



Long-Term Care Regulatory Provider Letter

Number: PL 20-37
Title: Reporting Guidance for Long-term Care Providers
Provider Types: Assisted Living Facility (ALF); Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions (ICF/IID); Nursing Facility (NF)
Date Issued: September 9, 2020

1.0 Subject and Purpose

This letter outlines provider reporting responsibilities related to COVID-19 positive cases and deaths (COVID-19 and non-COVID-19 related). This letter and attachment also consolidate reporting requirements in a more user-friendly manner.

2.0 Policy Details & Provider Responsibilities

All provider types must report all COVID-19 positive cases and deaths. The following sections divide responsibilities by provider type.

2.1 NF Related Conditions COVID-19 Reporting Responsibilities

All NFs shall:

- Report the first confirmed case of COVID-19 in staff or residents, as well as the first confirmed case of COVID-19 after a facility has been without new cases for 14 days or more, to HHSC Complaint and Incident Intake (CII) through the Texas Unified Licensure Information Portal (TULIP) or by calling 1-800-458-9858 within 24 hours of the confirmed positive result.¹
 - Form 3613-A Provider Investigation Report must also be completed and submitted within five days from the

¹ 40 TAC §[19.2802\(l\)](#)

day a confirmed case is reported to CII. The provider investigation report can be submitted:

- via TULIP
 - by email at ciiprovider@hhsc.state.tx.us; or
 - by fax at 877-438-5827
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- Report all confirmed COVID-19 cases immediately to the [health authority](#) with jurisdiction over the facility. If there is no local health authority, report directly to the Texas Department of State Health Services (DSHS)².
 - On a weekly basis, report all suspected and confirmed COVID-19 cases (including residents, staff, and previously treated cases) to the Centers for Disease Control and Prevention (CDC) via the National Healthcare Safety Network. Reporting details must include³:
 - total COVID- 19 deaths;
 - personal protective equipment (PPE) and hand hygiene supplies;
 - ventilator capacity and supplies in the facility;
 - number of resident beds and census;
 - COVID-19 testing count for residents; and
 - any staffing shortages
 - Report all single, confirmed COVID-19 cases or three or more residents/staff with new-onset respiratory symptoms that occur within 72 hours of each other to residents, their representative and families⁴. This information must be reported:
 - by 5p.m. on the next calendar day; and
 - updated weekly or sooner when there are new COVID-19 cases for three or more residents/staff with new-onset respiratory symptoms.
 - NFs offering point-of-care testing related to COVID-19 must report data for all testing completed, for each individual tested. Reporting is to be made within 24 hours of results being known or determined, on a daily basis. The following steps outline what is needed to begin reporting in order to meet state and federal requirements.

Once you have CLIA or a CLIA waiver:

² 40 TAC [§19.1601\(d\)\(2\)](#) and [Title 25, Chapter 97, Subchapter A \(relating to Control of Communicable Diseases\)](#).

³ 42 CFR [§483.80\(g\)\(1\)-\(2\)](#)

⁴ 42 CFR [§483.80\(g\)\(3\)](#)

1. Register here:
<https://www.dshs.texas.gov/coronavirus/lab-reporting.aspx>
 2. Locate your local health department or DSHS Region through <https://dshs.texas.gov/regions/2019-nCoV-Local-Health-Entities/>
 3. The LHD or DSHS region will provide the input forms and process for you. The required data elements are submitted to your Local Health Department or DSHS Region using the forms and process they provided⁵.
 4. The DSHS Regions or LHDs submit data into the state's National Electronic Disease Surveillance System (NEDSS). NEDSS uploads to CDC.
- Report all deaths (COVID-19 and non-COVID-19), including those that occur within 24 hours after transferring a resident to a hospital from the NF, to HHSC via TULIP within 10 working days after the last day of the month in which the death occurred ⁶.
 - All deaths under unusual circumstances must be reported to CII within 24 hours. See [PL 19-17](#).
 - If the death might have resulted from abuse, neglect, or exploitation, additional reporting requirements might apply ⁷.

