in the development of an IPC
<u>Section 4651</u>	(Respite) Restrictions Regarding Submissions of Claims for Respite	Deleted Restriction that limits respite to 10 hrs per calendar day when provided in a location other than the individuals residence
<u>Section 4680</u>	(Respite) Payment Limit	Added that the payment limit for respite, in-home respite or a combination of both is 1200 units (300 hrs) and respite and in-home respite is the same program service on the IPC.
<u>Section 4691</u>	In-Home Respite	Added New Section In-Home Respite
<u>Section 4691.2</u>	(In-Home Respite) Requirement of Setting	Added that in-home respite can only be provided in a location that is the individuals residence.
<u>Section 4691.3</u>	(In-Home Respite) Billable Activity	Added billable activities, participating in a service planning team meeting, participating in the development of an implementation plan; and participating in the development of an IPC

Revised	Title	Change
<u>Section 4691.9</u>	(In-Home Respite) Payment Limit	Added that the payment limit for respite, in-home respite or a combination of both is 1200 units (300 hrs) and respite and in-home respite is the same program service on the IPC.

TxHmLBR, Revision 20-1, Miscellaneous Changes

Revision 20-1; Effective September 1, 2020

Revised	Title	Change
<u>Section 3400</u>	Qualified Service Provider: General Requirements	Revised requirements that a staff member or contractor of a program not be listed on the employee misconduct registry as unemployable or on the nursing misconduct registry as suspended or revoked.
<u>Section 3430</u>	Qualified Service Provider: Requirement for Service Provider Who Becomes Spouse of Individual To Inform Program Provider	Added new section 3430 Requirement for Service Provider Who Becomes Spouse of Individual To Inform Program Provider
<u>Section 3720</u>	Billing Service Components at the same time and billing day habilitation at the same time as service coordination: Multiple Service Providers	Added examples for multiple service providers

Revised	Title	Change
<u>Section 3810</u>	Written Documentation: General Requirements	Deleted requirements for co-payments for professional therapies and added requirement that prohibits a statement or other information photocopied from another service log
<u>Section 3820</u>	Written Documentation: Written Service Log and Written Summary Log	Added requirements for written summary log to add location of service event
<u>Section 4260</u>	Professional Therapies: Written Documentation	Delete all references to co-payment
Section 4270	Professional Therapies: Insurance Co-Payment and Deductible	Delete Section 4270 Regarding Insurance Copayment and Deductible
<u>Section 4370</u>	Day Habilitation: Unit of Service	Delete requirements for DH to have consecutive hours to be billed

Revised	Title	Change
<u>Section 4420</u>	Registered Nursing: Billable Activities	<p>Added more billable activities to registered nursing including:</p> <ul style="list-style-type: none"> • Increase in billable activities for checking medications • Allowance for nursing to review service logs or summaries • Allowance of preparing, documenting and transmitted information with healthcare providers <p>Allowance of increased nurse to nurse communication</p>
<u>Section 4430</u>	Registered Nursing: Activity Not Billable	Deleted prohibition of nurse reviewing services logs and nurse to nurse communication

Revised	Title	Change
<u>Section 4471.2</u>	Licensed Vocational Nursing: Billable Activity	<p>Deleted requirements related to the LVN pilot project that allowed LVN triage and added more billable activities to licensed vocational nursing including:</p> <ul style="list-style-type: none"> • Increase in billable activities for checking medications • Allowance for nursing to review service logs or summaries • Allowance of preparing, documenting and transmitted information with healthcare providers • Allowance of increased nurse to nurse communication
<u>Section 4471.3</u>	Licensed Vocational Nursing: Activity Not Billable	Deleted prohibition of nurse reviewing services logs and nurse to nurse communication

Revised	Title	Change
<u>Section 4472.2</u>	Specialized Registered Nursing: Billable Activity	<p>Added more billable activities to specialized registered nursing including:</p> <ul style="list-style-type: none"> • Increase in billable activities for checking medications • Allowance for nursing to review service logs or summaries • Allowance of preparing, documenting and transmitted information with healthcare providers • Allowance of increased nurse to nurse communication
<u>Section 4472.3</u>	Specialized Registered Nursing: Activity Not Billable	Deleted prohibition of nurse reviewing services logs and nurse to nurse communication

