

TACHC



The Heartbeat of Texas Community Health Centers

Weekly Wrap-up - August 16,
2013

In This Issue

Click on the blue header to go to the pertinent section of this email

- [TACHC 30th Annual Conference](#)....For more on this topic, see the Upcoming Events section
- [TACHC FREE Application Assistance Training](#)....For more on this topic, see the Upcoming Events section
- [TACHC Board of Directors Election](#)....For more on this topic, see Item #1 in the Governance and Finance section
- [TACHC Note Regarding Gifts and Giveaways](#)....For more on this topic, see Item #2 in the Governance and Finance section
- [HHSC Draft FQHC Affiliation Rules](#)....For more on this topic, see Item #3 in the Governance and Finance section
- [CDC Advisory Committee on Immunization Practices \(ACIP\) 2013 – 2014 Influenza Prevention & Control Recommendations](#)....For more on this topic, see Item #1 in the Clinical Affairs section
- [TMF Webinar—How to Become a Certified Diabetes Educator - Navigating the Process](#)....For more on this topic, see Item #2 in the Clinical Affairs section
- [CMS ICD-10 Basics Webinar](#)....For more on this topic, see Item #3 in the Clinical Affairs section
- [Texas/Oklahoma AIDS Education & Training Center \(TX/OK AETC\) Free On Demand HIV Clinical Update Webinar Series](#)....For more on this topic, see Item #4 in the Clinical Affairs section
- [FDA Approves NEW Rapid HIV Test](#)....For more on this topic, see Item #5 in the Clinical Affairs section
- [CMS Certified Application Counselor \(CAC\) Organization Sign Up is Now!](#)....For more on this topic, see Item #1 in the Outreach section
- [Affordable Care Act or Marketplace Questions?](#)....For more on this topic, see Item #2 in the Outreach section
- [TACHC Outreach & Enrollment \(O&E\) Trainings](#)....For more on this topic, see Item #3 in the Outreach section
- [HHSC Community Partner Program Enrollment](#)....For more on this topic, see Item #4 in the Outreach section
- [American Solutions for Business \(ASB\) Promotional Items](#)....For more on this topic, see the Group Purchasing section
- [TACHC Congratulations to Martin Luther King Jr. Family Clinic for New Hire!](#)....For more

on this topic, see Item #1 in the Recruitment & Retention section

- [TACHC Staff Recruiting at U.T. Dental Program in San Antonio Next Week!](#)....For more on this topic, see Item #2 in the Recruitment & Retention section
- [CMS Tri-Regional Webinar “EHR Incentive Program - Stage 2 Webinar”](#)....For more on this topic, see Item #1 in the Information Technology section
- [HRSA Webinar “Preparing Safety Net Providers for ICD-10”](#)....For more on this topic, see Item #2 in the Information Technology section
- [TAFP Names Jasmine Sulaiman, M.D. of Health Center of Southeast Texas, Physician of the Year!](#)....For more on this topic, see Item #1 in the Other News section
- [Congratulations to North Central Texas Community Health Care & Central Care Community Health Center!](#)....For more on this topic, see Item #2 in the Other News section
- [TACHC Member News](#)....For more on this topic, see Item #3 in the Other News section



*Longview Wellness Center, dba Wellness Pointe
Longview, TX*

Upcoming Events

[TACHC FREE Application Assistance Training](#)

August 20, 2013, Lake Aire Medical Center in the Georgetown Health Foundation Community Room, 2423 Williams Dr., Austin, TX

Please join us for a FREE application assistance training in on, presented by [insure.a.kid](#). Attendees will be provided with a basic overview of public assistance programs such as Medicaid, SNAP, and TANF and learn best practices for helping families apply and submit a complete application. Screen shots of the new online application will be shown to help health centers that have signed up to be a Community Partner better understand how to correctly fill out the application. For a more comprehensive overview of the new online application prior to the event, please review HHSC’s training module T6 Completing the Online Application by clicking [HERE](#). For more information, contact [RexAnn Shotwell, TACHC Community Partner Program Project Manager](#) at TACHC or call 512-329-5959. To register for the this training, click [HERE](#).

