

Enrollment Contract Amendment Instructions for the Open Enrollment Period for Fiscal Year 2023 Direct Care Staff Compensation Rate Enhancement (July 1, 2022 to August 1, 2022)

In response to direction from 76th Texas Legislature (Article II, Department of Human Services, Rider 38, H.B. 1, 76th Legislature, Regular Session, 1999), the Health and Human Services Commission (HHSC) Provider Finance Department (PFD) adopted rules at Title 1, Texas Administrative Code (TAC) Section 355.308 for Nursing Facilities (NFs). These rules establish procedures to obtain additional funds for increased staffing for registered nurses (RNs), licensed vocational nurses (LVNs), medication aides, and certified nurse aides. According to these rules, providers who participate in the direct care staff enhancement program and receive additional funds must comply with enhanced staffing requirements. Participating providers are also required to spend at least 85 percent of their direct care staff Medicaid revenues on direct care staff compensation costs for Medicaid residents, or the difference between 85 percent of direct care staff revenues and direct care staff compensation costs is recouped by the state. After spending recoupment, a participating facility's direct care rate will never be less than the direct care base rate.

Participation in the Rate Enhancement program is optional.

For this SFY 2023, enrollment will be open until August 1, 2022 because TAC Section 355.308 states if the last day of open enrollment is on a weekend day, state holiday, or national holiday, the next business day will be considered the last day requests will be accepted.

GENERAL ENROLLMENT INSTRUCTIONS

Changes to the Health & Human Services (HHSC) Open Enrollment Portal for Username and Password

Before logging into the HHSC Open Enrollment Portal, a username and password are required. Login instructions are posted to our HHSC PDF website listed below. Click on your program then under the 2023 Rate Enhancement – Attendant Compensation link.

All providers contracted to HHSC for eligible services received an Enrollment Notification or an Enrollment Limitation Notification. Both notifications are available on the website listed below for reference:

<https://pfd.hhs.texas.gov/long-term-services-supports>.

This website is an important tool during Open Enrollment. All forms, worksheets, and instructions can be accessed from the website using the following instructions:

1. Click on the program from the list of services in the left margin.
2. Scroll to the heading "Rate Enhancement – Direct Care Staff Compensation."
3. Click on the link "View 2023 Rate Enhancement – Attendant Compensation information."

All instructions are on our website for the program.

- All enrollment status changes through the HHSC Portal are due to be received by HHSC PFD **by August 1, 2022, at 5:00 p.m.** Neither faxes, mail, nor emails will be accepted.
- **Level 27 is the highest enhancement level that any contract may request.**
- Levels are awarded within available funds; therefore, it is possible that a provider will not be awarded the requested level due to limited enhancement program funding.

According to 1 TAC Section 355.308, no provider will be enrolled in the Direct Care Staff Compensation program at a level higher than it achieved on its most recently available audited report functioning as a Direct Care Staff Compensation Report. As a result, all providers who received notification of recoupment on the 2020 Cost Report, 2020 Accountability Report, or 2021 Accountability Report will have their level of participation limited to the level achieved on the most recently audited report. Affected providers will need to check the website for the notice of limitation.

TRAINING

HHSC PFD has created an Open Enrollment Video to explain the requirements of the Direct Care Staff Compensation program. This video can be found on our website at:

<https://pfd.hhs.texas.gov/long-term-services-supports>

From this website, select the appropriate program, and scroll down to the heading "Rate Enhancement – Direct Care Staff Compensation." Click on "View 2023 Rate Enhancement."

Click on "Open Enrollment Video" to access the Video.

ENROLLMENT CONTRACT AMENDMENT (ECA)

The open enrollment for payment rates effective September 1, 2022, begins July 1, 2022, and ends August 1, 2022. Contracted providers must properly complete the ECA online at the below address to enroll.

<https://rad-apps.hhsc.texas.gov/rfr/Login.aspx>

Any provider who has not submitted their properly completed ECA to HHSC PFD by 5:00 p.m. on August 1, 2022, will continue at the Level of Participation in effect during the open enrollment period, within available funds (unless the provider was subject to an Enrollment Limitation as described above). This continued enrollment provision is called "roll-over" enrollment. If unsure of the current Level of Participation, that information is available on our website.

A properly completed ECA must:

1. Have a checkmark in either the "Yes, this facility chooses to enroll" or the "No, this facility chooses not to enroll" box;
2. Verify the fiscal year-end for the entity. If incorrect, please email the HHSC PFD Help Desk at costinformationpfd@hhs.texas.gov to have the information verified and corrected; and
3. Reflect the correct 9-digit contract number for the provider.

In addition, providers checking the "Yes" box must indicate their chosen Level number from 1 to 27 in the "Level" box. Please note that Level 0 is not an option.

HHSC PFD must receive the ECA submitted through the HHSC PFD website no later than 5:00 p.m. on August 1, 2022. HHSC PFD will not accept requests after this deadline.

ENROLLMENT WORKSHEETS AND INSTRUCTIONS

Enrollment Worksheets and Instructions can help determine the appropriate level of enrollment for current spending levels. These resources are available on our Rate Enhancement webpage for the program. Locate and open the "Enrollment Worksheets" and "Enrollment Worksheets Instructions" elements on the Rate Enhancement webpage

AWARDED LEVELS

After September 17, 2022, HHSC PDF will post a list of contracted providers on its Attendant Compensation Rate Enhancement website for all programs and their enrollment status (i.e., participant and associated level or nonparticipant) to be effective September 1, 2022. This "Participation Status – Levels Awarded" list on the Rate Enhancement webpage for the program will be the only notification of enrollment status provided by HHSC.

LIABILITY INSURANCE RATE ADD-ONS

This section is new to the HHSC Open Enrollment Portal for verifying Liability Insurance Rate Add-Ons.

Effective May 1, 2022, HHSC adopted amendments to Title 1 of the Texas Administrative Code (1 TAC) Section 355.312 concerning Reimbursement Setting Methodology--Liability Insurance Costs. The amendment aims to streamline the payment of liability insurance rate add-ons by replacing the current certification requirements with an annual provider attestation.

All NF providers must complete a liability insurance attestation during an open enrollment period between July 1, 2022 and August 1, 2022, to receive liability insurance add-on rates for the upcoming rate year (September 1, 2022 to August 31, 2023).

Per 1 TAC Section 355.312, NF providers must annually submit an electronic attestation during the open enrollment period before the rate year the liability insurance add-ons will be paid. The electronic attestation must be completed

annually during the prescribed open enrollment period for providers to receive the rate add-ons for the upcoming rate year beginning September 1, 2022.

The annual fiscal year 2023 open enrollment period for liability insurance rate add-ons effective September 1, 2022, begins July 1, 2022, and ends August 1, 2022.

PFD NF providers must use the HHSC PFD Open Enrollment Portal on the HHSC PFD website to request and receive Liability Insurance Rate Add-ons through the Open Enrollment Process for the next rate year, September 1, 2022 to August 31, 2023. Mail and emails will no longer be accepted. Providers must complete the attestation form on the HHSC PFD Portal during the 2023 Open Enrollment in July. There will be no exceptions regarding this attestation timeframe.

To complete the NF Liability Insurance attestation form, please visit the HHSC PFD Portal beginning July 1, 2022, at:

<https://rad-apps.hhsc.texas.gov/rfr/Login.aspx>

For any questions concerning the NF Liability, ECA or Open Enrollment, please contact [HHSC PFD, Long Term Services and Supports](#).