Contract Oversight & Support Monitoring FAQ

# What is the purpose of this monitoring review?

The purpose of a contract monitoring review is to verify Texas Workforce Commission (TWC) contractors are following the requirements set forth in their contract(s) as well as established [TWC VR Standards for Providers](https://www.twc.texas.gov/programs/vocational-rehabilitation/sfp).

# **Terminology Explaine**d

## **Monitoring**

 As used in this document, monitoring means contract monitoring conducted by the Contract Oversight and Support (COS) department within the Fraud Deterrence and Compliance Monitoring (FDCM) division at the Texas Workforce Commission (TWC). Contract monitoring is the process of tracking and auditing the performance and status of your contracts to ensure that the obligations within them are being fulfilled as intended and required.

## **Finding**

A finding is a discovered and reported noncompliance with contract terms and conditions.

## Recoupment/Repayment

The reimbursement of improperly paid funds to a Vocational Rehabilitation (VR) contractor.

## Rebut

Disprove or argue against an issue. Note: A rebuttal to a COS finding from a Preliminary Report is not an appeal.

## Improper Payment

An improper payment is when a Vocational Rehabilitation (VR) contractor receives a payment (or combination of payments) from the Texas Workforce Commission (TWC) that they were not entitled to receive. Conditions resulting in an improper payment, include, but are not limited to the following:

1. TWC paying twice for a single good or service,
2. A non-qualified individual providing a service or services,
3. A contractor incorrectly billing for two services at the same time,
4. TWC paying full price when the payment should have been reduced or discounted,
5. TWC paying for a good or service not received,
6. Invoices which include false information and which would not qualify for payment if the information were accurate,
7. Invoices which include incomplete information and which would not qualify for payment if the information were complete,
8. TWC paying for services for which outcomes required for payment were not met and no contract modification request was approved per policy, or
9. Other situations in which the error causes the payment to be outside the purposes of the VR program.

Establishment of an improper payment in a Preliminary Report is not an adverse action with appeal rights under the Commission’s Administrative Rules (40 T.A.C. 858.9). More information on the topic of improper payments can be found throughout this document.

# Why was my business chosen to be monitored?

TWC has more than 1,500 contractors to provide goods and services to its VR customers. A risk assessment is conducted each year to create a list of contracts to be monitored. A contract is identified for review for a variety of factors such as type of services provided, financial information and date of most recent monitoring review. Being selected for a monitoring review as part of COS's annual risk assessment process does not mean that TWC has any preconceived concerns with the contract or the contractor. COS may, however, be asked by Federal or State partner agencies to conduct special monitoring reviews outside its normal schedule. Those will be identified as "special reviews.”

# I was monitored before, and it was conducted in person. Why is it now remote?

TWC started to conduct its contract monitoring reviews remotely as desk reviews because of restrictions during the COVID-19 pandemic. Since then, the process has proven to be more effective and efficient. On-site monitoring reviews or hybrid reviews, partially on-site and partially remote, can still be conducted on an as-needed basis. On-Site monitoring may be conducted primarily on contractors with physical locations.

# This scheduled monitoring is not convenient to my schedule. What can I do?

Although COS’s monitoring schedule is created months ahead of schedule to ensure that there is proper staffing to complete the monitoring review, the lead monitor can send the customer case list at an earlier time. You can also delegate responsibility to staff members (if applicable) and know that your participation in entrance and exit conferences is not required, though it is recommended.

# How long will the monitoring last?

A typical monitoring review lasts five business days. It begins with an entrance conference and ends with an exit conference. If delays are anticipated to the exit, that information will be communicated to you. You need to have a staff person available to send any missing documents requested in a timely manner, but you may continue with your normal business activities during the review. Monitors will try to be as unobtrusive as possible.

