



Date: November 21, 2023

To: Community Living Assistance and Support Services (CLASS)
Case Management Agency and Direct Services Agency
Providers Day Activity and Health Services (DAHS) Providers
Deaf-Blind Multiple Disabilities (DBMD) Providers
Home and Community-based Services (HCS) Providers
Intermediate Care Facilities for Individuals with an Intellectual
Disability or Related Conditions (ICF/IID) Providers
Primary Home Care (PHC) Providers
Residential Care (RC) Providers
Texas Home Living (TxHmL) Providers

Subject: Information Letter No. 2023-42
2023 Reporting Requirements for Attendant Compensation Rate
Enhancement

The Texas Health and Human Services Commission (HHSC) announces the adoption of an amendment to Title 1 of the Texas Administrative Code (1 TAC) Section 355.112, concerning Attendant Compensation Rate Enhancement.

The adopted amendment modifies several aspects of the Attendant Compensation Rate Enhancement Program, including the requirements for participating providers to submit an attendant compensation report for determining spending requirements in the Attendant Compensation Rate Enhancement Program. For rate years in which participating providers are not required to submit a cost report, HHSC will require a subset of participating providers to submit an accountability report to serve as an attendant compensation report.

The subset of participating providers will be selected at random from the total number of participating contracts that are not required to submit a cost report for a rate year. The number selected will represent a statistically valid

sample of participating providers. The selected providers will need to submit a 2023 accountability report to comply with spending requirements in the Attendant Compensation Rate Enhancement Program. Providers who are not selected and not required to submit a 2023 cost report will not have to submit a 2023 accountability report to HHSC.

Provider Selection for the 2023 Accountability Report

HHSC will calculate a sample set of participating providers who must submit an accountability report through the following process:

- First, HHSC will determine the total number of providers who participated in the Attendant Compensation Rate Enhancement Program in 2023.
- Second, any participating provider who is required to submit a 2023 cost report will be removed from the list, as HHSC will use the 2023 cost report to determine spending requirements.
- Third, HHSC will identify any participating provider who meets excusal criteria as specified in 1 TAC Section 355.105(b)(4)(D) concerning General Reporting and Documentation Requirements, Methods, and Procedures. Participating providers who meet HHSC's excusal criteria will be removed from the list and not be required to submit a report.
- Fourth, the participating providers who remain will consist of the total number of providers whom HHSC may select to submit a 2023 accountability report. HHSC will assign each eligible participating provider a random number and select a subset of participating providers required by the statistically valid sample size.

The selected subset of the participating providers will be notified that they will be required to submit a 2023 accountability report by February 1, 2024. The 2023 accountability reports will be due on April 30, 2024.

Please contact the HHSC Provider Finance Department, Long-term Services and Supports, Center for Information and Training at PFD-LTSS@hhs.texas.gov or (737) 867-7817 if you have questions regarding the rates or this letter.

Sincerely,

[signature on file]

Samuel West
Director of Provider Finance
for Long-term Services and Supports