

NOTICE

School Health and Related Services (SHARS)

FFY 2022 Cost Report: DAB Appeal, RMTS Coding, and Informal Appeals

Background:

Please be advised that as of 12/15/2023, Federal Fiscal Year (FFY) 2022 SHARS cost report settlements are available for viewing in STAIRS and that the Informal Review period has begun. As communicated in the notice to School Health and Related Services (SHARS) providers dated 11/30/2023, the federal Department of Health and Human Services Office of the Inspector General (DHHS OIG) conducted an audit of the random moment time study (RMTS) methodology used in the SHARS program, which resulted in the DHHS OIG determining that certain moments captured during the RMTS were coded in a manner that did not align with federal and state program policies.

The DHHS Departmental Appeals Board (DAB) denied HHSC's request for reconsideration for this decision and upheld this disallowance, which required HHSC PFD to recode certain RMTS moments for personal care services and recalculate the statewide RMTS percentage for the FFY 2022 SHARS cost reports. For more information, a DHHS DAB Frequently Asked Questions (FAQ) document is available for viewing on [the PFD SHARS website](#).

Random Moment Time Study (RMTS) Coding:

As indicated in the posted FAQ, HHSC will provide every participating SHARS Local Education Agency (LEA)* with a copy of the moments that were coded for their LEA. Starting on 12/22/2023, the coding will be accessible by viewing **Step 10** of the FFY22 SHARS cost report in STAIRS. This will include all the details of the studied moment(s) as coded before and after the DAB appeal.

**Please note that due to the random nature of the RMTS survey, there may be an instance where your LEA does not have any moments to review in Step 10. This means that your LEA did not have any individuals from the submitted Participant List selected for a moment.*

Informal Appeals:

Per [TAC Rule §355.8443](#):

(i) Informal review. An LEA who disputes an action or determination under this chapter may request an informal review under §355.110 of this title (relating to Informal Reviews and Formal Appeals). HHSC Provider Finance must receive a

written request for an informal review no later than 30 calendar days from the date on the written notification of the adjustments.

An LEA must, with its request for an informal review, submit a concise statement of the specific actions or determinations it disputes, its recommended resolution, and any supporting documentation the LEA deems relevant to the dispute. It is the responsibility of the LEA to render all pertinent information at the time of its request for an informal review. Disputed actions or determinations that are not explicitly stated in the request will not be considered by HHSC, and failure of HHSC to act on implied items of dispute will not be considered grounds for a formal appeal. A request for an informal review that does not meet the requirements of this paragraph will not be accepted.

To submit an Informal Review Request for DAB Appeal adjustments:

For LEAs who choose to appeal their recoded moments, appeals are required to include all the following items to be reviewed and considered:

- 1) Full name of the person who responded to the random moment time study
- 2) Full student name
- 3) Copy of Student's Individualized Education Program (IEP)
- 4) Contemporaneous service or billing logs clearly demonstrating a service was provided during the surveyed moment
 - If any documentation is found to be created beyond the period by which logs can be completed, LEAs may be subject to civil and criminal prosecution and referred to the Office of the Inspector General (OIG) for fraud, waste, and abuse.
 - As prescribed in the Texas Medicaid Provider Procedure Manual (TMPPM): *Documentation of services should be generated at the time of service or shortly thereafter, in order to maintain an accurate medical record. Documentation of services must occur within 1 week (7 days) of the time the service is rendered*
- 5) Identification of the services of Activities of Daily Living or Instrumental Activities of Daily Living (ADL/IADL) that correspond to the moment

RMTS Coding appeal requests that are not accompanied by all five (5) elements noted above will **not** be reviewed.

***Please note that appeals of the DAB adjustment must be submitted within the normal Informal Review period, which is no later than 30 calendar days from the date on the written notification of adjustments. HHSC will not grant any extensions for DAB related adjustments beyond what is prescribed in TAC.**

For questions regarding this notice, please contact the HHSC SHARS staff at (512) 730-7400 or email us at ProviderFinanceSHARS@hhs.texas.gov. For help with

STAIRS, please contact the Fairbanks Information Center at (888) 321-1225 or at info@fairbanksllc.com.