



Long-Term Care Regulatory Provider Letter

Number: PL 19-20
Title: Enforcement of State Licensure Violations
Provider Types: Licensed Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions (ICF/IID)
Date Issued: August 27, 2019

1.0 Subject and Purpose

The Texas Health and Human Services Commission (HHSC) Long-term Care Regulatory section is issuing this provider letter (PL) to inform ICF/IID license holders that, effective September 1, 2019, HHSC will begin assessing administrative penalties for licensure violations based on the scope and severity of the violation as directed by House Bill (HB) 2025, 85th Texas Legislature, Regular Session, 2017.

2.0 Policy Details & Provider Responsibilities

If a licensure violation is identified during a survey or investigation, HHSC determines the scope and severity of the violation based on rule in the Texas Administrative Code (TAC)¹. Enforcement recommendations are based on where the combined scope and severity fall on the scope and severity grid. Any violation with scope and severity at or above the letter "D" on the grid may be enforced. Administrative penalty amounts as shown on the grid are daily amounts per the Texas Health and Safety Code². An administrative penalty begins on the first date HHSC establishes the violation exists and ceases on the date the violation is corrected.

3.0 Background/History

HB 2025 requires HHSC to develop a system to record and track the scope and severity of ICF/IID licensure violations for the purpose of assessing administrative

¹ [TAC §551.236](#)

² [Health and Safety Code §252.065](#)

penalties or taking other enforcement action. Effective October 28, 2018, HHSC amended the TAC to provide that an administrative penalty be based on the scope and severity of the associated violation. That rule was transferred to Title 26 of the TAC effective May 1, 2019.

4.0 Resources

HHSC is currently offering a webinar to explain scope and severity for providers impacted by HB 2025. The training is designed specifically for providers for whom scope and severity is new to the survey process. The webinar is available at <https://hhs.texas.gov/about-hhs/communications-events/news/2019/04/scope-severity-webinar-now-available>.

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.

³ [TAC §551.236](#)