



Date: September 30, 2020

To: Home and Community-based Services (HCS) Program Providers

Subject: Information Letter No. 20-42  
Residential Services During COVID-19

HHSC has been informed that some individuals living in a three-person or four-person residence are temporarily staying with family during the COVID-19 public health emergency (PHE). In accordance with the HCS Billing Guidelines, a program provider is unable to bill for residential support or supervised living if an individual is away from a three-person or four-person residence for longer than 14 consecutive days.

HHSC is in the process of seeking approval from the Centers for Medicare and Medicaid Services (CMS) to make retainer payments to HCS program providers during the PHE for residential support and supervised living for up to 90 days an individual is absent from the residence in excess of the 14-consecutive day period. If CMS approves, HHSC will provide information to program providers about billing retainer payments for the period of March 20, 2020 through October 23, 2020, and conditions a program provider must meet to receive the payments.

By October 5, 2020, HCS program providers must provide an electronic or hard copy of the attached letter to an individual (or the individual's legally authorized representative) whose residential location is a three-person or four-person residence and who is temporarily staying with family because of the PHE.

Questions regarding this information letter can be directed to:  
[HCSpolicy@hhsc.state.tx.us](mailto:HCSpolicy@hhsc.state.tx.us)

Sincerely,

[signature on file]

Emily Zalkovsky  
Deputy State Medical Director  
Medicaid and CHIP Services

Attachment: Individual or Legally Authorized Representative



Date: September 30, 2020

Program: Home and Community-based Services (HCS)

Subject: Decision Regarding an Individual's Residential Location After the Public Health Emergency Ends

Dear Individual or Legally Authorized Representative:

You are receiving this letter because you are enrolled in the HCS program and your residence is a three-person or four-person residence, but you have chosen to stay with family during the COVID-19 public health emergency (PHE). Although you may have been paying the room portion of your room and board charges to your program provider in accordance with HHSC rule at 40 TAC §9.178(m), you have not been receiving residential support or supervised living in your three-person or four-person residence while you have been staying with your family. It is important to ensure the services you need are reflected on your individual service plan during the PHE. Since you have not received residential services for an extended period during the PHE, to ensure your individual service plan accurately reflects the services you need, you must decide to do one of the following by November 1, 2020:

- return to your three-person residence or four-person residence; or
- change your residential location from "three-person residence" or "four-person residence" to "own home/family home"; or
- change your residential location from "three-person residence" or "four-person residence" to "host home/companion care" if your provider can contract with a person in your own home or family's home to deliver the "host home/companion care" service.

By November 1, 2020, your program provider will contact you about the decision you have made. If your decision is to change your residential location, the program provider will initiate revisions to your individual plan of care (IPC) and

person-directed plan. If you have concerns about the best option and would prefer to talk through your options, you may request a service planning team meeting at any time by contacting your service coordinator.

If you change your residential location to "own home/family home," you will stay in your own home or family's home and you may receive Community First Choice personal assistance and habilitation services. If you change your residential location to "host home/companion care," you will stay in your own home or family's home and receive host home/companion care.

If you change your residential location to "own home/family home" or "host home/companion care," and your new address is outside your current provider's waiver contract area, you will be required to transfer to a program provider that serves the area where you live.

If you change your residential location to "own home/family home" or "host home/companion care," your room and board agreement for the three-person or four-person residence will no longer be in effect and the program provider may fill the vacancy in the three-person or four-person residence.

If you change your residential location and you decide later that you want to receive residential support or supervised living in a three-person or four-person residence, you may add residential support or supervised living to your IPC. However, a vacancy in a three-person or four-person residence may not be immediately available.

If you have any questions about the information in this letter, contact [HCSpolicy@hhsc.state.tx.us](mailto:HCSpolicy@hhsc.state.tx.us) or your HCS program provider.