

Enrollment Worksheet Instructions

Fiscal Year 2024

Home & Community-Based Services (HCS) and Texas Home Living (TxHmL) Attendant Compensation Rate Enhancement

**Provider Finance Department, Long-Term
Services and Supports
Texas Health and Human Services
Commission (HHSC)**

July 1 – July 31, 2023

**Enrollment for Levels to be Effective
September 1, 2023**

NOTE: These worksheets are provided for your own information and may be retained in your files for future reference. **Do not return** them to the Texas Health and Human Services Commission.



TEXAS
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New for State Fiscal Year 2024

Pursuant to the 2024-25 General Appropriations Act, House Bill 1, 88th Legislature, Regular Session, 2023, Article II, Rider 30(a), HHSC was appropriated funding to increase the base wage for personal attendant services from \$8.11 to \$10.60 per hour. HHSC is proposing Texas Administrative Code amendments to codify the minimum base wage. In addition, HHSC was appropriated funding through Rider 30(b) for the attendant compensation rate enhancement program for community care providers. Providers are encouraged to consider the increase of funding directed to attendants, the required spending requirements for the Rate Enhancement program, and the potential for recoupments for failure to meet the Rate Enhancement spending requirement when determining their requested Rate Enhancement level during open enrollment.

HHSC published proposed rates in accordance with Rider 30 (a), available [here](#).

HHSC encourages providers to utilize these rates instead of the fee schedules for calculations on the 2024 Open Enrollment Worksheets.

Instructions

Home and Community-Based Services (HCS) and Texas Home Living (TxHmL) Attendant Compensation Rate Enhancement Enrollment Worksheet

For assistance with the completion of these forms, contact the Texas Health and Human Services (HHSC) Provider Finance Department (PFD) at: PFD-LTSS@hhs.texas.gov or (737) 867-7817.

Purpose

This worksheet is a resource to help providers calculate HCS and TxHmL attendant spending requirements. Providers can use this information to make an informed decision about participation in the enhancement program for their HCS and TxHmL services.

Reporting Period

Select a reporting period representing your typical caseload and staffing as close to the open enrollment period as possible. The reporting period may be of any length, but we recommend a minimum of one payroll period.

For example, the reporting period might be one payroll period (i.e., June 1 – June 30), or your most recent cost reporting period. We recommend checking for data inconsistencies and calculation errors. It is also recommended to complete worksheets for two different reporting periods at least three months apart and compare the results. Significant variances indicate either an error in completing the worksheets or large fluctuations in caseload and staffing. Please consider any such variations when making your enrollment decision.

Conditions of Participation for Day Habilitation, Non-Day Habilitation, and Residential

The following conditions of participation apply to each HCS and TxHmL provider requesting to participate in the Attendant Compensation Rate Enhancement.

A provider who contracts with a non-related party to provide attendant services will report its payments to the contractor in a single cost report item as directed in the cost report or accountability report instructions. HHSC will allocate 50 percent of reported payments to the attendant compensation cost area for inclusion with other allowable attendant costs to determine this section's total attendant compensation spending for services described in subsection(s).

HCS and TxHmL providers wishing to participate in the Attendant Compensation Rate Enhancement must certify that they will comply with the requirements detailed above during the enrollment process.

Included All HCS and TxHmL Contracts In Your Component Code

Complete an HCS and TxHmL Attendant Compensation Rate Enhancement Enrollment Worksheet for all HCS and TxHmL contracts operating under your component code. Costs and units of service for HCS and TxHmL contracts operating under the component code should be aggregated and reported on this single worksheet.

Day Habilitation Services, Non-Day Habilitation Services, and Residential Services

For each component code for HCS and TxHmL programs, providers may choose the following options:

- Day habilitation services only,
- Non-day habilitation services only,
- Residential services only,
- Individualized Skills and Socialization only, or

- A combination of services.

The HCS and TxHmL services worksheets can help providers determine their participation in the enhancement program.

Participation as an Individual Component Code or as a Group of Component Codes

Providers with more than one HCS and TxHmL component code must specify their Enrollment Contract Amendment (ECA) for the Attendant Compensation Rate Enhancement program.

The ECA will help HHSC determine if participating HCS and TxHmL component codes are for groups or individuals. HHSC recommends that you make copies of these worksheets, complete one for each component code, complete one for the group, and compare the results to choose between group or individual participation. The definition of a group is available in Title 1 of the Texas Administrative Code, Section 355.112(ee).

Levels of Enhancement

Contracted providers must request their preferred enhancement level for participation in their HCS and TxHmL attendant services. For component codes participating as a group, the HCS and TxHmL habilitation level must be the same for all component codes within that group. The enhancement level does not have to be the same for:

- HCS and TxHmL day habilitation services,
- Non-day habilitation services, and
- Residential services
- Individualized Skills and Socialization.

