

Register (48 TexReg 5676). Due to an error by the Texas Register, the section title is incorrect as published. The section title should read as follows:

§511.1. Purpose.

TRD-202303531



Public Notice: TxHmL EVV Amendment

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Texas Home Living (TxHmL) program. HHSC administers the TxHmL Program under the authority of Section 1915(c) of the Social Security Act. CMS has approved the TxHmL waiver application through February 28, 2027. The proposed effective date for this amendment is February 19, 2024.

The request proposes to amend Appendix I to change existing language regarding Electronic Visit Verification (EVV) requirements. HHSC will require program providers to use EVV for certain services. This requirement is to address the expansion of EVV in home health care services as required by §1903(l) of the Social Security Act (U.S.C. Title 42, §1396b, subsection l) as amended by the 21st Century Cures Act. The services impacted by this change in the TxHmL waiver are: respite (EVV requirement specific to in-home); individualized skills and socialization (EVV requirement specific to in-home); nursing services; occupational therapy services; and physical therapy services and the consumer directed services (CDS) option for the following services: respite (EVV requirement specific to in-home) and nursing.

HHSC also removed Attachment #1: Transition Plan as it is no longer applicable.

The TxHmL waiver program provides services and supports to individuals with intellectual disabilities who live in their own homes or in the home of another person, such as a family member. Services and supports are intended to enhance quality of life, functional independence, and health and well-being in continued community-based living and to supplement, rather than replace, existing informal or formal supports and resources.

Services in the TxHmL waiver program are respite, supported employment, prescription medications, financial management services, support consultation, adaptive aids, minor home modifications, audiology services, behavioral support, community support, dental treatment, dietary services, employment assistance, occupational therapy services, physical therapy services, nursing, speech-language pathology services, and individualized skills and socialization.

To obtain a free copy of the proposed waiver amendment, ask questions, obtain additional information, or submit comments about the amendment, please contact Julyya Alvarez by U.S. mail, telephone, fax, or email at the addresses and numbers below. A copy of the proposed waiver amendment may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver amendment must be submitted to HHSC by November 6, 2023.

The Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Julyya Alvarez, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4321

Fax

Attention: Julyya Alvarez, Waiver Coordinator at (512) 323-1905

Email

TX_Medicaid_Waivers@hhs.texas.gov

TRD-202303572

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: September 27, 2023



Updated Public Notice - Texas State Plan for Medical Assistance Amendment

The Texas Health and Human Services Commission (HHSC) provides this update to a public notice published on April 28, 2023.

HHSC announces its intent to submit an amendment to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed amendment is effective October 1, 2023. The April 28, 2023 notice indicated that the amendment would be effective June 1, 2023.

The purpose of the amendment is to update the reimbursement methodology for the Disproportionate Share Hospital (DSH) Program. This proposal amends the definition of the rural provider classes, establishes a new rural DSH pool, describes a methodology for redistribution of certain recouped funds, modifies the calculation of the Low-Income Utilization Rate to reflect federal law, updates the calculation of the State Payment Cap and payment allocation methodology, establishes changes to qualifications of the program, revises the advance payment methodology for federal fiscal year 2024, and makes other clarifying amendments. For the DSH program, the annual aggregate expenditures are expected to remain fiscally neutral with this amendment.

Public Hearing.

A public hearing was conducted via webinar on April 25, 2023. Information about the public hearing was published in the *Texas Register*. Additional information and the notice of public hearing can be found at <https://www.sos.state.tx.us/texreg/index.shtml>. Archived recordings of the hearings can be found at <https://www.hhs.texas.gov/about/meetings-events>.

Copy of Proposed Amendment.

Interested parties may obtain additional information and/or a free copy of the proposed amendment by contacting Nicole Hotchkiss, State Plan Policy Advisor, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 487-3349; by facsimile at (512) 730-7472; or by e-mail at Medicaid_Chip_SPA_Inquiries@hhs.texas.gov. Copies of the proposed amendment will be available for review at the local county offices of HHSC, (which were formerly the local offices of the Texas Department of Aging and Disability Services).

