



Date: September 28, 2022

To: Home and Community-based Services (HCS) Program Providers
Texas Home Living (TxHmL) Program Providers
Local Intellectual and Developmental Disability Authorities
(LIDDA)
Financial Management Services Agencies (FMSA)

Subject: Information Letter No. 2022-51 (Replaces IL 2022-48)
In-Home Day Habilitation Information for Program Providers for
COVID-19

This information letter (IL) replaces IL 2022-36 In-Home Day Habilitation Information for Program Providers for COVID-19, previously released on June 27, 2022, to extend the temporary guidance through October 31, 2022 unless the COVID public health emergency ends sooner. HHSC will provide guidance if anything changes.

In response to COVID-19 and to provide access to needed day habilitation services, the Health and Human Services Commission (HHSC) is temporarily waiving certain requirements in Sections 4381.3, 3710, 4381.7(6) and 4381.7(7) of the HCS Billing Guidelines and the TxHmL Billing Guidelines.

Specifically, Section 4381.3 permits day habilitation to be provided to an individual in the individual's residence only if justified because of the individual's medical condition or behavioral issues or because the individual is 55 years of age. Section 3710 prohibits one service provider from providing different service components or subcomponents at the same time to the same individuals.

Below are descriptions of the temporary policy changes. See page two for current policy under Sections 3710, 4381.6 and 4381.7.

Effective March 13, 2020 through October 31, 2022 unless the COVID PHE ends sooner:

- HCS or TxHmL program providers may provide day habilitation to an individual in the individual's permanent or temporary residence without having the justification required by Section 4381.3. This includes individuals residing in their own homes or family homes.

- HCS program providers may, if an individual in the HCS Program is receiving day habilitation in the individual's temporary or permanent residence, allow the individual's service provider of residential support, supervised living, or host home/companion care to provide day habilitation to the individual at the same time the service provider provides residential support, supervised living, or host home/companion care to the individual, these allowances waive the requirements in Section 4381.7(6) and 4381.7(7).

For individuals receiving in-home day habilitation, current policy allows:

- A person who lives with an individual in the individual's own home or family home to be the individual's service provider of day habilitation if the person meets service provider qualifications as required by Section 3400 of the HCS Billing Guidelines and the TxHmL Billing Guidelines.
- HCS program providers to send service providers into host home/companion care settings to provide day habilitation services.
- An individual's service provider of Community First Choice (CFC) Personal Assistance Services / Habilitation (PAS/HAB) to also be the individual's service provider of day habilitation. However, the services may not be provided at the same time to the individual. If CFC PAS/HAB is not on an individual's plan of care, the plan of care must be revised before the individual receives CFC PAS/HAB.

In addition, current policy allows the provision of day habilitation to an individual in an HCS residential setting that is not the individual's residence. Program providers are able to combine individuals residing in different 3-person, 4-person or host home/companion care residences and provide day habilitation. Additionally, the program provider must ensure that the individuals who live in the 3-person, 4-person or host home/companion care residences have consented to day habilitation being provided to other individuals in their home, and such consent must be documented in the individual's file. Providers must ensure compliance with state, local, and federal guidelines to ensure health and safety of all individuals and service providers.

HCS and TxHmL program providers must continue to comply with certain requirements when hiring service providers including completing background checks and providing required training. HHSC encourages training be conducted by phone or video conferencing, if possible. In addition, HCS and TxHmL program providers must ensure in-home day habilitation service providers complete documentation, as required in Section 3800, Written Documentation, of the HCS Billing Guidelines and the TxHmL Billing Guidelines. Program providers have the option of having service providers use the optional [Form 4120, Day Habilitation Service Delivery Log](#) to complete required documentation.

HCS and TxHmL program providers must continue to follow the guidance issued by HHSC Regulatory Services. Payment for the delivery of in-home day habilitation will be billed at the individual's current day habilitation rate.

If you have any questions about this letter, please send them to HCSPolicy@hhs.texas.gov.

Sincerely,

[signature on file]

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