



## Long-Term Care Regulatory Provider Letter

<b>Number:</b> PL 20-29
<b>Title:</b> New Texas Administrative Code Rules for Home and Community-based Services (HCS) and Texas Home Living (TxHmL) Program Providers
<b>Provider Types:</b> HCS and TxHmL Program Providers
<b>Date Issued:</b> May 13, 2020

### 1.0 Subject and Purpose

The Executive Commissioner of the Health and Human Services Commission (HHSC) has adopted new rules and amendments to rules in Texas Administrative Code, Title 40, Part 1, Chapter 9 and Chapter 49. The new rules address administrative penalties, amelioration, and informal dispute resolution for HCS and TxHmL program providers.

### 2.0 Policy Details & Provider Responsibilities

The new rules provide that HHSC may impose and collect an administrative penalty against a program provider for a violation of a certification principle. If HHSC determines that a violation is a critical violation, HHSC does not allow a program provider an opportunity to correct the violation before HHSC imposes an administrative penalty. If HHSC determines that a violation is not a critical violation, HHSC allows a program provider one opportunity to correct the violation to avoid the imposition of an administrative penalty.

In lieu of requiring payment for an administrative penalty imposed against a program provider, HHSC may offer the program provider the opportunity for amelioration.

The new rules allow the program provider the opportunity to request an informal dispute resolution if the program provider disagrees with a violation in a final survey report.

**The adopted rules took effect April 28, 2020. However, HHSC will not impose an administrative penalty for a violation identified from a survey that begins before September 1, 2020. For a violation identified from a survey that begins on or after September 1, 2020, HHSC will impose an administrative penalty in accordance with the new rules.**

HHSC will develop webinars to train providers on the newly adopted rules and will publish alerts when the webinars become available.

### **3.0 Background/History**

The rules implement Human Resources Code (HRC), Sections 161.089, 161.0891, and 161.0892, added by House Bill 2590, 85th Legislature, Regular Session, 2017, and HRC, Section 161.088, added by Senate Bill 1385, 84<sup>th</sup> Legislature, Regular Session, 2015.

### **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](mailto:PolicyRulesTraining@hhsc.state.tx.us) or call (512) 438-3161.