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State/Territory Name: Texas

State Plan Amendment (SPA) #: 24-0005

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

May 14, 2024

Emily Zalkovsky
State Medicaid Director
Texas Health and Human Services Commission (HHSC)
P.O. Box 13247
Austin, TX 78711-3247

Re: Texas State Plan Amendment (SPA) – 24-0005

Dear Director Zalkovsky:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 24-0005. This amendment proposes to require a Prescribed Pediatric Extended Care Center (PPECC) to provide transportation to a recipient when the recipient's physician determines the recipient is stable to receive transportation services and the parent or legal guardian wants the recipient to receive transportation services. The proposed amendment also requires that a recipient be accompanied by a PPECC nurse or direct care staff member, as identified by the physician in the plan of care, during transport to and from the PPECC. Finally, in alignment with state licensing rules, the proposed amendment revises the qualifications for a PPECC's nursing director and alternate nursing director.

We conducted our review of your submittal according to statutory requirements in Title XIX of the Social Security Act and implementing regulations. This letter informs you that Texas' Medicaid SPA TN 24-0005 was approved on May 14, 2024, with an effective date of September 1, 2024.

Enclosed are copies of Form CMS-179 and approved SPA pages to be incorporated into the Texas State Plan.

If you have any questions, please contact Ford Blunt at (214) 767-6381 or via email at Ford.Blunt@cms.hhs.gov.

Sincerely,

Ruth

Hughes -S

Ruth A. Hughes, Acting Director
Division of Program Operations

Digitally signed by
Ruth Hughes -S
Date: 2024.05.14
14:16:18 -05'00'

Enclosures

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER
24 0005

2. STATE
TX

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE
September 1, 2024

5. FEDERAL STATUTE/REGULATION CITATION

Title XIX of SSA

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)
a. FFY 2024 \$ 0.00
b. FFY 2025 \$ 0.00

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

See Attachment

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

See Attachment

9. SUBJECT OF AMENDMENT

The Texas Health and Human Services Commission (HHSC) proposes amendments to the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act to make requirements for Prescribed Pediatric Extended Care Centers (PPECCs) consistent with changes made to state licensing rules for PPECCs. The proposed amendment requires a PPECC to provide transportation to a recipient when the recipient's physician determines the recipient is stable to receive transportation services and the parent or legal guardian wants the recipient to receive transportation services. The proposed amendment also requires that a recipient be accompanied by a PPECC nurse or direct care staff member, as identified by the physician in the plan of care, during transport to and from the PPECC. Finally, in alignment with state licensing rules, the proposed amendment revises the qualifications for a PPECC's nursing director and alternate nursing director.

10. GOVERNOR'S REVIEW (Check One)

- GOVERNOR'S OFFICE REPORTED NO COMMENT
- COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
- NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED: Sent to Governor's Office this date. Comments, if any, will be forwarded upon receipt.

11. SIGNATURE OF STATE AGENCY OFFICIAL
Emily Zalkovsky
Digitally signed by Emily Zalkovsky
Date: 2024.02.26 10:35:52 -06'00'

15. RETURN TO

Emily Zalkovsky
State Medicaid Director
Post Office Box 13247, MC: H-100
Austin, Texas 78711

12. TYPED NAME
Emily Zalkovsky

13. TITLE
State Medicaid Director

14. DATE SUBMITTED
February 26, 2024

FOR CMS USE ONLY

16. DATE RECEIVED
February 26, 2024

17. DATE APPROVED
May 14, 2024

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL
September 1, 2024

19. SIGNATURE OF APPROVING OFFICIAL
Ruth Hughes -S
Digitally signed by Ruth Hughes -S
Date: 2024.05.14 14:16:46 -05'00'

20. TYPED NAME OF APPROVING OFFICIAL
Ruth A. Hughes

21. TITLE OF APPROVING OFFICIAL
Acting Director, Division of Program Operations

22. REMARKS

Attachment to Blocks 7 & 8 of CMS Form 179

Transmittal Number 24-0005

**Number of the
Plan Section or Attachment**

**Number of the Superseded
Plan Section or Attachment**

Appendix 1 to Attachment 3.1-A
Page 7v
Page 7z
Page 7bb
Page 7cc
Page 7dd

Appendix 1 to Attachment 3.1-A
Page 7v (TN 15-0032)
Page 7z (TN 15-0032)
Page 7bb (TN 15-0032)
Page 7cc (TN 15-0032)
Page 7dd (TN 15-0032)

