



Date: April 22, 2021

To: Community Living Assistance and Support Services (CLASS)
Case Management Agencies (CMAs)
CLASS Direct Service Agencies (DSAs)
Deaf Blind with Multiple Disabilities (DBMD) Program Providers
Home and Community-based Services (HCS) Program Providers
Local Intellectual and Developmental Disability Authority (LIDDA)
Texas Home Living (TxHmL) Program Providers

Subject: Information Letter No. 2021-19
Termination of Waiver Services during the Public Health Emergency

This information letter is to notify you that, starting May 10, 2021, HHSC will resume ending waiver services of an individual who is not eligible for CLASS, DBMD, HCS or TxHmL. This is being done in accordance with a rule promulgated by the federal Centers for Medicare and Medicaid Services (CMS).

During the federal public health emergency (PHE), HHSC has not terminated individuals' IDD waiver services for most reasons related to eligibility. The only service terminations processed during the PHE have been due to an individual dying, moving out of state, or voluntarily withdrawing from a program.

In accordance with CMS's Interim Final Rule CMS-9912-IFC, starting May 10, 2021 HHSC will resume processing CLASS, DBMD, HCS, and TxHmL program terminations for individuals who do not meet a program's eligibility. The rules for program eligibility are:

- [§9.155](#) for HCS,
- [§9.556](#) for TxHmL,
- [§42.201](#) for DBMD, and
- [§45.201](#) for CLASS.

Individuals no longer eligible for a waiver program will have waiver services terminated, but may continue to receive Medicaid state plan services, such as primary care and pharmacy benefits, until the end of the federal PHE.

If there are any additional changes to Medicaid coverage, HHSC will notify individuals at the appropriate time.

An individual who is determined ineligible for a waiver program will be given an opportunity to request a fair hearing for termination of services. HHSC urges case managers and service coordinators to provide helpful information to an individual who wants to appeal an eligibility determination made by HHSC, including the date by which the individual must request an appeal to continue receiving waiver services pending the fair hearing decision. In addition, HHSC urges case managers and service coordinators to assist an individual whose waiver services are terminated.

If you have questions about termination of an individual's HCS, TxHmL, or CLASS program services, please call the IDD Program Enrollment and Support message line at (512) 438-2484. If you have questions about terminations of an individual's DBMD program services, please call the IDD Utilization Review message line at (512) 438-4896.

Sincerely,

[signature on file]

Fabián Aguirre
Interim Deputy Associate Commissioner
Program Enrollment & Support
Medicaid and CHIP Services