

 Texas Children's	Medically Dependent Children Program Procedure	
Procedure # 5284	Categories Administration / Non-Clinical →STAR Kids, TCHP Care Coordination	This Procedure Applies To: Texas Children's Health Plan
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PROCEDURE STATEMENT:

TCHP’s Medically Dependent Children’s Program (MDCP) STAR Kids provides Community-based Long Term Services and Supports (LTSS) for individuals under the age of 21 with complex medical needs as a cost-effective alternative to living in a Nursing Facility. The purpose is to prevent unnecessary placement of an individual in a long-term care facility and to support deinstitutionalization of individuals who reside in nursing facilities by providing them with support services in the community.

DEFINITIONS:

MCDP is a program that provides services to support families caring for children and young adults who are medically dependent and to encourage de-institutionalization of children in nursing facilities.

Medical Necessity Determination - Medical necessity is the prerequisite for participation in the Medicaid (Title XIX) Long-term Care program for MDCP. To verify that medical necessity exists, an individual must meet the following conditions:

- 1) The individual must demonstrate a medical condition that:
 - a. is of sufficient seriousness that the individual's needs exceed the routine care which may be given by an untrained person; and
 - b. requires licensed nurses' supervision, assessment, planning, and intervention that are available only in an institution.
- 2) The individual must require medical or nursing services that:
 - a. are ordered by a physician;
 - b. are dependent upon the individual's documented medical conditions;
 - c. require the skills of a registered or licensed vocational nurse;
 - d. are provided either directly by or under the supervision of a licensed nurse in an institutional setting; and
 - e. are required on a regular basis

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1. Once an individual has been determined eligible for MDCP STAR Kids and has been awarded a program slot by HHSC or its designee, TEXAS CHILDREN’S HEALTH PLAN (TCHP) ensures medical necessity is reviewed for each Member on an annual basis.

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Annual assessments for MDCP eligibility occur at the same time as annual reassessment with the STAR Kids SAI.

2. TCHP works to prevent a lapse in MDCP eligibility by performing the Member's annual reassessment for MDCP eligibility and submitting the medical necessity determination to HHSC within 30 days.
3. TCHP provides MDCP STAR Kids Covered Services to eligible Members **(8.3.2)**. TCHP contracts with Providers with the following qualifications, TCHP contracts with certain MDCP Providers who agree to contract terms and conditions and are identified by HHSC in its Provider Network, such as Camps for Respite Care. For additional information, see 40 Tex. Admin. Code Chapter 51.
4. Evaluation of member in a nursing facility (MDCP) is conducted by the Service Coordinator who advise the Member of the availability of transition assistance services. TCHP accepts all clients of MDCP whom the Texas Department of Human Services refers for transition assistance services
5. Program Support Unit (PSU) will notify TCHP if there is a new candidate, or a current STAR Kids non-MDCP Member candidate for MDCP evaluation via the interest list process. Within 30 calendar days of notice, TCHP will complete the SAI assessment, inclusive of the MDCP module. The assessment is submitted to TMHP within 72 hours of SAI completion. The ISP must be submitted no later than 60 calendar days following the initial notice from PSU.
6. Annual reassessment is performed no earlier than 90 calendar days before ISP expiration and submitted to TMHP no later than 30 calendar days before ISP expiration.
7. TCHP offers and make available the Consumer Directed Services (CDS) option for Respite, Flexible Family Supports services, Supported Employment, and Employment Assistance.
8. The MDCP Module of the STAR Kids SAI establishes an annual cost limit for each Member receiving MDCP services, based on the anticipated cost if the Member received services in a Nursing Facility **(8.3.3)**. As a part of the ISP planning process, the TCHP establishes an MDCP plan of care as a part of the STAR Kids ISP that does not exceed the Member's cost limit.