[TACHC 30th Annual Conference](#)

October 7-9, 2013, Hilton Austin Hotel

We have a great conference planned for you with relevant topics targeting health center

executive leadership, operations, financial, billing, clinical, and administrative staff as well as FQHC board members. We have also built in ample time for professional peer networking opportunities and have a robust Exhibit Hall planned for the conference. As a friendly reminder, the hotel cutoff date is **Tuesday, September 3, 2013**. Call the Hilton central reservations line directly (1-800-236-1592) and reference the group, **TACHC's Annual Conference**, or the group code, **CHC**, in order to receive the group rate of \$194 single/double over the contracted event dates, or you may click [HERE](#) to do so online. ***Reserve early, as the TACHC conference is in the middle of both Austin City Limits Festival weekends!***

IMPORTANT: Housing Policy

In an effort to ensure that our hotel is able to accept the maximum number of reservations, TACHC has implemented the following housing policies:

- Each reservation must have a unique name attached to it. No person may book more than one room in his/her name.
- A deposit of one night's room and tax will be taken at the time of booking in order to guarantee your reservation.
- Should you need to cancel, cancellations must be made 15 days in advance in order to be refunded your deposit.
- Cancellations within 15 days prior to your arrival date, deposits are non-refundable unless the hotel is able to resell your canceled room.

Click [HERE](#) to find an event agenda outline. For questions or assistance, please contact [TaSheena Mitchell, TACHC Meeting Coordinator](#).

Information regarding all upcoming events hosted by TACHC can be found [HERE](#).



1. TACHC Board of Directors Election: It's time to submit nominees for the upcoming TACHC Board of Directors elections. On **Tuesday, October 8, 2013 at the TACHC 30th Annual Conference in Austin**, organizational members will elect new board members and officers of the board. Further information about the elections, officer responsibilities and the nomination form for the executive director and provider representative candidates by region may be viewed by clicking [HERE](#). Please remember the following:

- Only eligible Executive Directors/Chief Executive Officers from Full Organizational Members in Good Standing are allowed to nominate individuals for the board;
- You are *not* allowed to nominate yourself; and
- You *are* allowed to nominate eligible individuals from other regions.

Please nominate qualified candidates for a seat on the board by **September 13, 2013** and email them to [TaSheena Mitchell, TACHC Meeting Planner](#). All nominees will be sent a petition for candidacy and an information packet outlining requirements, roles and responsibilities associated with holding a seat on the board of directors of TACHC.

2. TACHC Note Regarding Gifts and Giveaways: The Texas Health and Human Services Commission Office of Inspector General (OIG) issued an opinion this year regarding giveaways by providers. To see guidance, visit the [Texas OIG website](#) and look under Recent Publications or see the attached copy. You may continue to implement TACHC template policies in the TACHC OC³ CPI Manual regarding raffles and raffle prizes for general fundraising, your [sliding fee](#) and related finance policies, and transportation and other ancillary service policies per the 330 regulations. However, gifts or giveaways by the center other than that – for example as door prizes at health fairs or giveaways at the center – are limited. Each giveaway is evaluated on the facts of the specific case. But, generally speaking, cash, one-time cash discounts/coupons, and gift cards are *not* allowed. Any giveaway worth more than \$10 is *not* allowed. Other items related to preventive care *are* generally allowed – for example, toothbrushes are allowed. TACHC argues that backpacks valued under \$10 are allowed too, as they are connected to preventive care to ensure kids are ready and able to enroll and stay in school. We have reached out to the OIG about this last item in particular. Please let [Cecile Carson, TACHC Associate General Counsel & Compliance Officer](#) know if you have questions.



3. HHSC Draft FQHC Affiliation Rules: Draft rules on FQHC affiliation agreements were published last Friday for public comment. TACHC has been working with the Health and Human Services Commission for more than a year to ensure that these rules have a minimum impact on health centers, and TACHC believes that all of our concerns have been addressed in the final draft rules, which may be viewed [HERE](#). However, please review the draft rules and let TACHC know if you have any remaining concerns or comments. Public comments are due to the Commission by the end of August, so please send your comments or any questions to [Shelby Massey, MPAff, TACHC Policy and Research Coordinator](#) **no later than August 27th**.

1. CDC Advisory Committee on Immunization Practices (ACIP) 2013 – 2014

Influenza Prevention & Control Recommendations: To view the summary recommendations for the 2013-2014 Influenza Season, click [HERE](#). This document summarizes ACIP recommendations for the use of influenza vaccines for 2013-2014. Click [HERE](#) to link to the full recommendations published in a Morbidity and Mortality Weekly Report (MMWR). Providers should consult the full recommendations when available for complete information. To access the 2013- 2014 Influenza Vaccine Information Statements (VIS), click [HERE](#). These statements contain information produced by the Centers for Disease Control (CDC) that explain both the benefits and risks of a vaccine to vaccine recipients. In 2010, the ACIP first recommended annual influenza vaccination for all persons 6 months and older in the United States. Annual influenza vaccination of all persons 6 months and older continues to be recommended.



