



Date: September 7, 2023

To: Financial Management Services Agencies (FMSAs)  
Home and Community-Based Services (HCS) Program Providers  
Local Intellectual and Developmental Disability Authorities (LIDDAs)  
Texas Home Living (TxHmL) Program Providers

Subject: Information Letter No. 2023-39  
Individual Plan of Care (IPC) Revision Process to Update Attendant Rates in the HCS and TxHmL Programs Effective Sept. 1, 2023

HHSC has approved increased attendant payment rates per [Information Letter 2023-33](#) in the HCS and TxHmL Programs effective Sept. 1, 2023. In response to the rate increases, action is required **only** for authorized individual plans of care (IPCs) that include one or more of the following service codes:

Waiver Program	Service Code	Service Type
<b>HCS &amp; TxHmL</b>	10 CFV	CFC CDS PAS/HAB
	11XV	CDS Respite Hourly
	48V	CDS Transportation SHL

These IPCs will require manual revisions by the service planning teams (SPT) and program providers, as appropriate. An IPC that does not include a service in the table above is not required to be revised.

**What actions are needed due to the rate increases?**

IPCs that include any of the services in the table above must be revised to reflect the increased attendant payment rates. **An IPC revised to reflect increased rates must not include any other type of revision to allow for an expedited review of changes.** IPC revisions regarding rate increases must be completed as follows:

## **For a renewal IPC with an effective date of Sept. 1, 2023 or later:**

**If a renewal IPC has been submitted and is in Processed/Complete status,** the program provider or service coordinator, as appropriate, must submit a revised IPC using the increased rate for the entire IPC year. A revised IPC must be submitted in the Texas Medicaid & Healthcare Partnership (TMHP) Long-Term Care Online Portal (LTCOP). Data for services provided under the CDS Option is always entered in dollar amount. The effective date of the revised IPC must be at least one calendar day after the begin date of the renewal IPC.

**If a renewal IPC has been submitted and is in Pending DADS/Coach Review status,** HHSC Utilization Review will remand the IPC to the submitter to correct the dollar amount to include the service rate increase.

## **For renewal IPCs with an effective date prior to Sept. 1, 2023:**

**If a renewal IPC has been submitted and is in Processed/Complete status,** the program provider or service coordinator, as appropriate, must submit a revised IPC with an effective date of Sept. 1 or later, that includes the new rate from Sept. 1, 2023, until the end of the IPC year. A revised IPC must be submitted in the TMHP LTCOP and data for services provided under the CDS Option must be entered in a dollar amount.

**If a renewal IPC has been submitted and is in Pending DADS/Coach Review status,** HHSC Utilization Review (UR) will remand the IPC to the submitter to correct the dollar amount to include the increased rate. The submitter will need to determine the number of units utilized or expected to be utilized prior to Sept. 1 for each impacted service code. The determined number of units must remain funded at the previous rate for services prior to Sept. 1. Service units that are expected to be consumed on or after Sept. 1 must be adjusted to be funded at the increased rate as of Sept. 1.

In the HCS and TxHmL programs, the submission method of a revised IPC reflecting rate increases is in the TMHP LTCOP. The submission through this portal must include:

- Revision to Increase / Decrease existing service should be selected in Field 11; and
- "Rate Change" in the free text box in 11b as the IPC Revision reason.

## Timeline For Submission of Revised IPCs

The SPTs and program providers, as appropriate, must begin developing revised IPCs as soon as possible to ensure timely updates to individual budgets. Revised IPCs reflecting increased attendant payment rates should be prioritized in order of the end date of the current IPC. All revised IPCs related to increased rates must be submitted by **Dec. 31, 2023**.

## Form Updates

### HCS

No changes to [Form 3608](#) are required, and revised IPCs may be initiated using the current version of Form 3608.

### TxHmL

No changes to [Form 8582](#) are required, and revised IPCs may be initiated using the current version of Form 8582.

## Form and Budget Workbook Updates

Each CDS employer will need to revise their budget to reflect the rate increases. See 40 [TAC §41.511](#), Budget Revisions and Approval. Both the CDS employer and the FMSA must sign a new approval page and write "rate increase" on the new approval page. Budget workbooks will be updated to include the new rates and posted to the [CDS Forms and Handbooks](#) webpage.

Per 40 [TAC §41.505](#), Payroll Budgeting, CDS employers are required to complete a new [Wage and Benefits Employee Compensation Plan](#), for each employee.

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Form 1730 is used to notify the employee and the FMSA of change(s) to the employee's Wage and Benefits Plan before the end of the pay period in which the change is to become effective. The CDS employer completes this form based on the budget approved for the program service.

**Note:** Overtime is still allowable under the newly published rate. The CDS employer determines how much of their budget can be used for overtime.

Questions related to the IPC revision process related to rate changes can be sent to [HCSPolicy@hhs.texas.gov](mailto:HCSPolicy@hhs.texas.gov) or [TxHmLPolicy@hhs.texas.gov](mailto:TxHmLPolicy@hhs.texas.gov).

Questions related to the attendant rates can be sent to the HHSC Provider Finance Department, Long Term Services and Supports, Center for Information and Training at [PFD-LTSS@hhs.texas.gov](mailto:PFD-LTSS@hhs.texas.gov)

Sincerely,

*[signature on file]*

Michelle Erwin

Deputy Associate Commissioner, Office of Policy

Medicaid and CHIP Services