



Date: June 14, 2022

To: Community Living Assistance and Support Services (CLASS)
Case Management Agencies (CMAs)
CLASS Direct Services Agencies (DSAs)
Home and Community-based Services (HCS) Program Providers
Texas Home Living (TxHmL) Program Providers
Local Intellectual and Developmental Disabilities Authorities (LIDDAs)

Subject: Information Letter No. 2022-27 (Replaces IL 2020-45 and Replaces IL 2020-46 for CLASS only) Interim Guidance for Renewal of ID/RC Assessments and for Renewal, Revised, and Transfer IPCs for CLASS, HCS and TxHmL - **REVISED**

This information letter replaces guidance described in IL2020-45 - Renewal of Intellectual Disability/Related Condition (ID/RC) Assessments and Individual Plans of Care (IPCs) and Requirements for Revised IPCs and Transfer IPCs issued to HCS Providers, TxHmL Providers, and LIDDAs, previously released on October 29, 2020.

This information letter also replaces the guidance for CLASS CMAs and CLASS DSAs as described in IL 2020-46 - Renewal of ID/RC Assessments and IPCs and Requirements for Revised IPCs and Transfer IPCs issued to CLASS Case Management Agencies, CLASS Direct Services Agencies and DBMD Providers, previously released on October 29, 2020. Guidance for DBMD is addressed in Information Letter 2022-26.

Effective May 1, 2022, the Texas Health and Human Services Commission (HHSC) will transition certain COVID-19 flexibilities to interim guidance in accordance with House Bill (H.B.) 4 (87th Legislature, Regular Session, 2021). This information letter serves as interim guidance authorizing certain activities, as outlined below, to be completed using synchronous audio-visual telehealth in CLASS, HCS and TxHmL.

When the federal Public Health Emergency (PHE) ends, initial assessments of the individual used to complete the *initial* ID/RC assessment **must be completed in person**. These include:

- All assessments used to determine *initial* Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions Level of Care (ICF/IID LOC), such as Determination of Intellectual Disability (HCS and TxHmL only) and Adaptive Behavior Level (CLASS, HCS, and TxHmL).
- Inventory for Client and Agency Planning (ICAP) for *initial* Level of Need (HCS and TxHmL only).
- Related Condition Eligibility Screening Instrument, if applicable.

Please see information Letter No. 2022-25, Ending of COVID-19 Flexibilities Related to Pre-Enrollment and Enrollment Activities, for more information.

Effective May 1, 2022, renewal and revision of the assessments listed above used to complete the ID/RC assessment can be done via audio-visual telehealth. Telephone contact may be used to obtain supplemental information for these assessments from sources other than the individual. Service planning team meetings can be held in person, via audio-visual telehealth, or by telephone.

Per standards of care, all audio-visual telehealth must be clinically appropriate, safe, and agreed to by the individual receiving services or by the legally authorized representative (LAR) of the individual. Audio-visual telehealth requires consent from the individual or the individual's LAR. Verbal consent is permissible and should be documented in the individual's record. Providers must be able to defer to the needs of the individual receiving services, allowing the mode of service delivery to be accessible, person-centered, and primarily driven by the individual's choice and not provider convenience.

In addition, the COVID-19 flexibility for renewal, revision, and transfer IPCs that allows for oral agreement from the individual or LAR in lieu of the individual's or LAR's signature on the IPC document will end when the federal PHE ends. After the federal PHE ends, for renewal, revision, or transfer IPCs, a program provider or LIDDA service coordinator must obtain the signature of the individual or LAR on the IPC document and any supporting documentation.

HHSC will be making updates to waiver handbooks to reflect this policy. Until handbook updates are completed, this interim guidance will serve as official HHSC policy.

Questions regarding this information letter may be directed to the following:

- For CLASS, email: CLASSPolicy@hhs.texas.gov;
- For HCS, email: HCSPolicy@hhs.texas.gov; or
- For TxHmL, email: TxHmLPolicy@hhs.texas.gov.

Sincerely,

[signature on file]

Michelle Erwin
Deputy Associate Commissioner, Office of Policy
Medicaid and CHIP Services