Funds may not be available to grant all requests. Therefore, please consult the "Participation Status - Levels Awarded List" on the HHSC PFD webpage for this program by September 15, 2023 to find your final awarded level. HHSC will not distribute award letters. The HHSC Webpage is the sole source of information about awarded levels.

Worksheet Functionality

The enrollment worksheets are fully functional. If completed online, they will perform all required calculations for you. If you choose to print the worksheets and

fill them out by hand, you will be responsible for the accuracy of all mathematical calculations.

Definitions

Attendant

- An attendant is an unlicensed caregiver providing direct assistance to consumers with Activities of Daily Living (ADLs) and Instrumental Activities of Daily Living (IADLs).
- Attendants for day habilitation include direct care trainers and day habilitation drivers in the HCS and TxHmL programs.
- Attendants for non-day habilitation include direct care trainers providing HCS Supported Home Living (SHL) services.
- Attendants can also be Direct care trainers who provide TxHmL Community Support Services (CSS).
- Attendants can also be:
 - ▶ Direct care workers providing HCS and TxHmL respite services (RS),
 - ▶ Direct care workers and job coaches providing HCS and TxHmL Supported Employment (SE) services, or
 - ▶ Direct care workers and job coaches providing TxHmL Employment Assistance (EA) services.
- Attendants for residential services include direct care workers, medication aides, and drivers providing HCS Supervised Living and Residential Support Services (SL/RSS).

The Day-Hab Attendant May Not Perform any Non-Attendant Functions

HCS SL/RSS attendants may perform some non-attendant functions. In those cases, the attendant must perform attendant functions at least 80 percent of their total time worked. Staff not providing attendant services at least 80 percent of their total time worked are not considered attendants. You must conduct time studies under Title 1 of the Texas Administrative Code (TAC) Section 355.105(b)(2)(B)(i) for staff who are not full-time attendants but perform attendant functions. Time studies help determine if a staff member meets this 80 percent requirement. Failure

to perform the time studies for these staff will result in the staff not being considered attendants.

Attendants do not include the owner, director, administrator, assistant director, assistant administrator, clerical and secretarial staff, professional staff, other administrative staff, licensed staff, attendant supervisors, cooks and kitchen staff, maintenance and groundskeeping staff, activity director, Qualified Developmental Disability Professional (QIDPs), assistant QIDPs, direct care worker supervisors, direct care trainer supervisors, job coach supervisors, foster care providers, and laundry and housekeeping staff.

Attendant Contract Labor

Attendant contract labor refers to non-staff attendants. Non-staff refers to personnel who intermittently provide services to the day habilitation center, perform tasks routinely performed by employees, and whose compensation is not subject to employer payroll tax contributions.

Compensation

Attendant compensation is the allowable compensation for attendants. Report attendant compensation as either salaries or wages, including payroll taxes and workers' compensation or employee benefits.

Reported benefits required by Section 355.103(b)(1)(A)(iii) as costs, applicable to specific cost report line items, are not considered attendant compensation.

Examples of such costs include:

- Provider's unrecovered cost of meals provided to attendants;
- The provider's unrecovered cost of uniforms provided to attendants;
- Employee relations expenses such as gift cards given to employees; and
- The cost of employee parties, plaques, etc.

1 TAC Sections 355.103(b)(1) and 355.722

Allowable Contract Labor Costs – Contract Labor Individuals Functioning as Attendants

Mileage reimbursement paid to the attendant for using their personal vehicle is not subject to payroll taxes and is considered compensation for the Attendant Compensation Rate Enhancement.

HCS & TxHmL Attendant Services – Worksheet

Instructions for the worksheets are identical with just one exception. Within the worksheet are multiple tabs. Complete one tab of the worksheet for Day Habilitation, Non-Day Habilitation, Residential, and Individualized Skills and Socialiation attendants.

STEP 1 – Enter Required Data

Round all monetary amounts in Steps 1 to 4 to the nearest whole dollar (with no zeros included for cents). For example, \$25.49 should be rounded to \$25, and \$25.50 should be rounded to \$26.

If related-party contractors provide day habilitation services, the terms “provider” and “employer” refer to the day habilitation contractor.

Units of service are the units of HCS and TxHmL attendant services provided during the selected reporting period.

STEP 2 – Attendant Salaries and Wages

Attendant Salaries and Wages (including drivers)

- Report accrued salaries and wages for attendants and drivers employed by the provider and those receiving FICA contributions.
- Salaries and wages include tax-deductible overtime, cash bonuses, and cash incentives paid.
- Drivers and staff members functioning in more than one capacity are not considered attendants for HCS and TxHmL attendant compensation rate enhancement. Please do not include their salaries and wages on the worksheet.
- See the Definitions section for more information on who qualifies as an attendant.

Contracted Labor Payments

Report the total costs for contract labor individuals functioning as attendants.