2. TMF Webinar—How to Become a Certified Diabetes Educator - Navigating the Process: On **August 20, 2013 - 12:00-1:00 p.m. CT**, Ardis A. Reed, MPH, RD, LD, CDE, Diabetes Educator with the TMF Health Quality Institute will provide information on: a) what qualifications you need to sit for the CDE exam, b) which education activities count toward your practice hours, c) how to track your practice hours, and d) resources available to study for the CDE exam. This event is a continuation of a series of quarterly webinars providing valuable information and educational content for diabetes educators, community health workers and anyone involved in providing diabetes education to the public. Future webinars are scheduled for: Tuesday, November 12, 2013 Diabetes And Nutrition, How To Read Food Labels, Tuesday, February 11, 2014, Diabetes And Meal Planning, Tuesday, May 13, 2014 Diabetes And Medications. Click [HERE](#) to register. Questions? Contact [Heidi Turpin](#) / 1-800-725-2633.

3. CMS ICD-10 Basics Webinar: The Centers for Medicare and Medicaid Services (CMS) will host a webinar on **Thursday, August 22, 12:30-2:00 PM CT** preparing medical coders, physicians, nurses, and other interested individuals for the rollout of ICD-10 a year from now. The webinar will address: benefits of ICD-10; comparisons to ICD-9; coding basics; resources for training and Q&A. To register for this event, click [HERE](#).



Centers for Medicare & Medicaid Services

4. Texas/Oklahoma AIDS Education & Training Center (TX/OK AETC) Free On Demand HIV Clinical Update Webinar Series:



The TX/OK AETC now offers a free eight-module HIV clinical update webinar series. The series is targeted at intermediate level clinicians, physicians, physician assistants, nurses, and other health care professionals caring for people with HIV. The modules included are: Module 1: Conference on Retroviruses and Opportunistic Infections Update, Module 2: Epidemiology Report 2012, Module 3: Steps toward Cultural Responsiveness & the Role of Determinants of Health when Serving People of African Descent, Module 4: New Developments Including ART in the Treatment of HIV, Module 5: Neurocognitive Disorders of HIV, Module 6: Perinatal & Pediatric HIV Nursing, Coming Soon... Module 7: The Future of Ryan White Funding, Module 8: Antiretroviral Treatment for Naive Patients. Each module is 60 minutes and may be viewed separately. To learn more and to register for this webinar series, click [HERE](#).

5. FDA Approves NEW Rapid HIV Test:



The US Food and Drug Administration (FDA) has approved the Alere Determine HIV-1/2 AF/Ab Combo test that can detect an HIV infection and distinguish between an early infection and an established HIV infection from "human serum, plasma, and venous or finger-stick whole-blood specimens."

Developed by Alere's Israel-based Orgenics subsidiary, the Alere Determine rapid HIV test not only would provide faster HIV diagnosis, but also would be relatively simple to use in remote high-incidence areas such as sub-Saharan Africa. The Alere Determine rapid test is able to detect simultaneously the HIV-1 p24 antigen, a signal of HIV-1 infection, and the presence of HIV-1 and HIV-2 antibodies usually present in established infections. Most worldwide AIDS cases developed from HIV-1 infections, and HIV-2 infections have occurred mostly in West Africa. The Alere Determine test is not useful for screening blood donors because it does not distinguish between HIV-1 antibodies and HIV-2 antibodies. FDA's Center for Biologics Evaluation and Research Director Karen Midthun predicted the test could help in identifying HIV earlier in "outreach settings." Early detection could help newly infected people receive medical care sooner and potentially could prevent HIV transmission. CDC estimated that more than a million US residents are HIV-positive, although approximately 20 percent are unaware of their infection. The United States records approximately 50,000 new HIV infections annually. To see full the article, click [HERE](#), and to link to the FDA announcement, click [HERE](#).

1. CMS Certified Application Counselor (CAC) Organization Sign Up is Now! HRSA O&E grantees and health centers that choose to conduct O&E services **must apply** for designation as a CAC organization **by August 31, 2013**. All HRSA O&E staff and other appropriate staff or volunteers must be trained as CACs, which will assist patients with applying for health care coverage, including assisting patients with their insurance options through the federal marketplace set to open October 1st. The **only** way to access the CAC online training is to be designated by CMS as a CAC organization. Click [HERE](#) to submit your CAC organization application now.