Appendix 1 to Attachment 3.1-B
Page 7v
Page 7z
Page 7bb
Page 7cc
Page 7dd

Appendix 1 to Attachment 3.1-B
Page 7v (TN 15-0032)
Page 7z (TN 15-0032)
Page 7bb (TN 15-0032)
Page 7cc (TN 15-0032)
Page 7dd (TN 15-0032)

4b. EPSDT Services (continued)

Prescribed Pediatric Extended Care Center Services

(a) Definition:

Prescribed Pediatric Extended Care Center (PPECC) services are an array of physician-prescribed services designed to meet the medical, social and developmental needs of a child who is medically or technologically dependent and requires ongoing nursing services and other therapeutic interventions. Services are provided under the supervision of a registered nurse licensed by the state of Texas. These services are performed in a Medicaid-enrolled PPECC, which is a community-based non-residential provider licensed by the state, and compliant with state licensing standards. A PPECC serves at least four Medicaid-eligible recipients who are not related by blood, marriage, or adoption.

(b) Eligibility:

This service is available to individuals under the age of 21 based on a determination of medical necessity.

The utilization of PPECC services does not supplant the recipient's choice of private duty nursing, when medically necessary.

(c) Services:

Services are provided in a Medicaid-enrolled PPECC, licensed by the Health and Human Services Commission (HHSC) and compliant with state licensing standards. PPECC services require prior authorization.

PPECC services include the development, implementation, and monitoring of a comprehensive plan of care (POC), developed in conjunction with the Medicaid recipient's responsible adult, that specifies the recipient's medical, nursing, psychosocial, therapeutic, dietary, functional, and developmental service needs, as well as the caregiver training needs of the recipient's responsible adult(s).

A PPECC must provide the following basic services, prescribed by a physician, in accordance with a recipient's assessment and comprehensive plan of care:

4b. EPSDT Services (continued)

Prescribed Pediatric Extended Care Center Services (continued)

(c) Services: (continued)

- (1) Transportation—Provided in accordance with 42 CFR § 440.170(a).
 - (A) Transportation services must be provided either by the PPECC or a contractor of the PPECC, when the physician determines the recipient is stable, and the parent or legal guardian wants the recipient to receive transportation services. The recipient must be accompanied by a PPECC nurse or direct care staff member, as identified by the physician in the plan of care (POC), during transport to and from the PPECC.
 - (B) Transportation to and from the PPECC will be reimbursed on a per case basis (i.e., only when utilized) in accordance with 42 CFR § 440.170(a).
 - (C) Transportation services are subject to PPECC licensure requirements related to transportation, including the following:
 - (1) the driver must hold a valid and appropriate Texas driver's license, a copy of which the PPECC must keep on file;
 - (2) the vehicle used to transport a minor must have a current Texas safety inspection sticker and vehicle registration decal properly affixed to a vehicle;
 - (3) the PPECC must maintain commercial insurance for the operation of its vehicles, including coverage for minors and staff in the PPECC vehicle in the event of accident or injury; and
 - (4) the PPECC must maintain documentation of insurance.
 - (5) PPECC transportation is not provided by the transportation broker.
 - (6) Recipients have a choice of PPECC providers, who render the transportation services.

