



Long-Term Care Regulatory Provider Letter

Number: PL 20-22
Title: HHSC Guidance to Home and Community-based Services (HCS) and Texas Home Living (TxHmL) Program Providers on COVID-19 (Replaces PL 20-12)
Provider Types: HCS and TxHmL
Date Issued: March 21, 2020

1.0 Subject and Purpose

HCS and TxHmL program providers are required to comply with state and federal laws, rules, regulations, and letters regarding the HCS and TxHmL programs.¹ Due to the escalating situation of the COVID-19 (coronavirus), the Texas Health and Human Services Commission (HHSC) is issuing the following guidance to program providers to reduce the risk of spreading the virus to individuals served. This revised guidance is based on additional direction from Governor Abbott and the Department of State Health Services.

Based on Executive Order GA-08², people will no longer be allowed to enter HCS or TxHmL homes except to provide critical assistance to individuals. Persons with a legal right to enter the home may only do so to address a critical need.

Essential visitors who are there to provide critical assistance include provider staff and other contract care providers and persons with legal authority to enter, provided their visit is for the purpose of providing critical assistance to individuals. The program provider must continue to staff the home and ensure critical needs are met. Program providers must have a service

¹ See 40 Texas Administrative Code (TAC) [§9.154\(g\)](#)

² See [GA-08](#).

backup plan for all critical program services³; the provider may use that plan as a guide in determining critical assistance.

All visitors should be screened as described below and practice hand hygiene prior to and during the visit.

During this time, HCS and TxHmL providers should provide alternate means of communication for people who would otherwise visit, such as virtual communications (e.g. video or telephone conferencing systems) to promote ongoing contact between individuals and their loved ones.

Screening of Essential Visitors Providing Critical Assistance

Essential visitors providing critical assistance may be allowed access unless they meet the following screening criteria:

- Fever or signs or symptoms of a respiratory infection, such as cough, shortness of breath, or sore throat;
- Contact in the last 14 days with someone who has a confirmed diagnosis of COVID-19, is under investigation for COVID-19, or is ill with respiratory illness; or
- Traveled within the previous 14 days to a country with sustained community transmission. For updated information on affected countries visit: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html>

Program providers should take precautions and screen all visitors to ensure they do not meet the above criteria.

2.0 Policy Details & Provider Responsibilities

Individuals receiving services from an HCS or TxHmL provider typically have the right to receive visitors.⁴ However, all individuals in the home also have the right to live in a healthful and safe environment.⁵ Furthermore, the program provider has an overarching responsibility to ensure the health and

³ See 40 TAC §9.174(a)(58).

⁴ See 40 TAC [§9.173\(b\)\(9\)](#).

⁵ See 40 TAC [§9.173\(b\)\(26\)](#).

safety of all individuals in the home. As such, until notified otherwise, HHSC is issuing the following guidance:

1. Program providers should follow guidance issued by:
 - a. The [Centers for Disease Control](#) (CDC)
 - b. The [Department of State Health Services](#) (DSHS)
 - c. The [Health and Human Services Commission](#) (HHSC)
 - d. Their local public health department
2. Program providers are already required to implement personnel practices that safeguard individuals against the spread of infectious disease.⁶ Providers should ensure that they have processes in place to reduce the spread of communicable and infectious diseases and that those processes are updated to align with CDC guidance. These processes should address the use of personal protective equipment (PPE).
3. Program providers must have PPE available. If they are unable to obtain PPE, they will not be cited for not having certain supplies if they cannot obtain them for reasons outside of their control. Follow national guidelines for optimizing current supply or identify the next best option to care for the individuals.
4. Program providers should protect individuals by refraining from attending day habilitation, and events in public where more than 10 people are gathered. Communal dining and all group activities should also be canceled.
5. Program providers must have continuous availability of trained and qualified service providers to provide oversight to individuals while they remain in their homes.⁷
6. Program providers should limit visitors to individuals' residences to persons providing critical assistance, who meet screening criteria specified below in item 10.
7. All residences should have visible signage at the entrances to address the screening criteria below prior to allowing access to individuals. Signage should also include language to discourage visits, such as recommending visitors defer their visit for another time or to list exceptions such as essential personnel as mentioned above. The signage should remain in place until further guidance is issued by HHSC.

⁶ See 40 TAC [§9.177\(e\)](#) and [§9.579\(e\)](#).

⁷ See 40 TAC [§9.177\(a\)](#).

8. Program providers must disinfect the area following a visitor's exit from the location.
9. Program providers should offer alternate means of communication during this time of limited visitation, such as:
 - a. Phone calls, video calls, or other means of electronic communication
 - b. Offering a phone line with voice recording updated at set times (e.g. daily) with the provider's general operating status, such as when it is safe to resume visits
10. Program providers must actively and consistently monitor individuals for potential symptoms of respiratory infection. They must ensure the nurse is notified immediately of any individuals who begin exhibiting symptoms such as fever, cough, or shortness of breath. Nurses must notify the individual's physician immediately.
11. Program providers must contact their local health department, or DSHS if there is no local health department, if:
 - a. there are questions related to COVID-19,
 - b. they suspect an individual has COVID-19,
 - c. there is an increase in the number of respiratory illnesses among individuals or service providers.
12. Program providers must ensure that all host homes, three-person, and four-person residences are equipped with soap, hand sanitizer, and any other disinfecting agents to maintain a healthful environment.
13. Within residences, provider staff must ensure precautions such as, but not limited to:
 - a. Limiting physical contact, such as handshaking, hugging, etc.
 - b. Reinforcing strong hygiene practices for individuals and staff, such as proper handwashing, covering of coughs and sneezes, and the use of hand sanitizer
 - c. Practicing social distancing as defined by CDC.
 - d. Using gloves when supporting individuals
 - e. Regularly disinfecting all high-touch surfaces, such as counters, doorknobs, telephones, etc.
14. Program providers must ensure their HCS program has an Emergency Preparedness Plan that addresses all required elements.⁸

⁸ See 40 [TAC §9.178\(d\)-\(e\)](#).

3.0 Background/History

Program providers have the responsibility to protect the health and safety of individuals under their care at all times. State and federal guidance indicates that COVID-19 presents a health and safety risk to individuals receiving HCS and TxHmL services. The best method of protecting them from infection is to keep the infection out of the home.

4.0 Resources

Department of State Health Services [*COVID-19: Guidance for Public Health Home Service Providers.*](#)

Centers for Disease Control Interim U.S. Guidance for Risk Assessment and Public Health Management of Healthcare Personnel with Potential Exposure in a Healthcare Setting to Patients with Coronavirus Disease (COVID-19) <https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-risk-assessment-hcp.html>

Governor Greg Abbott's Disaster Proclamation is provided at https://gov.texas.gov/uploads/files/press/DISASTER_covid19_disaster_proclamation_IMAGE_03-13-2020.pdf.

5.0 Contact Information

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