- Health centers submitting a CAC organization application are responsible to ensure their respective O&E staff and volunteers take and pass the training and comply with all CAC requirements, including privacy and security requirements. **You may submit one CAC application from the parent organization on behalf of all your service delivery locations that will be providing consumer assistance** (up to 5 at a time). You may not, however, designate other outside organizations (non-FQHCs) on your application. CMS must screen all other potential CAC organizations separately.
- The first **Quarterly Progress Reports (QPR)** for O&E staff is **due in October** for the period July 1 – September 30, 2013. Health centers will need to report the number of O/E assistance workers who have successfully completed CAC training and any Medicaid/CHIP enrollment during this period (Marketplace enrollment will be required for the next QPR). If you have joined the Community Partner Program and have account access to www.YourTexasBenefits.com, you will have access to the number of patients assisted and their Medicaid/CHIP enrollment status through the portal to assist you in completing your QPR reports for HRSA. **Please begin using yourtexasbenefits.com to assist patients so that you will have access to this critical reporting data for HRSA.** Contact [RexAnn Shotwell, TACHC Community Partner Program Project Manager](#) for more information regarding this feature or the Community Partner Program.
- HRSA will continue to provide guidance and support regarding QPR reporting requirements for enrollment data in qualified health plans of the federal marketplace. Please contact [Sonia Lara, TACHC Director of Outreach & Enrollment](#) with any questions or concerns.
- For common questions regarding CAC organizations in Federally Facilitated Marketplaces (FFM) visit <http://marketplace.cms.gov/help-us/common-qandas-about-cac-designation.pdf>.

2. Affordable Care Act or Marketplace Questions? Holding a Community Health Fair or Back to School Event this month? Are patients asking questions about the Marketplace and the Affordable Care Act? Here is a handout to capture patients who would like more information. When more information is available, you can help them navigate the Marketplace and other available programs. Place the handouts in giveaway backpacks or grab bags. Click [HERE](#) to download the slightly updated MP templates in either Word or Publisher. Contact [Andrea Abel, TACHC Communications Director](#) for more information.

3. TACHC Outreach & Enrollment (O&E) Trainings: TACHC is developing a robust O&E training schedule and tool kit of turnkey messaging, Texas specific outreach materials and community presentations, that can be used by all Texas health center O&E staff. On **September 25-26, 2013**, TACHC will be conducted a two day O&E orientation session called “Navigator and Certified Application Counselor Training” targeting health center outreach staff. More information can be found [HERE](#). The training has been scheduled for late September to give you adequate time to hire new O&E staff through the recent HRSA supplemental funding. This will be a great session for your new staff to educate them on the following:

- What the Health Insurance Exchange Marketplace is and how this coverage interacts with Medicaid and CHIP
- How to support your patients in understanding and selecting various Qualified Health Plans and medical options

Group Purchasing



American Solutions for Business (ASB) Promotional Items: As you know, TACHC has an agreement with ASB which provides a use at your health centers. ASB for TACHC members: **20% off** [HERE](#) and their quarterly [TACHC e-store link](#) to browse ASB products. The site is set up to request information only. When selecting an item you will be prompted to send an email. An ASB representative will contact you directly with personal service and suggestions. If you have any questions, you can contact [Joe McCarthy](#) / (757) 303-5657.



deep discount on many promotional items you can has developed this program with special pricing **ALL prices**. ASB's monthly specials are available specials are available [HERE](#). Also, visit the

Recruitment and Retention



1. TACHC Congratulations to Martin Luther King Jr. Family Clinic for New Hire! Dr. Jacqueline Catney Du Bois, MD, a TACHC referral, has accepted an offer from Martin Luther King Jr. Family Clinic for their Pediatrician position. Does your center have openings for clinical providers or executive management that you would like us to help you recruit for? Click [HERE](#) and complete the quick and easy online position profile. Contact [April Sartor, TACHC Recruitment Dept. Program Assistant](#) if you have questions or need assistance.

2. TACHC Staff Recruiting at U.T. Dental Program in San Antonio Next Week! TACHC staff will be speaking with U.T.'s graduating dental students next Wednesday, August 21st. If you would like to have us promote your dental career opportunities, please complete the [quick and easy online position profile](#) and let us get your job posted! Contact [April Sartor, TACHC Recruitment Dept. Program Assistant](#) if you have questions or need assistance.