Revised	Title	Change
<u>Section 4473.2</u>	Specialized Licensed Vocational Nursing: Billable Activity	<p>Deleted requirements related to the LVN pilot project that allowed LVN triage and added more billable activities to specialized vocational nursing:</p> <ul style="list-style-type: none"> • Increase in billable activities for checking medications • Allowance for nursing to review service logs or summaries • Allowance of preparing, documenting and transmitted information with healthcare providers • Allowance of increased nurse to nurse communication
<u>Section 4473.3</u>	Specialized Licensed Vocational Nursing: Activity Not Billable	Deleted prohibition of nurse reviewing services logs and nurse to nurse communication
<u>Section 6160</u>	Adaptive Aids: Required Documentation for an Adaptive Aid	Added requirements for a recommendation from a licensed professional that includes a description for Adaptive Aids costing less than \$500

Revised	Title	Change
<u>Section 6240</u>	Minor Home Modifications: Payment Limit	Revised wording to clarify requirements regarding the MHM lifetime limit
<u>Section 6250</u>	Minor Home Modifications: Required Documentation for a Minor Home Modification	Deleted reference that requires program provider to obtain the documentation described in paragraph (1). New requirements include the program provider must obtain documentation described in subsection.
<u>Section 6250</u>	Minor Home Modifications: Required Documentation for a Minor Home Modification	Added requirements for a recommendation from a licensed professional that includes a description of Minor Home Modification costing less than \$500
<u>Appendix V</u>	Billable Minor Home Modifications	Revised website for American with Disabilities Act

TxHmLBR, Revision 19-1, Miscellaneous Changes

Revision 19-1; Effective November 15, 2019

The following changes were made:

Revised	Title	Change
Entire Handbook	Various Sections	Changes Department of Aging and Disability Services (DADS) to Texas Health and Human Services Commission (HHSC) and makes formatting changes.

Revised	Title	Change
<u>2000</u>	Definitions	Adds additional language to the definition for "clean claim," adds "HHSC," deletes "prior approval," and revises "residence."
<u>3840</u>	Determining Location of Residence of Service Provider	Changes the title.
<u>4380</u>	Written Documentation	Adds a requirement for the service provider of day habilitation to provide all or a portion of services.
<u>4630</u>	Respite in Residence or During Overnight Stay in Non-residence	Adds an individual can receive respite in a camp setting if the camp is accredited by the American Camp Association.
<u>4810</u>	General Description of Service Component (Employment Assistance)	Adds a description of employment assistance, including an emphasis on individualized, person-directed activities.
<u>5200</u>	Service Claim Requirements	Adds a requirement that claims be entered into the Medicaid system no later than 12 months after the service was delivered for an adaptive aid, minor home modification and dental treatment.

Revised	Title	Change
<u>6160</u>	Required Documentation for an Adaptive Aid	Adds requirements for how program providers obtain proof of non-coverage by Medicaid and Medicare through the individual's managed care organization and deletes the requirement that program providers use one annual vendor.
<u>6330</u>	Billable Dental Treatment	Adds anesthesiology to billable dental treatment.
<u>Appendix I</u>	Billing and Payment Review Protocol	Revises the frequency of routine review from every two years to every four years and adds an additional method HHSC can recoup funds from a program provider if funds cannot be recouped through the automated billing system.
<u>Appendix IV</u>	Billable Adaptive Aids	Revises other abbreviations and numbers to indicate Medicaid coverage for individuals of all ages and individuals under 21, updates the list to indicate items currently covered by Medicaid, adds licensed professionals that can recommend the adaptive aids for some items, and adds clarification of Medicaid coverage for some items.

TxHmLBR, Revision 15-3, Billable Activity

Revision Notice 15-3; Effective December 11, 2015

The following change(s) were made:

Revised	Title	Change
4720	Billable Activity	Adds securing transportation for or transporting an individual, as necessary, to assist self-employment, work from home or perform in a work setting. Deletes obsolete bullets.

TxHmLBR, Revision 15-2, Miscellaneous Changes

Revision Notice 15-2; Effective October 30, 2015

The following change(s) were made:

Revised	Title	Change
1200	Service Components	Adds community support (transportation).
2000	Definitions	Adds ADLs or activities of daily living, CFC PAS/HAB or Community First Choice Personal Assistance Services/Habilitation, health-related tasks, IADLs or instrumental activities of daily living, and transportation plan.
3100	Applicable Service Components	Adds community support (transportation).
3430	Relative, Guardian or Managing Conservator Qualified as Service Provider	Adds transportation as a community support activity.