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9. If TCHP does not properly establish this plan of care and the Member's cost exceeds the individual limit, TCHP continues to provide MDCP services to the Member at TCHP's expense.
10. TCHP does not terminate MDCP enrollment if a Member exceeds his or her cost limit.
11. TCHP tracks each Member's MDCP-related expenditures on a monthly basis and provide an update on the progress to the Member and the Member's LAR no less than once per month.
12. TCHP provides information about each MDCP Member's individual budget to HHSC in a prescribed format and on an annual basis.
13. Service authorizations for MDCP must include the amount, frequency, and duration of each service to be provided, and the schedule for when services will be rendered.
14. For new MDCP notices from HHSC a SAI is completed by a TCHP Service Coordinator within 30 and HHSC is noticed of SAI results within 72 hours of completion.
15. TCHP ensures the MDCP Member does not experience gaps in authorizations and that authorizations are consistent with information in the Member's ISP.
16. TCHP prioritizes MDCP reassessments to ensure they occur on schedule. TCHP continues to follow the Member's existing MDCP Individual Plan of Care (IPC) or ISP and does not reduce or replace services until the Member has been screened and assessed through the STAR Kids SAI and the Member's initial STAR Kids ISP is complete.
17. If a STAR Kids MDCP Member changes health plans prior to the annual reassessment, the previous TCHP supplies the new plan with the results from the previous MDCP Module, and the new health plan must honor the previous assessment findings until the MDCP Module is provided again upon annual review.
18. If a Member or a Member's LAR notifies TCHP that the Member has experienced a significant change in condition that may warrant an adjustment to their cost limit, TCHP uses an HHSC-approved assessment to confirm if an adjustment is needed. If the assessment validates a change in cost limit, TCHP works with the Member and the Member's LAR to update the Member's ISP accordingly.

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19. TCHP consults with the Member and the Member's LAR to determine if the Member needs Minor Home Modifications and Adaptive Aids as part of the annual STAR Kid Screening and Assessment Process or if the Member experiences a change in condition or requests assistance. TCHP obtains vendors to provide Minor Home Modifications or Adaptive Aids for MDCP STAR Kids Members with a need.

20. Any Member who receives services through TCHP MDCP STAR Kids receives Level 1 Service Coordination **(8.1.38.6)**. Additionally, named Service Coordinators who provide services to Members enrolled in MDCP STAR Kids are trained and proficient in the following:
 - 20.3. The full STAR Kids and MDCP service array;
 - 20.4. Provider requirements for each service;
 - 20.5. The CDS option;
 - 20.6. Eligibility and assessment requirements; and
 - 20.7. Monitoring and reporting requirements.
 - 20.8. RUG

21. If a Member/LAR chooses the CDS delivery option, they may use EVV for Respite or Flexible Family Support. The Service Coordinator indicates that by selecting the EVV field in Harmony to notice QNXT for appropriate claims processing.

22. TCHP uses Person-Centered Planning process described in 42 C.F.R. § 441.301(c)(1) to develop an ISP for an MDCP STAR Kids Member **(8.3.4)**. The TCHP MDCP STAR Kids Member's ISP includes the components of a person-centered service plan described in 42 C.F.R. § 441.301(c)(2).

23. Additional benefits of the MDCP program include:

Community-based Long-Term Services Available and Supports under MDCP STAR Kids	
Service	Licensure and Certification Requirements
Respite Care	<p>Attendants providing respite care must be at least 18 years of age. The attendant must have a high school diploma or certificate of high school equivalency (GED credentials) and documentation of a proficiency evaluation of experience and competence to perform job tasks, including ability to provide the required services as needed by the individual.</p> <p>Registered nurses and licensed vocational nurses must have current licenses under Texas Occupations Code Chapter 301.</p>

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	Child Day Care Facilities must be licensed under 40 Tex. Admin. Code Chapter 745. Children with special healthcare
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Community-based Long-Term Services Available and Supports under MDCP STAR Kids	
Service	Licensure and Certification Requirements
	<p>needs must receive the care recommended by a healthcare professional or qualified professional affiliated with the local school district or early childhood intervention program.</p> <p>Specific licensure requirements apply based on the place of service for respite care. These requirements are as follows.</p> <p>In-home Respite</p> <p>HCSSA—licensed by DADS under 40 Tex. Admin. Code Chapter 97</p> <p>Nurse: Skilled care must be performed by a registered nurse or licensed vocational nurse or delegated by a registered nurse. Non-licensed individuals providing delegated skilled tasks must be supervised by a registered nurse. Any delegated skilled care must meet the requirements of the Texas Nursing Practice Act</p> <p>Attendant: The home and community support services agency must employ a respite attendant who must meet the following requirements:</p> <ul style="list-style-type: none"> • Be at least 18 years of age; • Have a high school diploma, certificate of high school equivalency (General Educational Development credentials), or documentation of a proficiency evaluation of experience and competence to perform job tasks; • Be trained in CPR and first-aid; • Pass criminal history checks; • Not be on the Employee Misconduct Registry or Nurse Aide Registry; • Not be on the state and federal lists of excluded persons and entities; • Be familiar with individual's specific tasks; • Not be the individual's spouse; and • Must not be the caregiver whether or not the provider is related to the individual. <p>Out-of-home Respite</p> <p>Host Family—licensed as a foster home by DFPS or verified as a foster home by a child-placing agency that is licensed by DFPS (40 Tex. Admin. Code Chapters 745,</p>

