



Date: July 12, 2024

To: Home and Community-based Services (HCS) Providers
Texas Home Living (TxHmL) Providers
Community Living Assistance and Support Services (CLASS)
Direct Services Agencies and Case Management Agencies
Local Intellectual and Developmental Disability Authority (LIDDA)
Service Coordinators

Subject: Information Letter No. 2024-08
Employment Assistance, Supported Employment and Prevocational
Services Required On-Site Assessments for Home and Community-
Based Services (HCBS) Settings Compliance

This letter provides notification to program providers, direct service agencies, case management agencies, and LIDDAs of upcoming site visits to certain employment service providers, to be conducted by the Texas Medicaid & Healthcare Partnership (TMHP) on behalf of the Texas Health and Human Services Commission (HHSC), from July through August 2024. The purpose of the site visits is for HHSC to assess compliance with the federal Home and Community-Based Services (HCBS) Settings Rule and identify any necessary remediation activities that employment service providers must take to comply with the federal rule. The assessments are required by the Centers for Medicare and Medicaid Services (CMS) as part of Texas' HCBS Settings Rule corrective action plan, which includes assessments of HCBS employment-related services settings.

Federal HCBS Settings Rule

In March 2014, CMS issued the federal HCBS Settings Rule which added requirements for settings where Medicaid HCBS are provided. The HCBS Settings Rule requires that all settings where Medicaid HCBS are delivered support a person's full access to the community. This includes opportunities to seek employment and work in competitive integrated settings, engage in community life, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.

Assessment Process

TMHP staff will be conducting site visits to assess employment settings where two or more Medicaid HCBS waiver participants are receiving employment services from the same service provider at the same time. TMHP staff will assess whether Medicaid HCBS services are provided in settings in a way that ensures:

- the person's right to privacy and to be treated with dignity and respect;
- services delivered align with the person's stated goals and preferences; and
- the setting is physically accessible and supports access to the community.

TMHP staff will contact employment service providers to schedule the site visits prior to conducting the assessment. During the visit, TMHP staff will interview key staff, observe the setting and delivery of services, and review provider policies and procedures. HHSC anticipates the site visit will take approximately 1-2 hours.

If the assessment determines that an employment service setting does not comply with the federal HCBS Settings Rule, HHSC will provide information to the employment services provider on remediation steps that must be taken to comply. All remediation must be completed by November 1, 2024.

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

Sincerely,

[Signature on file]

Kate Layman
Director, Program Policy
Medicaid and CHIP Services