Revised	Title	Change
3510	15-Minute Unit of Service	Adds transportation as a community support activity.
3610	15-Minute Unit of Service	Changes terminology to supported employment and employment assistance. Adds transportation as a community support activity.
3720	Multiple Service Providers	Adds transportation as a community support activity and adds CFC PAS/HAB. Deletes obsolete information.
3810	General Requirements	Adds transportation as a community support activity.
3840	Proof of Location of Residence of Service Provider	Adds transportation as a community support activity.
3850	Example Forms	Adds transportation as a community support activity.
4220	Billable Activity	Adds CFC PAS/HAB and transportation as a community support activity.
4420	Billable Activity	Adds CFC PAS/HAB and transportation as a community support activity.
4471.2	Billable Activity	Adds CFC PAS/HAB and transportation as a community support activity.
4472.2	Billable Activity	Adds CFC PAS/HAB and transportation as a community support activity.
4473.2	Billable Activity	Adds CFC PAS/HAB and transportation as a community support activity.
4500	Community Support (Transportation)	Changes the title.
4510	General Description of Service Component	Updates the community support service component is transportation provided to an individual.

Revised	Title	Change
4520	Community Support Billing Requirements	Changes the title and updates the first paragraph to the only billable activity for the community support subcomponent is transporting the individual, except from one day habilitation, employment assistance or supported employment site to another. Adds transportation as a community support activity.
4610	General Description of Service Component	Adds the respite service component is not a service provider of CFC PAS/HAB unless the service provider of CFC PAS/HAB routinely provides unpaid assistance and support to the individual and is used to provide temporary support to the primary caregiver.
4651	Restrictions Regarding Submission of Claims for Respite	Deletes obsolete information.
4720	Billable Activity	Adds determining how the individual will travel to and from a job.
4730	Activity Not Billable	Adds CFC PAS/HAB.
4820	Employment Assistance Billable Time/Activities	Adds determining how the individual will travel to and from a job.
4830	Employment Assistance Non-Billable Time/Activities	Adds CFC PAS/HAB.

TxHmLBR, Revision 15-1, Section 6150 Change

Revision Notice 15-1; Effective March 26, 2015

The following change(s) were made:

Revised	Title	Change
6150	Payment Limit	Changes \$6,000 to \$10,000.

TxHmLBR, Revision 14-2, Miscellaneous Changes

Revision Notice 14-2; Effective September 1, 2014

The following change(s) were made:

Revised	Title	Change
2000	Definitions	Revises the definitions for competitive employment and integrated employment, and adds self-employment.
4240	Qualified Service Provider	Adds a licensed clinical social worker and a licensed professional counselor.
4330	Billable Activity	Removes to develop opportunities for employment in the community.
4350	Restrictions Regarding Submission of Claims for Day Habilitation	Adds day habilitation that is being provided by one service provider who is also the same service provider of a different component or subcomponent to the same individual at the same time, and adds day habilitation in the individual's residence without prior justification.
4420	Billable Activity	Moves the placement of information about checking medications.
4471.2	Billable Activity	Moves the placement of information about checking medications.

Revised	Title	Change
4472.2	Billable Activity	Moves the placement of information about checking medications.
4473.2	Billable Activity	Moves the placement of information about checking medications.
4610	General Description of Service Component	Adds the respite service component is used to provide temporary support to the primary caregiver in non-routine circumstances.
4620	Billable Activity	Adds any billable activity referenced in this section that occurs at a camp that is accredited by the American Camp Association.
4651	Restrictions Regarding Submission of Claims for Respite	Adds respite provided to an individual on a routine basis.
4710	General Description of Service Component	Adds self-employment to the first sentence.
4720	Billable Activity	Adds several billable activities for the supported employment service component.
4730	Activity Not Billable	Adds several activities that re not billable for the supported employment service component.
4820	Employment Assistance Billable Time/Activities	Describes Employment Assistance services and adds several individualized, person-directed services.
4830	Employment Assistance Non-billable Time/Activities	Adds using Medicaid funds paid by the Department of Aging and Disability Services.

TxHmLBR, Contact Us

For questions about the Texas Home Living Program Billing Requirements, email:
txhtmlpolicy@hhs.texas.gov.