Community-based Long-Term Services Available and Supports under MDCP STAR Kids	
Service	Licensure and Certification Requirements
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	<p>The provider of the respite service component must be at least 18 years of age and have a high school diploma or certificate of high school equivalency (GED credentials). The host family must not provide services in its residence to more than four persons unrelated to the individual at one time.</p> <p>The host family must ensure that the individual participates in age-appropriate community activities; and the host family home environment is healthy and safe for the individual.</p> <p>The host family must provide services in a residence that the host family owns or leases. The residence must be a typical residence in the neighborhood and must meet the needs of the individual.</p> <p>Child Day Care Facilities—licensed by DFPS under 40 Tex. Admin. Code Chapter 745</p>
	<p>The provider of the respite service component must be at least 18 years of age. The provider must have a high school diploma or certificate of high school equivalency (GED credentials) and documentation of a proficiency evaluation of experience and competence to perform job tasks, including ability to provide the required services as needed by the individual.</p> <p>Registered nurses and licensed vocational nurses must have current licenses under Texas Occupations Code Chapter 301.</p> <p>Child Day Care Facilities must be licensed under 40 Tex. Admin. Code Chapter 745. Children with special healthcare needs must receive the care recommended by a healthcare professional or qualified professional affiliated with the local school district or early childhood intervention program.</p> <p>Special Care Facilities—licensed by DSHS under 25 Tex. Admin. Code Chapter 125</p>
	<p>The provider of the respite service component must be at least 18 years of age. The provider must have a high school diploma or certificate of high school equivalency (GED credentials) and documentation of a proficiency</p>

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	<p>evaluation of experience and competence to perform job tasks, including ability to provide the required services as needed by the individual.</p> <p>Registered nurses and licensed vocational nurses must have current licenses under Occupations Code, Chapter 301.</p> <p>Hospital—licensed by DSHS under 25 Tex. Admin. Code Chapter 133 and participating in Medicare under 42 C.F.R. Part 482</p>
	<p>The provider of the respite service component must be at least 18 years of age. The provider must have a high school diploma or certificate of high school equivalency (GED credentials) and documentation of a proficiency evaluation of experience and competence to perform job tasks, including ability to provide the required services as needed by the individual.</p> <p>Registered nurses and licensed vocational nurses must have current licenses under Texas Occupations Code Chapter 301.</p> <p>Nursing Facility—licensed by DADS under 40 Tex. Admin. Code Chapter 19</p>
	<p>The nursing facility respite provider must employ staff who must:</p> <ul style="list-style-type: none"> • Be at least 18 years of age; • Have a high school diploma or certificate of high school equivalency (General Educational Development credentials) and documentation of a proficiency evaluation of experience and competence to perform job tasks; • Be trained in CPR and first-aid; • Pass criminal history checks; • Not be on the Employee Misconduct Registry or Nurse Aide Registry list; • Be familiar with the individual’s tasks; • Not be on the state and federal lists of excluded individuals and entities; <p>Camp—licensed by DSHS under 25 Tex. Admin. Code</p>

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Service	Licensure and Certification Requirements
	<p>Chapter 265, Subchapter B</p> <p>The provider of the respite service component must be at least 18 years of age. The provider must have a high school diploma or certificate of high school equivalency (GED credentials) and documentation of a proficiency evaluation of experience and competence to perform job tasks, including ability to provide the required services as needed by the individual.</p> <p>Registered nurses and licensed vocational nurses must have current licenses under Texas Occupations Code Chapter 301.</p> <p>These camps must be accredited by the American Camping Association.</p>
Supported Employment	<p>HCSSA—licensed by DADS under 40 Tex. Admin. Code Chapter 97</p> <p>The Provider of supported employment services must meet all of the criteria in one of these three options.</p> <p>Option 1:</p> <ul style="list-style-type: none"> • a bachelor's degree in rehabilitation, business, marketing, or a related human services field; and • one year of documented experience providing employment assistance or supported employment services to people with disabilities in a professional or personal setting. <p>Option 2:</p> <ul style="list-style-type: none"> • an associate's degree in rehabilitation, business, marketing, or a related human services field; and • two years of documented experience providing employment assistance or supported employment services to people with disabilities in a professional or personal setting. <p>Option 3:</p> <ul style="list-style-type: none"> • a high school diploma or GED; and • three years of documented experience providing employment assistance or supported employment services to people with disabilities in a professional

