



COLLIN COUNTY

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July 3, 2012

VIA EMAIL TXHealthcareTransformation@hhsc.state.tx.us
& FIRST CLASS MAIL

Mr. Thomas Suehs
Executive Commissioner
Texas Health and Human Services Commission
Brown-Heatly Building
4900 N. Lamar Blvd.
Austin, TX 78751-2316

RE: Medicaid 1115 Waiver; Proposed Texas Administrative Code Rules
regarding sharing of Anchor administration costs

Dear Commissioner Suehs:

In connection with the implementation of the Medicaid 1115 Waiver, the Texas Health & Human Services Commission ("HHSC") has published draft administrative rules for public comment, such rules to constitute Chapter 354 of Title 1, Part 15 of the Texas Administrative Code.

Proposed section 354.1612 of the draft rules sets out the duties of Anchors in the Regional Healthcare Partnerships. Collin County is the Anchor for RHP 18. Subsection (d) of section 354.1612 of the proposed rules states that:

"An anchor must not:

- (1) request reimbursement from a participant for the performance of the anchor's responsibilities;
- (2) delegate decision-making responsibilities concerning the interpretation of the waiver, HHSC policy, or actions or decisions that involve the exercise of discretion or judgment;
- (3) require any IGT entity to fund any project;
- (4) require any participant to act as a performer in any DSRIP project; or
- (5) prevent or in any way prohibit the development of a DSRIP project between an IGT entity and a performer.

The prohibition in subsection (d)(1) which disallows an Anchor from requesting reimbursement from a participant for the performance of the Anchor's duties is problematic for Collin County, due to the fact that the Collin County intends to enter into voluntary interlocal agreements with the other Counties in RHP 18 to seek reimbursement from those Counties for their proportionate share of the unreimbursed costs expended by Collin County in performing its anchor duties. It is my understanding the other Counties in RHP 18 have orally agreed to share in these Anchor-related costs.

Collin County requests changes to this proposed rule, as it unfairly places on Collin County the full administrative costs of serving as the anchor for RHP 18, when the other Counties are willing to cover their share.

I understand the rationale for prohibiting providers from being reimbursed by an Anchor for performance of the Anchor's responsibilities. But in this instance, the reimbursement agreement contemplated in RHP 18 involves only the Counties in RHP 18, which include IGT providers and potential IGT providers.

Alternative language for proposed section 354.1612 (d)(1) that would cure the deficiency in the draft rules and resolve the County's objection is as follows:

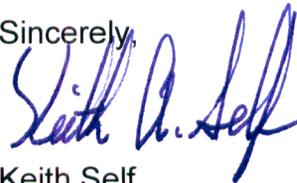
"An anchor must not:

(1) request reimbursement from a participant for the performance of the anchor's responsibilities, unless the anchor and other Governmental entities within the RHP agree to share such costs on a basis they find to be mutually agreeable.

I respectfully request that the Health and Human Services Commission and specifically the 1115 waiver staff consider these objections and make the revisions necessary to section 354.1612 (d)(1) so as to allow Collin County, as Anchor of RHP 18, to enter into interlocal agreements with the other Counties in RHP 18 to share in the administrative costs borne by Collin County as Anchor.

Thank you in advance. I look forward to hearing from you or your staff on this matter.

Sincerely,



Keith Self
County Judge

cc: Bill Bilyeu
County Administrator

Greg Hudson
Hudson & O'Leary LLP