

MEMORANDUM

Department of Aging and Disability Services Regulatory Services Policy * Survey and Certification Clarification

TO: Regulatory Services
Regional Directors and State Office Managers

FROM: Veronda L. Durden
Assistant Commissioner
Regulatory Services

SUBJECT: Freestanding Inpatient Hospice Emergency Evacuation Requirements S&CC 06-07

APPLIES TO: Freestanding Inpatient Hospice Providers

DATE: May 19, 2006

The purpose of this memorandum is to remind you of freestanding inpatient hospice facilities' responsibility to ensure patient safety during external or internal disasters and other emergencies. All Home and Community Support Services Agencies (HCSSAs), including inpatient hospice providers, must comply with 40 Texas Administrative Code (TAC) Section 97.256 pertaining to Natural Disaster Preparedness, which states: "The agency must adopt and enforce a written policy that includes a plan for publicly known natural disaster preparedness for clients receiving services." For most HCSSAs, there is no requirement to physically evacuate patients/clients. Since patients at freestanding inpatient hospices reside in the facility, however, there is a requirement for these providers to evacuate their patients, when appropriate, during or in advance of an internal or external disaster.

Freestanding inpatient hospice providers must also comply with 40 TAC Section 97.403(w)(2), which states: "The hospice must have a written plan, periodically rehearsed with staff, with procedures to be followed in the event of an internal or external disaster and for the care of casualties (clients and personnel) arising from such disasters." Freestanding inpatient hospice facilities are also required to ensure patient safety (including evacuating patients if needed) by 40 TAC Section 97.403(w)(1)(A), which states that "each client must receive treatments, medications, and diet as prescribed, and must be kept comfortable, clean, well groomed, and protected from accident, injury, and infection."

Title 40 TAC Section 97.403(w)(4) includes the statement that a freestanding hospice that provides inpatient care directly must "meet National Fire Protection Association 101, Life Safety Code, 2000 Edition (NFPA 101), Chapter 18 (concerning new health care occupancies) and Chapter 19 (concerning existing health care occupancies), published by the National Fire Protection Association (NFPA)." Section 18/19.7.1 of the NFPA 101 specifically states: "The administration of every health care occupancy shall have, in effect and available to all supervisory personnel, written copies of a plan for the protection of all persons in the event of fire, for their evacuation to areas of refuge, and for their evacuation from the building when necessary. All employees shall be periodically instructed and kept informed with respect to their duties under the plan. A copy of the plan shall be readily available at all times in the telephone operator's position or at the security center."

For questions concerning this memorandum, please contact Ric Zimmerman, HCSSA Program Specialist, Policy, Rules and Curriculum Development, at (512) 438-3701.