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Service	Licensure and Certification Requirements
	or personal setting.
Financial Management Services	<p>Private entities furnish financial management services. These entities, called financial management services agencies, are procured through an open enrollment process and are required to hold a Medicaid provider agreement with the State. Through a delegation arrangement, DADS executes a contract with the required elements of Medicaid provider agreement on behalf of HHSC.</p> <p>A financial management service agency must comply with the requirements for delivery of financial management services, including attending a DADS mandatory 3-day training session. Topics covered in the training session include: contracting requirements and procedures; financial management service agency responsibilities; consumer/employer responsibilities; DADS case manager/service coordinators responsibilities; enrollment, transfer, suspension and termination of the consumer directed services option; employer budgets; reporting abuse, neglect and exploitation allegations; oversight of consumer directed services; contract compliance and financial monitoring. The required training materials include the definition and responsibilities of a vendor fiscal/employer agent in accordance with IRS Revenue Procedure 70-6, 1970-1 C.B. 420 and an explanation of fiscal employer agent based on Section 3504 of the IRS code and state tax (unemployment) requirements as a Vendor Fiscal/Employer Agent. The training also covers IRS Forms SS-4 and 2678. The rules for the consumer directed services option, located at 40 Tex. Admin. Code Chapter 41, require financial management services agencies to act as vendor fiscal/employer agents along with describing responsibilities such as the revocation of IRS Form 2678 if the individual terminates the consumer directed services option or transfers to another financial management service agency.</p> <p>The financial management services agency must not be the individual's legal guardian; the spouse of the individual's legal guardian; the individual's designated representative; or the spouse of the individual's designated representative.</p>

Community-based Long-Term Services Available and Supports under MDCP STAR Kids	
Service	Licensure and Certification Requirements
Adaptive Aids	Be a durable medical equipment supplier or be a manufacturer of items not supplied through durable medical equipment suppliers.
Employment Assistance	<p>HCSSA—licensed by DADS under 40 Tex. Admin. Code Chapter 97</p> <p>The Provider must meet all of the criteria in one of these three options.</p> <p>Option 1:</p> <ul style="list-style-type: none"> • a bachelor's degree in rehabilitation, business, marketing, or a related human services field; and • one year of documented experience providing employment assistance or supported employment services to people with disabilities in a professional or personal setting. <p>Option 2:</p> <ul style="list-style-type: none"> • an associate's degree in rehabilitation, business, marketing, or a related human services field; and • two years of documented experience providing employment assistance or supported employment services to people with disabilities in a professional or personal setting. <p>Option 3:</p> <ul style="list-style-type: none"> • a high school diploma or GED; and • three years of documented experience providing employment assistance or supported employment services to people with disabilities in a professional or personal setting.
Flexible Family Support Services	<p>HCSSA—licensed by DADS under 40 Tex. Admin. Code Chapter 97</p> <p>Nurse: Skilled care is performed by a registered nurse or licensed vocational nurse or delegated by a registered nurse. Non-licensed individuals providing delegated skilled tasks are supervised by a registered nurse. Any delegated skilled care must meet the requirements of the Texas Nursing Practice Act</p>

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Service	Licensure and Certification Requirements
	<p>Attendant: The HCSSA must employ a respite attendant who must meet the following requirements:</p> <ul style="list-style-type: none"> • Be at least 18 years of age; • Have a high school diploma, certificate of high school equivalency (General Educational Development credentials), or documentation of a proficiency evaluation of experience and competence to perform job tasks; • Be trained in CPR and first-aid; • Pass criminal history checks; • Not be on the Employee Misconduct Registry or Nurse Aide Registry; • Not be on the state and federal lists of excluded persons and entities; • Be familiar with individual's specific tasks; • Not be the individual's spouse; and • Must not be the caregiver whether or not the provider is related to the individual.
Minor Home Modification	<p>A minor home modification program provider must comply with city building codes and American with Disabilities Act standards.</p> <p>A minor home modification program provider must have:</p> <ol style="list-style-type: none"> (1) Five years of experience as a building contractor; (2) Three references from previous contractor clients; and (3) Current General Comprehensive Liability coverage for Errors & Omissions.
Transition Assistance Services (TAS)	<p>The Transition Assistance Services provider must comply with the requirements for delivery of Transition Assistance Services, which include requirements regarding allowable purchases, costs limits, and time frames for delivery. Transition Assistance Services providers must demonstrate knowledge of, and history in, successfully serving individuals who require home and community-based services.</p>

RELATED DOCUMENTS:

[Medically Dependent Children Program Policy](#)

REFERENCES:

HHSC Contract 8.3

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