



Date: July 7, 2023

To: Home and Community-Based Services (HCS) Providers
Texas Home Living (TxHmL) Providers
Individualized Skills Socialization Providers
Deaf Blind and Multiple Disabilities (DBMD) Providers

Subject: Information Letter No. 2023-28
Required Steps for Home and Community-Based Services
(HCBS) Settings Compliance **(Revised 7/7/23)**

This letter provides notification to individualized skills and socialization providers of upcoming unannounced site visits to be conducted by HHSC Medicaid and CHIP Services (MCS) Contract Administration and Provider Monitoring (CAPM) staff beginning on July 10, 2023 through fall of 2023. The purpose of the unannounced site visits is for HHSC to conduct an assessment of compliance with the federal [Home and Community Based Services \(HCBS\) Settings regulations](#) and identify any necessary remediation actions that individualized skills and socialization providers must take to comply with the regulations. The assessments are required by the Centers for Medicare and Medicaid Services (CMS). The unannounced site visits are separate from and in addition to the Long-Term Care Regulation (LTCR) surveys required for licensure.

This letter also contains information about implementation of the off-site component of individualized skills and socialization and a requirement for individualized skills and socialization providers to complete the [Individualized Skills and Socialization Offsite Attestation and Provider Compliance Form](#) by August 31, 2023.

Background

Effective March 1, 2023, individuals in the Home and Community-Based Services (HCS), Texas Home Living (TxHmL) and Deaf Blind with Multiple Disabilities (DBMD) programs transitioned from day habilitation to the new Medicaid waiver service called individualized skills and socialization.

The implementation of individualized skills and socialization was necessary to comply with HCBS Settings rules that were issued in March 2014 by CMS.

Individualized skills and socialization can be provided in-home (HCS and TxHmL only), on-site, or off-site. The off-site component of the service ensures compliance with the federal requirement that all Medicaid waiver service settings are integrated in and support full access to the greater community [\[42 CFR §441.530 \(a\)\(1\)\(i\)\]](#).

On December 21, 2022, CMS granted initial approval of Texas' Statewide Transition Plan (STP) for HCBS Settings Rule compliance. To obtain final approval of the STP, CMS directed HHSC to conduct assessments of all individualized skills and socialization providers to ensure compliance with all HCBS Settings requirements, and to ensure individualized skills and socialization providers are actively working to address barriers to implementation of off-site individualized skills and socialization.

Unannounced On-site Visits

CAPM staff will be conducting unannounced site visits to all individualized skills and socialization providers between July 10, 2023 through fall of 2023. During the site visit, CAPM staff will conduct an interview of key staff, observe the setting, review provider policies, practices and procedures, and provide guidance on remediation of any issues identified. This CMS resource provides a sample of the type of questions you may be asked. HHSC anticipates the site visit will take approximately 1-2 hours.

Required HCBS Compliance Attestation and Provider Compliance Form

To comply with 26 TAC §559.227, individualized skills and socialization providers must make both on-site and off-site individualized skills and socialization available to an individual, unless the individualized skills and socialization providers are licensed to offer off-site individualized skills and socialization only. HHSC extended the hold harmless period for offsite individualized skills and socialization until March 17, 2024 ([see notice here](#)) however, all providers must actively work to address barriers to implementation of off-site individualized skills and socialization.

All individualized skills and socialization providers must complete the [Individualized Skills and Socialization Offsite Attestation and Provider Compliance Form](#). This form allows providers to attest that they already provide off-site individualized skills and socialization service, or that they are actively addressing barriers to implementing off-site individualized skills and socialization and will implement off site individualized skills and socialization **no later** than March 17, 2024.

Individualized skills and socialization providers must complete and sign the form and email it to HHSC at Medicaid_HCBS@hhs.texas.gov using the subject "HCBS Attestation" no later than August 31, 2023.

Provider Resources

Licensure Requirements

Licensure requirements for individualized skills and socialization are detailed in [26 TAC 559 Subchapter H, Division 2](#).

Additional Information

Texas HHSC has developed the [Individualized Skills and Socialization Provider page](#), an online source of information for providers of individualized skills and socialization. The individualized skills and socialization provider page will allow providers to:

- Complete and review trainings on the individualized skills and socialization service.
- Find and review provider letters and other information and releases related to individualized skills socialization.
- Link to rules and other services related to individualized skills and Socialization.

Providers are encouraged to subscribe to receive HHS news and alerts

Please contact Medicaid_HCBS@hhs.texas.gov if you have any questions about this letter.

Sincerely,

[signature on file]

Erica Brown
Deputy Director of Program Policy Medicaid and CHIP Services