



Long-Term Care Regulatory Provider Letter

Number: PL 20-03
Title: Provider Responsibility for Renewing a License
Provider Types: Assisted Living Facility (ALF), Day Activity and Health Services (DAHS) Facility, Home and Community Support Services Agency (HCSSA), Intermediate Care Facility for Individuals with an Intellectual Disability or Related Condition (ICF/IID), Nursing Facility (NF), and Prescribed Pediatric Extended Care Center (PPECC)
Date Issued: January 9, 2020

1.0 Subject and Purpose

This provider letter (PL) is to remind ALF, DAHS facility, HCSSA, ICF/IID, NF, and PPECC license holders (“providers”) that, regardless of whether HHSC sends advance notice that a license is expiring, providers are responsible for applying to renew their licenses in a timely manner. Furthermore, operating an ALF, DAHS facility, HCSSA, ICF/IID, NF, or PPECC without a license is a violation of state law.

2.0 Policy Details & Provider Responsibilities

Subject to certain narrow exceptions, state law requires a person to have a license if the person:

- establishes or operates an ALF;¹
- operates a DAHS facility;²
- engages in the business of providing home health, hospice, habilitation, or personal assistance services, or represents to the public

¹ Texas Health and Safety Code §[247.021](#).

² Human Resources Code, §[103.0041](#).

that the person is a provider of home health, hospice, habilitation, or personal assistance services for pay;³

- establishes, conducts, or maintains an ICF/IID⁴ or an NF;⁵ or
- owns or operates a PPECC.⁶

The expiration date of a license is printed on the license.

A provider must apply for a renewal license before its current license expires if the provider intends to engage in the activity that requires a license after the current license expires.⁷ If a provider submits a sufficient application to renew its license, including applicable fees, to HHSC before its license expires, the license continues in effect and the provider may continue to operate while HHSC is processing the renewal application.

If a provider does not submit a sufficient application to renew its license before it expires and continues to engage in the activity that requires a license after the license expires, the person is violating state law. HHSC may take enforcement action or pursue civil remedies against a person under those circumstances as per the statute and regulations applicable to that provider type.

If a license expires without being renewed, the person who held the license must apply for an initial license as a new applicant. The person may not engage in the activity for which a license is required until HHSC issues a new initial license. The applicant must meet all requirements for an initial license, including any Life Safety Code or construction requirements. Any waivers, such as waivers of requirements related to room size in a facility, that were granted under the expired license will no longer be in effect.

³ Texas Health and Safety Code §[142.002](#).

⁴ Texas Health and Safety Code §[252.031](#).

⁵ Texas Health and Safety Code §[242.031](#).

⁶ Texas Health and Safety Code §[248A.051](#).

⁷ 26 Texas Administrative Code (TAC) §[553.15](#)(a)(2) and (e) for ALF, 40 TAC §[98.15](#)(a)(2) and (e) for DAHS, 26 TAC §[558.17](#)(a) and (g)(2) and (3) for HCSSA, 26 TAC §[551.15](#)(d) for ICF/IID, 40 TAC §[19.208](#)(e) for NF, and 26 TAC §[550.106](#)(a) and (e) for PPECC.

3.0 Background/History

The Texas Unified Licensure Information Portal, which is the system HHSC uses for issuing and renewing licenses, has not been notifying providers that their licenses are about to expire. This PL is to remind providers that the expiration date of a license is printed on the license and, regardless of whether HHSC sends advance notice of an upcoming expiration, a provider must take necessary action to renew a license so the provider is operating in compliance with state law.

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.