



Long-Term Care Regulatory Provider Letter

Number: PL 18-23
Title: Adopted Rules related to Licensing Enforcement and Staff Training
Provider Types: Assisted Living Facilities (ALFs), Day Activity and Health Services Facilities (DAHS), Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions (ICFs/IID), Nursing Facilities (NFs) and Prescribed Pediatric Extended Care Centers (PPECCs)
Date Issued: May 10, 2019

1.0 Subject and Purpose

The Executive Commissioner of the Health and Human Services Commission (HHSC) has adopted a new rule and amendments to rules in Texas Administrative Code, Title 26 (26 TAC) Chapters 15, 90 and 92 and 40 TAC Chapters 19 and 98. The rules implement legislation from House Bill (HB) 2025 that was passed during the 85th Texas Legislature, Regular Session, 2017. The bill addressed scope and severity of violations, instances where facilities do not have the opportunity to correct a violation to avoid being assessed an administrative penalty, and training for staff who care for individuals with Alzheimer's disease or related disorders. **The rules are effective on October 28, 2018. HHSC will give ALFs, DAHS facilities, and NFs until May 1, 2019, to develop and implement the required policies related to Alzheimer's training. HHSC will begin enforcing the other rule changes on their October 28, 2018 effective date.**

2.0 Policy Details & Provider Responsibilities

An ALF, DAHS facility, ICF/IID, NF or PPECC must take any action necessary to implement the new and amended rules in a timely manner. HHSC will offer a joint training webinar related to scope and severity following the effective date of the rules. HHSC will post dates and times for the joint training webinar on the Joint Training registration website.

3.0 Background/History

HB 2025 required HHSC to develop a system to record and track the scope and severity of licensure violations by an ALF, a DAHS facility, an ICF/IID, a NF and a PPECC to assessing an administrative penalty or taking other enforcement action. The system must be similar to the system used by the Centers for Medicare & Medicaid Services to categorize the scope and severity of deficiencies for NFs.

HB 2025 required HHSC to adopt definitions for terms related to scope and severity for ALF, DAHS and ICF/IID. For consistency purposes HHSC adopted the same definitions for PPECC, although not required by the bill.

HB 2025 also required HHSC to develop rules for specific categories related to situations under which HHSC will not allow a facility license holder to correct a violation to avoid being assessed an administrative penalty. This applies to ALFs, DAHS facilities, ICFs/IID and NFs.

Lastly, HB 2025 required HHSC to develop rules requiring an ALF, NF and DAHS facility to train employees who provide direct care to residents with Alzheimer's disease or related disorders and to ensure the care and services provided to those residents meet their needs related to their diagnosis of Alzheimer's disease or a related disorder.

HHSC adopted rules for each facility type affected by HB 2025 based on the legislation. HHSC remained consistent across programs where possible, taking into consideration existing rule and statute for each program.

4.0 Resources

None.

5.0 Contact Information

If you have any questions about this letter, please contact the Policy, Rules and Training Section by email at PolicyRulesTraining@hhsc.state.tx.us or call (512) 438-3161.