

# MEMORANDUM

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

**TO:** Regulatory Services  
Regional Directors, Regional Program Managers, State Office Managers, Home and Community Support Services Agencies (HCSSAs)

**FROM:** Mary T. Henderson  
Assistant Commissioner, Regulatory Services

**SUBJECT:** **S&CC 16-11** – New Rules for HCSSAs Providing Habilitation

**APPLIES TO:** HCSSAs

**DATE:** September 6, 2016

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House Bill 4001 (84th Texas Legislature, Regular Session, 2015) added “habilitation” to the Texas Health and Safety Code, Chapter 142, as a service that may be provided by a licensed HCSSA. This change allows licensed HCSSAs to provide habilitation services in accordance with HCSSA licensure standards. It does not require all entities providing habilitation services to obtain a HCSSA license. Habilitation is not a separate category of service or a service designated on the HCSSA license. HCSSAs providing habilitation services must comply with new and existing requirements in 40 TAC Chapter 97.

The new habilitation rules in Texas Administrative Code (TAC), Title 40, Part 1, Chapter 97, became effective on September 1, 2016. Habilitation is defined in 40 TAC §97.2(43) as follows: “Habilitation services, as defined by Texas Government Code (TGC) §534.001, provided by an agency licensed under this chapter.” Habilitation services, as defined by the TGC §534.001, include “assistance provided to an individual with acquiring, retaining, or improving: (a) skills related to the activities of daily living; and (b) the social and adaptive skills necessary to enable the individual to live and fully participate in the community.”

A new rule at 40 TAC [§97.202](#) requires a licensed HCSSA that provides habilitation services to provide habilitation in accordance with the HCSSA licensure standards. The HCSSA also must comply with any additional standards in 40 TAC Chapter 97, Subchapter D that apply to the category of service designated on the HCSSA’s license under which habilitation services are being provided.

For example, a HCSSA with the category of licensed home health (LHH) that provides habilitation services to its clients must comply with all the minimum standards for HCSSAs in 40 TAC Chapter 97, Subchapter C, as well as those standards specific to the LHH agency in 40 TAC §97.401. A HCSSA with multiple categories of service should designate habilitation clients under one category and adhere to the rules associated with that category.

Habilitation services may involve training clients to perform for themselves activities such as self-care, household chores, use of adaptive equipment and health-related tasks. Some HCSSAs

may provide habilitation services to individuals with intellectual disabilities or related conditions as part of a Medicaid managed care or waiver program such as Community First Choice, Community Living Assistance and Support Services, and the Deaf Blind with Multiple Disabilities Program.

If you have questions about this memorandum or about HCSSA regulatory requirements, please contact a policy specialist in the Regulatory Services Policy, Rules and Curriculum Development section at (512) 438-3161.