Information Technology

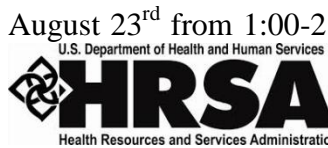


1. CMS Tri-Regional Webinar “EHR Incentive Program - Stage 2 Webinar” The Centers for Medicare & Medicaid Services (CMS) and Denver are pleased to the EHR Incentive Payment Professionals (EPs) and Eligible Hospitals (EHs). Stage 2 requirements will be effective in 2014. You may register for this event by clicking [HERE](#). You will receive an appointment which will include information on how to connect to the live webinar on **Wednesday, September 11, 12:00 p.m. CDT**. Submit your Stage 2 questions to [Kathy Maris with CMS](#) by **COB September 6th** and use “Sept 11 EHR Webinar” in the subject line of your email. 500 phone lines will be available on a first-come first-served basis. If several people are calling from one location please use one line if possible. Presentation materials will be available for viewing upon your entrance into the webinar. Please use the following links for additional Stage 2 Resources: [Regulations-and-Guidance](#); [Outreach-and-Education/National-Provider-Calls-and-Events-Items](#).



Regional Offices in Dallas, Kansas City announce a new EHR webinar focused on Program – Stage 2 for Eligible

2. HRSA Webinar “Preparing Safety Net Providers for ICD-10” HRSA will host a webinar on Friday,



August 23rd from 1:00-2:00 p.m. (CT) on preparing for the upcoming ICD-10 transition. This transition is imminent and **mandated** for all HIPAA covered entities by October 1, 2014. The webinar will address: how providers can start to manage the transition for the ICD-10 compliance deadline, billing and coding impacts; and share how providers in Iowa have already begun their ICD-10 transition. To register for this event, click [HERE](#). Visit the [CMS ICD-10 Website](#) for a variety of comprehensive resources about ICD-10 including timelines, training modules, and fact sheets. Visit the [HRSA ICD-10 Website](#) for other related ICD-10 resources for safety net providers. Questions for presenters are welcome ahead of the event and may be emailed to healthit@hrsa.gov.

Other News



1. TAFP Names Jasmine Sulaiman, M.D. of Health Center of Southeast Texas, Physician of the Year!

During the Texas Academy of Family Physicians (TAFP) Annual Session and Scientific Assembly in Fort Worth on Aug. 3rd, Dr. Sulaiman was awarded the highest honor among family doctors in Texas and named the 2013 Texas Family Physician of the Year. Each year, patients and physicians nominate extraordinary family physicians throughout Texas, and a panel of TAFP members chooses one as the Family Physician of the Year. Criteria for the TAFP Physician of the Year award requires that candidates be compassionately dedicated to their patients; active in their communities; and act as a credible, invaluable role model as a professional in the science and art of medicine. Since 2006, Dr. Sulaiman has been the medical director of the Health Center of Southeast Texas, and since 2008 the associate medical director of Compassionate Care Hospice, both in Cleveland, Texas. Among other community organizations, Dr. Sulaiman is active in Hard Hats for Little Heads, a head injury awareness program run by the Texas Medical Association, and Tar Wars, a national tobacco prevention program. She also works with multiple patient education programs concerning immigrant and refugee populations. Her nominators specifically identified her compassion for her patients and willingness to spend time getting to know more about them than just their medical charts. One patient, a 12-year-old, described Dr. Sulaiman in her nomination letter as “loving” and “not selfish,” saying that “she loves checking my grades, lectures me about my love life and schooling.” She is often mentioned as a great teacher, mentor, and friend, always ready to care for those who would not otherwise receive health care. Her humility was apparent at the awards lunch, saying that she doesn’t “do anything different than any of you other family physicians,” in her acceptance speech. She follows “dharmo rakshati rakshitah” on a daily basis, explaining it to mean “you protect ethics, ethics will protect you.” **Congratulations, Dr. Sulaiman!**

2. Congratulations to North Central Texas Community Health Care & Central Care Community Health Center!



North Central Texas Community Health Care, Wichita Falls, TX (Ambulatory Health Care Program) (Primary Care Medical Home) and Central Care Community Health Center, Houston, TX (Laboratory Health Care Program) both received the Joint Commission’s Gold Seal of approval for re-accreditation, as well as Primary Care Medical Home Certification. Congratulations!