4b. EPSDT Services (continued)

Prescribed Pediatric Extended Care Center Services (continued)

(d) Providers and Provider Qualifications: (continued)

(1) Nursing Director and Alternate Nursing Director

Nursing Director and Alternate Nursing Director Qualifications. A nursing director and alternate nursing director must:

(A) Have a valid RN license in accordance with state statute with no disciplinary action;

(B) Have a valid certification in Cardiopulmonary Resuscitation or Basic Cardiac Life Support; and

(C) Have a minimum of two years of supervision and management in employment in a pediatric setting caring for a medically or technologically dependent minor or at least two years of supervision in one of the following specialty settings:

(i) pediatric intensive care;

(ii) neonatal intensive care;

(iii) pediatric emergency care;

(iv) PPECC;

(v) home health or hospice agency specializing in pediatric care;

(vi) ambulatory surgical center specializing in pediatric care; or

(vii) have comparable pediatric unit experience in a hospital for two consecutive years before the person applies for the position of nursing director.

(D) Meet all requirements as specified in state PPECC licensing regulations.

TN: 24-0005

Approval Date: 05/14/2024

Supersedes TN: 15-0032

Effective Date: 09/01/2024

4b. EPSDT Services (continued)

Prescribed Pediatric Extended Care Center Services (continued)

(d) Providers and Provider Qualifications: (continued)

(2) Registered Nurse

Registered Nurse Qualifications. An RN must:

- (A) Hold a valid RN license in accordance with state statute with no disciplinary action;
- (B) Hold valid certifications in Cardiopulmonary Resuscitation and Basic First Aid; and
- (C) Have at least one of the following:
 - (i) one year of pediatric specialty experience with emphasis on medically and technologically dependent minors, obtained within the previous five years; or
 - (ii) skills sufficient to meet the competency and training requirements in accordance with state PPECC licensing regulations.
- (D) Meet all requirements as specified in PPECC state licensing regulations.

(3) Licensed Vocational Nurse

Licensed Vocational Nurse Qualifications: An LVN must:

- (A) Hold a valid LVN license in accordance with state statute with no disciplinary action;
- (B) Hold valid certifications in Cardiopulmonary Resuscitation and Basic First Aid; and
- (C) Have at least one of the following:
 - (i) one year of pediatric specialty experience with emphasis on medically and technologically dependent minors obtained within the last consecutive five years; or
 - (ii) skills sufficient to meet the competency and training requirements in accordance with state PPECC licensing regulations.
- (D) Meet all requirements as specified in state PPECC licensure regulations.

4b. EPSDT Services (continued)

Prescribed Pediatric Extended Care Center Services (continued)

(d) Providers and Provider Qualifications: (continued)

(4) Psychologist

Psychologist Qualifications: Each Psychologist must have a valid Psychologist license in accordance with state statute with no disciplinary action.

(5) Direct Care Staff

Direct Care Staff Qualifications. Each direct care staff member must:

- (A) Be 18 years of age or older;
- (B) Hold a high school diploma or a general equivalency degree;
- (C) Meet at least one of the following:
 - (i) one year of experience employed in a health care setting providing direct care to minors who are medically or technologically dependent;
 - (ii) two years of experience employed in a health care, childcare, or school setting providing direct care to minors who are medically or technologically dependent;
 - (iii) two years of experience employed in a health care setting providing direct care to adults; or
 - (iv) sufficient skills to meet the competency and training requirements in accordance with state PPECC licensing regulations.
- (D) Maintain current certification in Pediatric Cardiopulmonary Resuscitation and Basic First Aid.
- (E) Meet all requirements as specified in state PPECC licensure regulations.
- (F) Direct care staff are supervised by a licensed RN.

(6) Dietician

Dietician Qualifications: A dietician must:

- (A) Hold a valid license to use the title of licensed dietitian in accordance with state statute with no disciplinary action.
- (B) Meet all requirements as specified in state PPECC licensure regulations.

4b. EPSDT Services (continued)

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(a) Definition:

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 - (vii) have comparable pediatric unit experience in a hospital for two consecutive years before the person applies for the position of nursing director.
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