



COMMISSIONER
Adelaide Horn

October 24, 2008

To: Home and Community Support Services Agencies

Subject: **Provider Letter 08-14** – Tuberculosis Testing Requirements

The purpose of this letter is to clarify information regarding tuberculosis (TB) testing requirements for home and community support services agencies (HCSSAs). There is no regulatory requirement for HCSSAs to conduct employee TB screenings. Licensing rules located at Texas Administrative Code (TAC) Title 40, Part 1, Chapter 97, Section 97.285, Infection Control, state that an agency must adopt and enforce written policies addressing infection control, including the prevention of the spread of infectious and communicable disease. The agency must develop and enforce policies to comply with this regulation.

40 TAC §97.285(1)(A) requires HCSSAs to comply with Health and Safety Code Chapter 81. Health and Safety Code §81.042, Persons Required to Report, is the only section of Chapter 81 that is applicable to HCSSAs. According to §81.042(e), the administrator of a HCSSA is required to report to the local health authority or the Department of State Health Services a suspected case of a reportable disease and all information known concerning the person who has or is suspected of having the disease **if a report has not been made as required by §81.042(a)-(d)**. TB is identified on the list of reportable diseases (Notifiable Conditions).

Licensing rules are minimum requirements. HCSSAs may develop and enforce policies that exceed the minimum requirements. Though not required to do so by rules or regulations, agencies may develop and enforce an employee TB screening policy; whether or not to do so is the agency's decision.

A freestanding hospice that provides inpatient care directly must meet all federal, state, and local laws; regulations; and codes pertaining to health and safety, such as provisions regulating communicable and reportable diseases. Federal, state, and local laws; regulations; and health and safety codes do not require TB screening.

If you have questions regarding the content of this letter, please contact a Regulatory Services program specialist at 512-438-3161.

Sincerely,

[signature on file]

Veronda L. Durden
Assistant Commissioner
Regulatory Services

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