



## Long-Term Care Regulatory Provider Letter

<b>Number:</b> PL 19-18
<b>Title:</b> Status of an Active License During a Renewal Process
<b>Provider Types:</b> Assisted Living Facilities (ALF); Day Activity and Health Services Facilities (DAHS); Home and Community Support Services Agencies (HCSSA); Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions (ICF/IID); Nursing Facilities (NF); Prescribed Pediatric Extended Care Centers (PPECC)
<b>Date Issued:</b> July 29, 2019

### 1.0 Subject and Purpose

The purpose of this letter is to clarify the circumstances of an active license that extends beyond the expiration date printed on the license for ALF, DAHS, HCSSA, ICF/IID, NF and PPECC providers undergoing a license renewal or an enforcement action at the time of a license renewal.

### 2.0 Policy Details & Provider Responsibilities

#### 2.1 Renewals

The Health and Human Services Commission (HHSC) Long-term Care Regulatory (LTCR) department considers a provider's license active while a timely renewal is in process regardless of the expiration date printed on the license. Once a facility is licensed, the license is valid and in effect as long as the renewal application is complete unless the provider lets the license expire, LTCR revokes the license or LTCR denies the renewal application. A renewal application is considered complete when a timely and sufficient application is submitted, and licensure fees are paid and received by LTCR Licensing and Credentialing in accordance with applicable rules. For all current license holders, renewal applications are automatically generated through the Texas Unified Licensure Information Portal (TULIP) and are accessible

through the provider's TULIP account. It is the provider's responsibility to review and update the application to ensure the information is current and correct before submitting the renewal.

## 2.2 Contested Cases

If a provider is undergoing an enforcement action at the time of a license renewal, the concept is similar to a regular renewal process. According to the Texas Government Code, [§2001.054](#), if a license holder submits a timely and sufficient application for the renewal of a license, the existing license does not expire until the application has been finally determined by the state agency. Multiple renewal periods may occur during the pendency of a case, and the provider must submit a renewal application for each licensing period to keep the license active because the renewal application will not be processed until the final resolution. If a timely and sufficient renewal application is not submitted, the existing license will expire before the conclusion of the case.

If a license revocation is proposed or a renewal application is denied and goes to an enforcement action, the applicant may request an administrative hearing. The renewal application process will be placed on hold. For the existing license to remain valid, the provider must submit a renewal application for each licensing period to keep the license active because the renewal application will not be processed until the final outcome of the case.

## 3.0 Background/History

The following sections of the Texas Administrative Code (TAC) contain licensing renewal requirements for LTC provider types respectively:

- Title 26, Part 1, TAC [§553.15](#) for an ALF
- Title 40, Part 1, TAC [§98.15](#) for a DAHS facility
- Title 26, Part 1, TAC [§558.17](#) and [§558.19](#) for a HCSSA
- Title 26, Part 1, TAC [§551.15](#) and [§551.17](#) for an ICF/IID
- Title 40, Part 1, TAC [§19.208](#) and [§19.214](#) for a NF
- Title 26, Part 1, TAC [§550.106](#) for a PPECC

The licensing statutes for LTC provider types are referenced below:

- Texas Health and Safety Code [Sec. 247.023](#) for an ALF

- Texas Human Resources Code [Sec. 103.006](#) and [Sec. 103.007](#) for a DAHS facility
- Texas Health and Safety Code [Sec. 142.006](#) for a HCSSA
- Texas Health and Safety Code [Sec. 252.033](#) for an ICF/IID
- Texas Health and Safety Code [Sec. 242.033](#) for a NF
- Texas Health and Safety Code [Sec. 248A.053](#) for a PPECC

#### **4.0 Resources**

None.

#### **5.0 Contact Information**

For questions regarding TULIP or TULIP accounts, please contact TULIP Support by email at [TULIP\\_Support@hsc.state.tx.us](mailto:TULIP_Support@hsc.state.tx.us).

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