# What documents do I need to provide for Chapter 3 of the VR Standards for Providers?

You will be provided with an abbreviated list of what documents are needed for review in the Attachment A document received with your Engagement Letter, and you will be provided with the General Provider Checklist which contains all the requirements we will need to review, along with the applicable Standards. The General Provider Checklist is the monitoring checklist tool used by COS when conducting monitoring; you are not expected to fill it out. It is provided as a courtesy. As a reminder, in accordance with TWC’s right to audit as outlined in your contract terms and conditions, you are obligated to participate in the administration of your contract, including submitting documentation for an audit and/or monitoring reviews.

# Do I need to complete the checklists?

No. The checklists are tools that monitors use when reviewing provided customer case files and documentation. They are provided as a courtesy; some contractors find the information beneficial. Checklists are updated frequently to reflect standard changes and form updates.

# What should I expect the week of monitoring?

A typical contract monitoring lasts five days and begins and ends with a conference with the monitoring team. Contractors are not required to attend these meetings, but it is recommended. It provides the lead monitor and monitoring team a platform to provide details about the process and gives contractors an opportunity to ask questions. For more information, see [Chapter 3.6 of the Vocational Rehabilitation Standards for Providers Manual.](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.twc.texas.gov%2Fsites%2Fdefault%2Ffiles%2Fvr%2Fpolicy%2Fvr-sfp-03-twc.docx&wdOrigin=BROWSELINK)

## What you can expect from COS monitors:

* You can expect monitors to be professional and respectful of your time.
* You can expect monitors to be as unobtrusive as they can to your normal business operations while at the same time completing their monitoring work.

## What we expect from you:

* Engage with monitors in a respectful and professional way. They are working on behalf of the citizens of Texas to ensure that taxpayer funds are used for their intended purposes.
* Provide all the information requested when it is requested.
* If there will be delays or other issues in providing information or being available for meetings, let monitors know as soon as possible.

# When will I receive my report?

You can expect to receive your first report, called the Preliminary Report, within 30-60 days depending on the individual monitoring review. If your report will be delayed longer than 60 days, the lead monitor will reach out to you and provide a status update.

# I don’t agree with this improper payment. What can I do?

Contractors have opportunities to rebut and appeal a request for repayment.

1. After you receive an email containing the Preliminary Report, which identifies all improper payments, a contractor can provide a response and any additional documentation to rebut the improper payment(s) established as part of the monitoring review. This is the contractor’s opportunity to work with COS to clarify any issues if needed before the official monitoring report is issued.
2. If the provided information does not resolve the improper payment(s), the contractor will receive an email with the Finding Report that indicates why the rebuttal was unsuccessful. An attachment to the email containing the Findings Report provides instruction on how a contractor can file an appeal.

# I have an improper payment I need to repay. Can I have a repayment plan?

* If the improper payment is less than $750.00, a repayment plan will not be offered. The total amount of the improper payment must be paid in full once assessed.
* If the improper payment is between $751.00 and $1999.00, the contractor will be offered a repayment plan of 6 months or the option of paying in full.
* If the improper payment is $2000.00 or more, a repayment plan of one (1) year will be offered. The amount can also be paid in full.
* For the repayment plan, equal monthly payments must be made by the 5th of each month.
* TWC can accept checks or money orders for the payments.

# A finding contradicts what I was instructed by the VR Counselor or Rehabilitation Assistant. How is this a finding?

If you have documentation that verifies you acted in accordance with instructions from VRD staff, please provide that information to the COS monitor for consideration. As a reminder, the Commission’s rules state that the burden is on the contractor to prove they were entitled to the payments made under the contract. (40 T.A.C. § 858.7(f)). To avoid confusion, contractors need to always be up to date on the current TWC VR Standards and can contact their Regional Quality Assurance Specialist or the VR Standards Mailbox at vr.standards@twc.texas.gov with any service questions.

# I still can’t find the answer to my question. What can I do now?

Refer to this link ([Vocational Rehabilitation Provider Resources - Texas Workforce Commission](https://www.twc.texas.gov/programs/vocational-rehabilitation/provider-resources)) on the VR Provider Resource page for additional information. You can also contact the COS mailbox at Contract Oversight & Support contract.oversight@twc.texas.gov.