



Date: November 3, 2017
To: Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions (ICFs/IID)
Subject: Provider Letter No. 17-33 – The Centers for Medicare & Medicaid Services (CMS) Emergency Preparedness Requirements

ICFs/IID must comply with the new federal emergency preparedness Condition of Participation, including training and testing program requirements, by November 15, 2017. The CMS Emergency Preparedness Final Rule was published in the Federal Register on September 8, 2016.¹

An ICF/IID is required to participate in an annual full-scale exercise that is community-based. Depending on the accessibility of a community-based exercise, a facility may fulfill this requirement by conducting a smaller community-based exercise or an individual facility-based exercise on an annual basis.

In addition to the above requirement, a facility is required to conduct a second exercise annually. The additional exercise may include a second full-scale exercise or a tabletop exercise that involves key personnel discussing simulated scenarios in an informal setting. For additional recommendations and interpretive guidance, please refer to [Appendix Z](#) in the State Operations Manual.

At this time, HHSC Regulatory Services is not amending rules to 40 Texas Administrative Code, Chapter 90, Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions based on the new federal requirements. The licensure regulations currently in Chapter 90 already contain the main elements of the emergency preparedness program required by the new federal regulations. As a reminder, all ICFs/IID are expected to comply with current state rules on emergency preparedness planning.²

If you have questions regarding this letter, please contact a policy specialist with the Policy, Rules, and Training section at (512) 438-3161.

Sincerely,

[signature on file]

Mary T. Henderson
Associate Commissioner
Long-term Care Regulatory

MTH:cg

¹ See Code of Federal Regulations (CFR) §483.475 for ICFs/IID

² See Texas Administrative Code (TAC), Title 40, Part 1, Chapter 90, [§90.50](#).