Written Comments.

Written comments about the proposed amendment and/or requests to review comments may be sent by U.S. mail, overnight mail, special delivery mail, hand delivery, fax, or email:

U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance Department

Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission

Attention: Provider Finance Department

North Austin Complex

Mail Code H-400

4601 W. Guadalupe St.

Austin, Texas 78751

Phone number for package delivery: (512) 730-7401

Fax

Attention: Provider Finance at (512) 730-7475

Email

pfd_hospitals@hhsc.state.tx.us

TRD-202303553

Karen Ray

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Filed: September 27, 2023

Texas Higher Education Coordinating Board

Notice of Intent to Engage in Negotiated Rulemaking-Dual Credit (Public Community Colleges, State Colleges, Technical Colleges, Universities, and Independent School Districts)

The Texas Higher Education Coordinating Board (THECB) intends to engage in negotiated rulemaking to amend definitions for dual credit and dual enrollment in Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter D, to better align with House Bill 8, 88th Texas Legislature, Regular Session (2023) and College Connect Courses in new rule 4.86.

The amendments to 19 Texas Administrative Code, Subchapter D, are authorized by Texas Education Code, §§28.009(b), 28.0095, 61.059(p), 130.001(b)(3) - (4) and 130.008, which govern the offering and funding of college-level courses to high school students. Texas Education Code Section 28.009 directs the THECB, in coordination with the Texas Education Agency, to employ the negotiated rulemaking process described in Chapter 2008 of the Texas Government Code when adopting rules relating to dual credit.

In identifying persons likely affected by the proposed rules, the Convener of Negotiated Rulemaking sent a memo via GovDelivery to all chancellors and presidents at Texas public community colleges, state colleges, technical colleges, and universities soliciting their interest

and willingness to participate in the negotiated rulemaking process or nominate a representative from their campus.

From this effort, 47 individuals responded (out of approximately 1391 affected entities) and expressed an interest to participate or nominated a representative from their system/institution to participate on the negotiated rulemaking committee for dual credit. The positions held by the volunteers and nominees indicate a probable willingness and authority of the affected interests to negotiate in good faith and a reasonable probability that a negotiated rulemaking process can result in a unanimous or, if the committee so chooses, a suitable general consensus on the proposed rule.

The following is a list of the stakeholders who are significantly affected by this rule and will be represented on the negotiated rulemaking committee for dual credit:

1. Public Community Colleges;
2. Public State Colleges;
3. Public Technical Colleges;
4. Public Universities;
5. Public Independent School Districts;
6. Texas Education Agency; and
7. Texas Higher Education Coordinating Board.

The THECB proposes to appoint the following 16 individuals to the negotiated rulemaking committee for dual credit to represent affected parties and the agency:

Public Community Colleges

Sara Mann, Interim Chief, High School Programs Officer, Director, District Charter Partnerships and Alamo Collegiate Network, Alamo Colleges District

Robin Garrett, Provost and Vice Chancellor, Academic and Student Success, Central Texas College

Patricia Benavides-Dominguez, Vice President, Student Affairs, Del Mar College

Tonie Badillo, Dean, Dual Credit and Early College High Schools, El Paso Community College

Dava Washburn, Vice President, Instruction, Grayson College

Susan Cooper, Director, Dual Credit, North Central Texas College

Sonia Townsend, Dean, Dual Credit Partnerships and Student Development, San Jacinto College

Ryan Fitzgerald, Dean, Dual Enrollment and Early College Programs, Director, Institutional Research, South Plains College

Public State Colleges

Wendy Elmore, Provost and Executive Vice President, Academic and Student Affairs, Lamar State College-Orange (Texas State University System)

Public Technical Colleges

Cledia Hernandez, Vice Chancellor, Texas State Technical College System

Public Universities

Warren von Eschenbach, Vice Chancellor, Academic Affairs, University of North Texas System