3. TACHC Member News: To learn what your fellow health centers are involved in or read news that may affect your health center, click [HERE](#) for news coverage. We also encourage you to post your news, questions and comments to each other on the TACHC members listserv (members@tachc.org), where only

TACHC executives or their designees are recipients.



If you would like to be removed from this mailing, please send a message to ccarson@tachc.org, and we will remove your name from our list as soon as possible.

OFFERING GIFTS AND OTHER INDUCEMENTS TO BENEFICIARIES

Introduction

The United States Health and Human Services Office of Inspector General (HHS OIG) has issued a Special Advisory Bulletin relating to offering gifts and inducements to beneficiaries of Title XIX programs.¹ This Advisory from the Texas Health and Human Services Commission Office of Inspector General (HHSC OIG) clarifies how HHSC OIG interprets and applies the rules and statutes applicable to providing things of value to Title XIX benefit recipients.

HHSC OIG understands the competitive market and business practices of providers, and providers' perceived necessity to separate themselves in the mind of potential clients and patients. At the same time, HHSC OIG is responsible for insuring integrity and fairness in Title XIX in Texas and is mindful that gifts and other consideration offered by providers may raise concerns in both the provider and general communities about the quality of care, cost of care and necessity of care offered.

HHSC OIG is responsible for enforcing 1 Texas Administrative Code §371.1669, which prohibits a person from transferring or offering any remuneration which the person knows or should know is likely to influence the beneficiary's selection of a provider, practitioner or supplier of Medicaid payable items or services.

HHSC OIG Application and Guidance

HHSC OIG is aware of the August 2002 HHS OIG Special Advisory Bulletin addressing the analogous federal provision, section 1128A(a)(5) of the Social Security Act, and incorporates that Special Advisory Bulletin's discussion of facts and law to the extent it does not conflict with any guidance provided to Texas Title XIX program participants contained in this Advisory.

The state administrative rules set forth a stricter compliance standard than that contained in the August 2002 HHS OIG Special Advisory Bulletin. By this Advisory, providers are specifically put on notice HHSC OIG will enforce the state administrative rules and apply certain bright line rules that are more stringent than HHS OIG. Compliance with the federal standard may not be sufficient, depending on facts and circumstances, to avoid HHSC OIG enforcement actions, including administrative sanctions.

1. HHSC OIG interprets the prohibitions in 1 TAC §371.1669 to prohibit providers from offering beneficiaries any items or services to influence or induce their health care decisions. HHSC OIG presumes that in most instances, items that do not exceed \$10 individually and \$25 in the aggregate annually per patient were not provided to influence a beneficiary's decisions.
2. Any items a provider offers to a beneficiary must be directly related to the provider's profession. For example, a dentist may offer tooth decay prevention items (a toothbrush, toothpaste, floss

¹ "Offering Gifts and Other Inducements to Beneficiaries," Office of Inspector General Special Advisory Bulletin, August, 2002.

and similar items) each visit. Although they may be well-meaning, items such as backpacks, school supplies and similar items are not permissible.

3. Cash, cash equivalents and gift cards in any amount, even if directly related to the provider's profession, are never permissible. For example, a gift card to a discount store is impermissible, even if offered by a dentist and restricted to the purchase of dental items.

Transportation of beneficiaries that otherwise complies with applicable federal and state statutes and rules is permissible, but only if it is properly arranged through the Medicaid Transportation Program to meet a temporary need. It is never permissible for a non-transportation provider to advertise or offer transportation services as a benefit to selecting that provider for other services. HHSC OIG will evaluate the purpose behind the transportation by evaluating facts and circumstances. For example, a provider who frequently transports beneficiaries or who owns vans for that purpose will likely experience greater scrutiny than one who provides transportation infrequently. To the extent other guidance contained in the HHS OIG Special Advisory Bulletin does not conflict with this guidance, HHSC OIG will implement it.

Managed Care Organizations will be governed by standards of conduct contained in their contracts with the Health and Human Services Commission and in conformity with [42 CFR §438.104](#) and Texas Government Code [§533.008](#). Where their actions are not specifically authorized or prohibited, this guidance will apply.

CONCLUSION

HHSC OIG recognizes regulations in Title XIX programming can be confusing and contradictory. To the extent providers have violated an exception contained in this guidance or in the HHS OIG Special Advisory Bulletin, HHSC OIG will exercise its discretion and consider appropriate mitigating factors in determining what, if any enforcement action to bring. Mitigating factors as set out in 1 TAC §371.1603(f) may include: intent, prompt termination of the impermissible act, extent and nature of the violation, and similar factors.