Long-term Care Facility Regulation

Texas Department of Aging and Disability Services

To ensure the health and safety of long-term care residents, the Texas Department of Aging and Disability Services (DADS) licenses and certifies facilities, including assisted living facilities (ALFs) and nursing homes. DADS also certifies nursing homes that want to participate in Medicaid or Medicare. Staff known as surveyors ensure facilities are operating according to state and federal regulations.

Surveyors:

• Check that facilities meet minimum standards.
• Determine if poor practices are being followed.
• Determine if conditions endanger health and safety.
• Confirm if facilities have corrected past problems.
• Investigate complaints.

Surveys and Licensures

To protect residents, DADS requires companies to have good operating histories and facility workers to not have criminal histories that pose a threat to residents. Before adding new owners and operators to a license, DADS checks their backgrounds and regularly surveys and inspects facilities to make sure care and services meet standards.

Regulatory visits:

• Are unannounced.
• May take place at any time.
• Are resident directed and outcome oriented.

Standard nursing home surveys happen once a year and take about four days. Assisted living facility surveys happen every two years and take about one day.
During the survey, the surveyors:

• Review the history of the facility and note concerns and decide whether to include specialists, such as pharmacists and dietitians, on the survey team.
• Meet with the facility administrator and introduce the team members.
• Tour the facility, meet residents and staff, and note concerns.
• Observe residents and staff, including watching a medication pass to check for errors and inspecting the kitchen.
• Share observations, concerns, and problems with facility staff.

Within 10 working days of completing the survey and leaving the facility, DADS sends a list of citations to the facility management. A citation is an official notice to the facility that it is not meeting a requirement. Within 10 working days of completing the survey and leaving the facility, DADS sends a list of citations to the facility management. A citation is an official notice to the facility that it is not meeting a requirement.

Residents have the right to examine survey results and proposals; facilities must make results of surveys and inspections available to residents and the public.

Complaint Investigations
To investigate complaints, teams conduct short surveys. Based on details in the complaint, such as specific conditions on weekends or during a specific shift, surveyors will investigate on that day of the week or during that time of day.

Enforcement
In the case of recurring or serious problems, DADS staff may determine the need for an enforcement action. DADS can take actions against a facility, including license suspension and revocation, suspension of admissions, emergency suspension and a closing order, referral to the attorney general, and penalties ranging from $100 to $10,000.

Centers for Medicare & Medicaid Services (CMS)
Federal CMS surveyors observe state surveyors as they monitor facilities. CMS ensures the state meets federal survey policies and procedures. They make sure DADS applies federal rules in a manner consistent with federal guidance. States use different definitions for care provided in assisted living facilities, but no federal definition exists. States create rules to regulate care given in assisted living facilities, and CMS has no role in regulating them.