



Long-Term Care Regulatory Provider Letter

Number: PL 2021-07 (Revised)
Title: Informal Dispute Resolution Process
Provider Types: Home and Community-based Services (HCS) and Texas Home Living (TxHmL)
Date Issued: August 31, 2021

1.0 Subject and Purpose

This letter provides guidance on the Informal Dispute Resolution (IDR) Process for Home and Community-based Services (HCS) and Texas Home Living (TxHmL) program providers. **This PL was revised to update the phone number for IDR located in section [5.0 Contact Information](#).**

2.0 Policy Details & Provider Responsibilities

If a program provider does not agree with a violation cited by HHSC, the program provider can request an IDR. The IDR process is an informal process by which a program provider can dispute, before an independent third party, the findings on which a violation is based. HHSC has contracted with Michigan Peer Review Organization (MPRO) to perform the IDR reviews. The outcome of the IDR serves as the independent third party's recommendation to HHSC regarding the program provider's compliance or noncompliance with program rules.

2.1 Post Survey Process

After HHSC completes a survey, HHSC sends written notification to the program provider. The notification includes HHSC Form 3724, Statement of Licensing Violations, instructions for submitting an acceptable plan of correction, and a statement regarding the program provider's opportunity for an IDR. If a program provider disagrees with the survey results, they may request an IDR.

Note: The program provider must still submit an acceptable plan of correction no later than 10 calendar days after receiving the form 3724 from HHSC even if it chooses to utilize the IDR process.

2.2 IDR Request Process

To request an IDR, a program provider must submit the corresponding form 3724, along with a complete and accurate [IDR Request Form](#) by email to the HHSC IDR Department at IDR@hhsc.state.tx.us. The IDR Request Form and form 3724 must be received by IDR no later than the 10th calendar day after receiving form 3724. If the 10th calendar day falls on a Saturday, Sunday, or legal holiday, the due date becomes the next business day. A program provider waives its right to an IDR if it fails to submit the required information within the 10-day calendar time frame. An IDR will not be granted when the IDR request form is incomplete or inaccurate.

HHSC's IDR department will notify the program provider and Long-Term Care Regulation (LTCR) within three business days of its receipt of the IDR request.

Once the provider has received notification that the IDR request was received, the provider has five calendar days to provide MPRO with the program provider's rebuttal letter and attached supporting documentation.

2.3 Michigan Peer Review Organization (MPRO)

All rebuttal information may be submitted via [MPRO's website](#) or by mail to the address below:

MPRO - IDR Department
22670 Haggerty Road, Suite 100
Farmington Hills, MI 48335

The rebuttal letter must contain:

- (1) a list of the violations disputed;
- (2) the reason(s) each violation is disputed; and
- (3) the outcome desired by the provider for each disputed violation, such as deleting a violation or lowering the scope and/or severity

The program provider submits its supporting documentation or information in the following format:

- organize the attachments by violation and cross-reference to the disputed violation in the rebuttal letter;
- ensure all information is labeled and legible;
- highlight information relevant to the disputed violation, such as a particular portion of a narrative;
- describe the relevance of the documentation or information to the disputed violation; and
- do not de-identify documents that name individuals referenced in disputed violations.

It is the program provider's responsibility to present sufficient credible information to HHSC to support the outcome requested by the provider.

2.4 IDR Review Process

MPRO will conduct an objective review of the statement of violations, IDR request Form, and supporting documentation. MPRO may request additional information or clarification from either the program provider or LTCR personnel. Both parties will be notified of the request for additional information and have until the end of the second business day after notification to respond to the request. The opposing party will be provided with copies of the response submitted to HHSC.

Possible recommendations from MPRO are:

- (1) a determination that there is insufficient evidence to sustain a violation;
- (2) a determination that there is insufficient evidence to sustain a portion of or a finding of a violation;
- (3) a determination that there is sufficient evidence to sustain a violation;
- (4) a determination that there is insufficient evidence to sustain the violation as cited but that there is sufficient evidence to sustain a different violation;
- (5) a determination that there is insufficient evidence to sustain the severity and scope assessment but that there is sufficient evidence to sustain a reduced severity and scope assessment (for Immediate Threat only); or
- (6) a determination that there is sufficient evidence to sustain the severity and scope assessment as cited.

2.5 IDR Decision and Notification

Once the IDR process is complete, the recommendations from MPRO will be released to HHSC Regulatory. HHSC Regulatory will issue a written IDR

decision and mail the letter to the program provider. If MPRO recommends changing or deleting a violation, this will be reviewed by HHSC Enforcement. The Associate Commissioner of Enforcement or designee makes the final determination on whether to accept or reject MPRO recommendations. The written decision issued by HHSC after completion of its IDR review is final.

If the IDR decision results in any changes to the official written notification of the statement of violations, LTCR will make the necessary changes and send a new form 3724 to the program provider. In addition, the program manager will place a copy of the IDR decision in the provider's official file.

3.0 Background/History

Human Resources Code (HRC), Sections 161.089, 161.0891, and 161.0892, added by House Bill 2590, 85th Legislature, Regular Session, 2017, and HRC, Section 161.088, added by Senate Bill 1385, 84th Legislature, Regular Session, 2015 required HHSC to create an informal dispute resolution process for HCS and TxHmL waiver program providers.

4.0 Resources

For additional information on the IDR Process, see the following links:

[Michigan Peer Review Organization \(MPRO\) Web site](#)

[HHCS Informal Dispute Resolution Web site](#)

[1 TAC §393.3](#) – Informal Dispute Resolution for Texas Home Living and Home and Community-Based Service Providers

5.0 Contact Information

If you have any questions about LTCR policy, rules, or this letter, please contact LTCR Policy and Rules by email at LTCRPolicy@hhs.texas.gov or call (512) 438-3161.

If you have questions concerning the IDR process, please contact the HHSC IDR Department by email at IDR@hhsc.state.tx.us or call (737) 867-7795.