



September 1, 2023

NF Addressee
NSGO Address
City, State, Zip

RE: State Fiscal Year 2024 (SFY24) Quality Incentive Payment Program (QIPP)
Non-State Government Owned (NSGO) Provider Eligibility – Active Partnerships

Dear Mr./Mrs. XXX:

You applied on behalf of XXXX for participation in QIPP for SFY24. This letter relates to the documentation required from your facility as a condition of participation in QIPP. You are receiving this communication as notification that the Health and Human Services Commission (HHSC) will be confirming compliance with the program's active partnership requirements under [Title 1 Texas Administrative Code Section 353.1302 \(Quality Incentive Payment Program for Nursing Facilities on or after September 1, 2019\)](#).

According to 1 Tex. Admin. Code § 353.1302(c)(1)(B), for a nursing facility to be eligible as an NSGO nursing facility, the nursing facility must:

- be located in the state of Texas in the same Regional Healthcare Partnership (RHP) as, or within 150 miles of, the NSGO taking ownership of the facility,
- be owned by the NSGO for no less than four years prior to the first day of the program period, or
- be able to certify in that the nursing facility can **demonstrate an active partnership** between the nursing facility and the NSGO that owns the nursing facility.

The rule further states that the following criteria demonstrate an active partnership between the nursing facility and the NSGO that owns the nursing facility:

[Name]

[Date]

Page 2

- Monthly meetings (in-person or virtual) with NF administrative staff to review the NF's clinical and quality operations and identify areas for improvement:
 - ▶ Meetings should include patient observations; regulatory findings; review of CASPER reports, quality measures, grievances, staffing, risk, incidents, accidents, and infection control measures; root cause analysis, if applicable; and design of performance improvement plans.
- Quarterly joint trainings on topics and trends in nursing home care best practices or on needed areas of improvement.
- Annual on-site inspections of the NF by an NSGO-sponsored Quality Assurance team.

Beginning in SFY24 HHSC is conducting reviews of SFY24 NSGO nursing facilities that are eligible for participation in QIPP based solely on an active partnership between an NSGO and the nursing facility. Each month HHSC will be selecting a number of the NSGO nursing facilities on which to conduct the review, and will be contacting the owners and facilities that were selected to request information related to the eligibility criteria. As specified in 1 Tex. Admin. Code § 353.1302(e)(4), the NF must ensure that HHSC has access to all nursing facility records referenced in 1 Tex. Admin. Code § 353.1302(c), and the facility must maintain these records for inspection upon request.

Failure to provide the records to demonstrate compliance with the eligibility criteria that an active partnership exists could result in the facility being removed from the program and a recoupment of all funds previously paid during the program period. Please note: the random sampling that occurs during SFY24 in no way limits otherwise existing authority of HHSC, the Texas Attorney General's Office, or any federal agency from investigating Medicaid payments received by any entity under the QIPP program at any time.

Lastly, the Texas Medicaid Provider Agreement 7.1 states that "Provider understands and agrees that any signature on a submitted document certifies, to the best of the provider's knowledge, the information in the document is true, accurate, and complete." Furthermore, the Texas Medicaid Provider Agreement 12.1 states that "Provider understands that falsifying entries, concealment of a material fact, or pertinent omissions may constitute fraud and may be prosecuted under applicable federal and state law."

[Name]

[Date]

Page 3

If HHSC determines that a provider has knowingly signed an application for participation in QIPP that misrepresents that an active partnership exists for the purpose of obtaining increased claims of funds related to QIPP, HHSC may refer the matter for review by appropriate oversight and enforcement entities, including the HHSC Office of Inspector General or the Office of the Attorney General.

Please let HHSC know if you have any questions or need additional information. Brooke Ellison, Deputy Director of Provider Finance Department, serves as the lead staff on this matter and she can be reached by telephone at (512) 730-7450 or by email at QIPP@hhs.texas.gov.

Sincerely,

Victoria Grady

Director of Provider Finance

Cc: NF Operator