



HEALTH AND HUMAN SERVICES COMMISSION

TEXAS HEALTHCARE TRANSFORMATION AND QUALITY IMPROVEMENT PROGRAM
1115 DEMONSTRATION WAIVER PROGRAM

**CERTIFICATION OF GOVERNMENTAL ENTITY PARTICIPATION
FOR PHYSICIAN PROVIDER AFFILIATES**

Version 2012-1 (09/05/2012)

DOCUMENT HISTORY LOG

STATUS ¹	DOCUMENT REVISION ²	EFFECTIVE DATE	DESCRIPTION ³
Baseline	n/a		Initial version of the Certification of Governmental Entity Participation
Revision	1.1	09/05/2012	Added cover page.
Revision	1.2	09/05/2012	Added Document History Log.
Revision	1.3	09/05/2012	Various formatting changes.
Revision	1.4	09/05/2012	Added version number (Version 2012-1) and date of issuance to cover page and page footer.
Revision	1.5	09/05/2012	Deleted "Texas" from "Health and Human Services Commission" to reflect agency's statutory name.
Revision	1.6	09/05/2012	Revised paragraph 3.c. to replace "and" at the end of subparagraph ii following the semicolon with "or."
<p>¹ "Baseline" indicates initial document issuances, "Revision" indicates changes to the Baseline version, and "Cancellation" indicates withdrawn versions.</p> <p>² Numbering conventions: Revisions are numbered according to the version of the document and the sequential revision—e.g., "1.2" refers to the first version of the document and the second revision.</p> <p>³ Brief description of the changes to the document made in the revision.</p>			



HEALTH AND HUMAN SERVICES COMMISSION

TEXAS HEALTHCARE TRANSFORMATION AND QUALITY IMPROVEMENT PROGRAM 1115 DEMONSTRATION WAIVER PROGRAM

CERTIFICATION OF GOVERNMENTAL ENTITY PARTICIPATION FOR PHYSICIAN AFFILIATES

[name of Governmental Entity]

This certification is made on behalf of _____, which is a subdivision of the state of Texas, lawfully created under _____ [the governmental entity's enabling statute (*e.g.*, Chapter 281 of the Texas Health and Safety Code)].

1. *Legal Authorization.* The governmental entity is legally authorized to levy and collect ad valorem taxes, generate public revenue, or receive and expend appropriated public funds. In this document, the term "public funds" means funds derived from taxes, assessments, levies, investments, and other public revenues within the sole and unrestricted control of the hospital district. Public funds do not include gifts, grants, trusts, or donations, the use of which is conditioned on supplying a benefit solely to the donor or grantor of the funds, such as a privately owned group medical practice.

2. *Funding of Intergovernmental Transfers and Supplemental Payments.*

- a. The governmental entity agrees to transfer public funds to the Texas Health and Human Services Commission ("HHSC") via intergovernmental transfer ("IGT") for use as the non-federal share of supplemental Waiver payments ("Supplemental Payments") to _____, a privately-owned group medical practice.
- b. All transfers of public funds by the governmental entity to HHSC will comply with:
 - i. The applicable regulations that govern provider-related donations codified at section 1903(w) of the Social Security Act (42 U.S.C. §1396b(w)), and Title 42, Code of Federal Regulations, Part 433, subpart B, sections 433.52 and 433.54; and

- ii. 1 TEX. ADMIN. CODE §355.8202, Waiver Payments for Physician Services (the “Waiver Program”).

3. Assurances and Representations.

- a. The governmental entity does not and will not at any time receive any part of the Supplemental Payments that are made by HHSC to the physician group.
- b. The governmental entity has not received and will not receive refunds of payments the governmental entity made or makes to the physician group for any purpose in consideration for an IGT of public funds by the governmental entity to HHSC to support the Supplemental Payments.
- c. The governmental entity has not received and will not receive any cash or in-kind transfers from the physician group, other than transfers and transactions that:
 - i. Are unrelated to the administration of the Waiver program;
 - ii. Constitute fair market value for goods or services rendered or provided by the governmental entity to the physician group; or
 - iii. Represent independent, bona fide transactions negotiated at arms-length and in the ordinary course of business between the physician group and the governmental entity.

4. Liability for False Claims

The governmental entity understands that any false statements, representations or claims made in conjunction with the Waiver program may result in sanctions under Chapter 36 of the Texas Human Resources Code; criminal prosecution for tampering with a public record under the Texas Penal Code §37.10; and applicable Federal laws relating to false claims, including, but not limited to 31 U.S.C. §3729.

On behalf of the governmental entity, I certify that I have read and understood the above statements; that the statements are true, correct, and complete; and that I am authorized to bind the governmental entity and to certify to the above.

Signature

Date

Name (print or type) and Title