



COMMISSIONER
Jon Weizenbaum

March 14, 2016

To: Home and Community-based Services (HCS) Program Providers

Subject: Information Letter No. 16-09
Submitting Individual Plan of Care Documentation

HCS program providers are required to follow all Texas Administrative Code (TAC) rules found in [Title 40, Part 1, Chapter 9, Subchapter D regarding Individual Plans of Care \(IPCs\)](#), including:

- developing all required renewal and revision IPCs in accordance with [40 TAC §9.166](#), and;
- submitting IPC documentation to the Texas Department of Aging and Disability Services (DADS) for review, if requested, in accordance with [40 TAC §9.160](#).

The Improper Payments Elimination and Recovery Improvement Act (IPERIA) of 2012 requires federal agencies to:

- annually review programs susceptible to significant improper payments
- estimate the amount of improper payments, report those estimates to Congress and,
- submit a report on actions the agency is taking to reduce the improper payments.

A review was performed and identified inconsistencies. Providers are required to ensure these requirements are being followed.

Per [40 TAC §9.170\(4\)\(B\)\(i\)](#), DADS does not pay the program provider for a service or recoup any payments made to the program provider for a service if the service is provided to an individual during a period of time for which there is not a signed, dated and authorized IPC for the individual.

In addition to submitting all IPC documentation to DADS when requested, HCS program providers are required to comply in full with any request for documentation they receive from the Centers for Medicare and Medicaid Services (CMS). When submitting documentation for any request, HCS providers must ensure the information being submitted is accurate, complete and applicable to the time frame associated with the request. For example, if an IPC is requested for review of a claim submitted with a service delivery date of October 18, 2015, the HCS program provider must ensure the IPC submitted was authorized for a time period which includes that service date.

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IPC procedure is detailed in [Section 6000 of the HCS Handbook](#). HCS program providers are responsible for knowing this information and remaining in compliance with all established IPC policies and procedures.

Sincerely,

[signature on file]

S. Michelle Martin
Director
Center for Policy and Innovation

[signature on file]

Elisa J. Garza
Assistant Commissioner
Access and Intake