Employee Health Insurance

Report employer-paid health insurance for attendants and drivers. Employer-paid health insurance premiums must be direct costed. Paid claims may be allocated based on the percentage of eligible salaries or direct costed.

Employee Life Insurance

Report any employer-paid life insurance for attendants and drivers. Employer-paid life insurance costs must be direct costed.

Other Employee Benefits

Report any employer-paid disability insurance and retirement contributions for attendants and drivers. These benefits must be direct costed. Do not report contracted provider's unrecovered cost of meals and room and board furnished to direct care employees, uniforms, job-related training reimbursements, and job certification renewal fees as Other Employee Benefits.

Mileage Reimbursement

Report the mileage reimbursement paid to an attendant for the use of their personal vehicle. Mileage reimbursement is not subject to payroll taxes. The maximum allowable mileage reimbursement is as follows:

- 1/1/22 – 12/31/22 58.5 cents per mile
- 1/1/23 – 12/31/23 65.5 cents per mile

FICA and Medicare

Report employer-paid Federal Insurance Contributions Act (FICA) and Medicare taxes for attendants and drivers. FICA and Medicare taxes may be allocated based upon the percentage of eligible salaries.

State and Federal Unemployment

Report both federal (FUTA) and state (TUCA) employer-paid attendant and driver unemployment expenses. Unemployment expenses may be allocated based on the percentage of eligible salaries.

Workers' Compensation Insurance Premiums

Report premiums for workers' compensation insurance, industrial accident policies, and other similar types of coverage for employee on-the-job injuries for attendants and drivers. Workers' compensation premiums may be allocated based on the percentage of eligible salaries.

Workers' Compensation Paid Claims

Report medical claims paid for employee on-the-job injuries for attendants and drivers. Paid claims may be allocated based upon the percentage of eligible salaries or direct costed.

Contracted Day Habilitation

Enter the total non-related Day Habilitation costs. Fifty percent of non-related Day Habilitation costs may be included as per TAC 355.112(ff)(2).

Attendant Cost

Total Attendant Cost – sum all attendant costs in Step 2a, 2b, and or 2c.

Units of Service

Enter the Units of Service for each program, Day Habilitation (step 2c), Non-Day Habilitation (step 2d), Residential (step 2b), and Individualized Skills and Socialiation (step 2c). Total all Units of Service for the program selected.

NOTE: All monetary calculations in Steps 2 to 5 should be carried out to **two decimal places**. If you complete the spreadsheets on your computer rather than on printed sheets, many of these calculations will occur automatically after you enter values.

STEP 3 – Medicaid Attendant Revenue

Please refer to the HCS Payment Rates worksheet to obtain the attendant rate (located [here](#)) for each participation level. For the ISS add-ons effective September 1, 2023, please use the attendant rate portion of the ISS rates and increase by five cents for every participant level.

The Proposed Rates effective 9/1/23 are located in the Rate Packet [here](#).

Column A

Enter the Units of Service for the service period you have selected in Column A.
Total all Units of service.

Column B

Enter the Attendant portion of the rate for the level of rate enhancement you are participating at in Column B.

Column C

Multiply Column A by Column B and enter the product into Column C. Sum Column C, this is the Medicaid Attendant Revenue.

Total Units of Service – sum all units.

STEP 4 – Calculate average attendant cost per unit of service

Divide the total Medicaid Revenue by the total Units of Service in Step 3. The result is the estimated Rate Component Per Unit of Service during the reporting period.

STEP 5 – Attendant Rate and Spending Requirement for Participating at Level.

Column A

Enter the average attendant rate from Step 4 in Column A.

Column B

Multiply Column A by the Spending Requirement Percent of 90% into Column B.
This is the Required Attendant Spending.

Column C

Subtract Column B from Column A to get the difference between the attendant rate component and the required spending..

Column D

Enter in the Total Attendant Cost from Step 2.

Column E

Subtract the Required Attendant Spending in Column B by the Current Attendant Spending in Column D. This is the required spending increase to meet the current level of participation. If less than zero, set to zero.

Things to Consider When Making Your Participation Decision

The following list is not all-inclusive. Information to consider in deciding whether or not to participate include:

- Compare your attendant cost per unit of service with the average attendant rates and the required attendant spending.
- Look at each enhancement level. At which enhancement level is your attendant cost per unit of service most comparable?
- At which level of enhancement will you feel most comfortable, considering recoupment for failure to meet spending requirements?
- Consider the impact of reduced turnover (due to paying higher wages) on your recruiting and training expenses.
- Consider the impact of paying higher wages on the quality of care delivered to your clients.
- Consider whether any improvements in the quality of care delivered would lead more clients to select your agency to provide their services, thus leading to a higher utilization rate (i.e., more units of service) for your agency.
- Compare your total operational costs to the total rate to determine your ability to meet the attendant spending requirements.

Check all calculations to ensure accuracy.