

MEMORANDUM

Department of Aging and Disability Services
Regulatory Services Policy – Survey and Certification Clarification (S&CC)

TO: Regulatory Services- Regional Directors, Program Managers, Survey Staff
and Licensing and Credentialing Unit

FROM: Mary T. Henderson
Assistant Commissioner for Regulatory Services

SUBJECT: S&CC 13-06 – The Texas Department of Aging and Disability Services (DADS)
Form 2020-A Notification of Readiness for a Health Survey of a Hospice Inpatient
Unit

APPLIES TO: Hospice Agencies with an Alternate Delivery Site (ADS) with an Inpatient Unit

DATE: January 10, 2013

This memorandum provides guidance regarding the DADS Form 2020-A Notification of Readiness for a Health Survey of a Hospice Inpatient Unit. This guidance is for a hospice agency that has an ADS with an inpatient unit.

After DADS issues an initial license for an ADS with an inpatient unit, Texas Administrative Code (TAC), Title 40, Part 1, Chapter 97, §97.29(h), requires a hospice agency to:

- provide inpatient services to a client; and
- submit the DADS Form 2020-A to the DADS designated regional survey office to request an initial licensure survey.

The requirement also applies when DADS issues an initial license for an ADS with an inpatient unit as a result of a change in ownership (CHOW). In addition, a hospice agency must use the DADS Form 2020-A when an ADS with an inpatient unit changes the inpatient unit's physical location. DADS must conduct a health survey to approve the inpatient unit at the new physical location (refer to 40 TAC §97.213(a)).

An agency is not required to request an initial licensure survey to comply with 40 TAC §97.521(a)(2) if the agency is exempt from the survey as specified in §97.503 (relating to Exemption From a Survey). With the exception of complaint investigations, an agency is exempt from additional surveys by DADS if the agency maintains accreditation status for the applicable services from the Joint Commission (JC) [formerly the Joint Commission on Accreditation of Healthcare Organization (JCAHO)] or the Community Health Accreditation Program, Inc. (CHAP). The agency must send the accreditation documentation for the inpatient unit from JC or CHAP to the DADS designated survey office no later than seven days after the agency receives the accreditation documentation (refer to 40 TAC §97.29(i)). If the agency is licensed and Medicare-certified, the DADS licensing unit must have confirmation from the Centers for Medicare & Medicaid Services (CMS) of the agency's accreditation status for the inpatient unit in addition to the agency's accreditation documentation to exempt the agency from survey.

General Questions

Question #1: What is the purpose of the DADS Form 2020-A Notification of Readiness for a Health Survey of a Hospice Inpatient Unit?

The DADS Form 2020-A is used by a hospice agency to notify the designated regional survey office, in a manner consistent with regulatory requirements, that the agency is ready for a DADS initial licensure health survey for an ADS with an inpatient unit.

Question #2: Does a hospice agency have to use the DADS Form 2020-A to request an initial health survey for an ADS with an inpatient unit?

Yes. To meet the requirement at 40 TAC §97.29(h), a hospice agency must submit the DADS Form 2020-A to request an initial licensure health survey for an ADS with an inpatient unit.

Question #3: How can a hospice agency access and use the DADS Form 2020-A?

The DADS Form 2020-A is available on the DADS Forms and Instruction website at: <http://dadsview.dads.state.tx.us/forms/list.asp?group=0000>.

Agency staff can mail or fax the completed DADS Form 2020-A to the designated regional survey office to notify the survey office that the hospice's ADS with an inpatient unit is ready for the initial licensure health survey.

Question #4: When does a hospice agency need to submit the DADS Form 2020-A?

After DADS issues an initial license for an ADS with an inpatient unit, the hospice agency must, after providing inpatient services to a client, submit the DADS Form 2020-A to the designated survey office. DADS will conduct an initial licensure health survey to review the standards specified in Subchapter H, Division 7 of Chapter 97 (refer to 40 TAC §97.29(h)).

Question #5: Are there other times when a hospice agency with an ADS with an inpatient unit will need to use the DADS Form 2020-A?

Yes. A hospice agency will need to use the DADS Form 2020-A, as required in 40 TAC §97.29(h), after DADS issues an initial license for an ADS with an inpatient unit resulting from a CHOW. A hospice agency will also need to use DADS Form 2020-A to request a licensure health survey when an ADS with an inpatient unit changes its physical address (refer to 40 TAC §97.213(a)).

Question #6: Can a hospice agency be exempt from sending the DADS Form 2020-A to the designated regional survey office.

Yes, 40 TAC §97.29(i) does not require a hospice to request an initial licensure health survey of an

ADS with an inpatient unit if the agency is exempt from the health survey, as specified in 40 TAC §97.503 (relating to Exemption From a Survey). The hospice agency must send the accreditation documentation from JC or CHAP to the DADS designated survey office no later than seven days after the agency receives the accreditation documentation. If the agency is licensed and Medicare-certified, the DADS licensing unit must have confirmation from CMS of the agency's JC or CHAP accreditation status of the inpatient unit, in addition to the agency's accreditation documentation to be exempt from survey.

Question #7: What happens if my ADS with an inpatient unit becomes accredited by JC or CHAP after my agency submits the DADS Form 2020-A to the designated regional survey office?

If your agency receives written notice of accreditation from JC or CHAP for the inpatient unit after the agency submitted the DADS Form 2020-A, the agency must send the accreditation documentation to the DADS designated survey office. If the agency is licensed and Medicare-certified, the DADS licensing unit must have confirmation from CMS of the agency's JC or CHAP accreditation status for the inpatient unit before an ADS with an inpatient unit will be exempt from an initial health survey.

Question #8: My hospice agency has chosen to seek accreditation with the Accreditation Commission for Health Care (ACHC). Do I have to submit the DADS Form 2020-A for my newly licensed ADS with an inpatient unit?

Yes. At this time, DADS does not recognize an ACHC accreditation as an accreditation that meets the exemption at 40 TAC §97.503. Your hospice agency must provide inpatient services to a client at the newly licensed ADS with an inpatient unit and send the DADS Form 2020-A to the designated survey office to request your agency's initial licensure health survey (refer to 40 TAC §97.29(h)).

Question #9: Can a hospice agency complete Section 2 on the DADS Form 2020-A and submit the form to the designated survey office to request DADS to conduct an initial Medicare certification survey for its new inpatient unit?

No. DADS will not conduct an initial Medicare health survey for a newly licensed ADS with an inpatient unit. For an initial Medicare health survey for the hospice inpatient unit, the hospice agency must have an approval letter from the CMS Regional office (RO) for an "access-to-care" exemption to the priority assignment. For additional information, refer to the CMS Regional Survey and Certification Letter No. 10-01 [Processing of Potential Provider Requests for Exception to the Priority Assignment of Initial Surveys.](#)

Question #10: Can a hospice agency complete the DADS Form 2020-A Section 2 if the hospice agency received an approval letter from the CMS RO for an "access-to-care" exemption?

Yes. If a hospice agency received an approval letter from the CMS RO for an "access-to-care" exemption for an initial Medicare health survey of the hospice inpatient unit, the agency must complete Section 2 of the DADS Form 2020-A. The agency must send the CMS RO letter with the

DADS Form 2020-A to the designated survey office. Before DADS will conduct an initial Medicare health survey of the ADS with an inpatient unit, the DADS licensing unit must also receive confirmation from CMS of the agency's access-to-care exemption to the priority assignment.

If you have questions regarding this memorandum, please contact a HCSSA program specialist in the Policy, Rules and Curriculum Development unit at (512) 438-3161.