2.2 ALF Related Conditions COVID-19 Reporting Responsibilities

All ALFs shall:

- Report the first confirmed case of COVID-19 in staff or residents, as well as the first confirmed case of COVID-19 after a facility has been without new cases for 14 days or more, to CII through TULIP or by calling 1-800-458-9858 within 24 hours of the confirmed positive result. ⁸.
 - Form 3613-A Provider Investigation Report must also be completed and submitted within five days from the day a confirmed case is reported to CII. The provider investigation report can be submitted:

⁵ [QSO-20-37-CLIA, NH](#), [QSO-20-38-NH](#), and [FAQs: Laboratory Data Reporting for COVID-19 Testing](#) for required data elements.

⁶ [PL 20-08](#), THSC §[260A.016](#), 40 TAC §[19.606](#) and §[19.1010](#)

⁷ [PL 19-17](#), [PL 20-08](#), THSC §[260A.016](#), 40 TAC §[19.606](#) and 40 TAC §[19.1010](#)

⁸ 40 TAC §[553.2001\(m\)](#)

- via TULIP
- by email at ciiprovider@hhsc.state.tx.us; or
- by fax at 877-438-5827
- Report all confirmed COVID-19 cases immediately to the [health authority](#) with jurisdiction over the facility. If there is no local health authority, report to DSHS directly⁹.
- Report all resident deaths, serious injury of a resident, or any threat to a resident's health or safety resulting from a disaster or emergency to CII via TULIP or 1-800-458-9858 within 24 hours and complete form 3613-A provider investigation report within 5 days¹⁰.
- If the death might have resulted from abuse, neglect, or exploitation, additional reporting requirements might apply¹¹.

2.3 ICF Related Conditions COVID-19 Reporting Responsibilities

All ICFs shall:

- Report the first confirmed case of COVID-19 in staff or residents, as well as the first confirmed case of COVID-19 after a facility has been without new cases for 14 days or more, to CII through TULIP or by calling 1-800-458-9858 within 24 hours of the confirmed positive result.¹²
 - Form 3613-A Provider Investigation Report must also be completed and submitted within five days from the day a confirmed case is reported to CII. The provider investigation report may be submitted:
 - via TULIP
 - by email at ciiprovider@hhsc.state.tx.us; or
 - by fax at 877-438-5827
- Report all confirmed COVID-19 cases immediately to the [health authority](#) with jurisdiction over the facility. In instances where there is no local health authority, report to DSHS directly¹³.

⁹ 26 TAC [§553.44\(o\)](#)

¹⁰ 26 TAC [§553.44\(o\)](#) and [PL 19-23](#)

¹¹ [PL 19-23](#)

¹² 26 TAC [§551.46\(m\)](#).

¹³ 42 CFR [§483.460\(c\)\(5\)\(ii\)](#)

- Report all significant incidents or changes in the client's condition to the client's parents or guardians (including but not limited to serious illness), no later than 24 hours after the incident¹⁴.
- Report all deaths (COVID-19 and non-COVID-19) that occur in an ICF/IID within one hour to CII. See:
 - [PL 17-02](#) (licensed facilities)
 - [PL 17-03](#) (non-licensed facilities).
- If the death might have resulted from abuse, neglect, or exploitation, additional reporting requirements might apply¹⁵.

3.0 Background/History

Previously, the reporting requirements for COVID-19 and deaths for ALFs, NFs, and ICF/IIDs were located in several different locations. This letter consolidates reporting requirements into one place.

4.0 Resources

See attachment.

5.0 Contact Information

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

¹⁴ [42 CFR §483.420\(c\)\(6\)](#)

¹⁵ [PL 20-08](#), THSC [§260A.016](#), [PL 17-02](#), [PL 17-03](#)



Attachment

Nursing Facility COVID-19 Reporting Responsibilities

Report What	Report to Who	By When	As Required By
<p>Report the first confirmed case of COVID-19 in staff or residents, and the first confirmed case of COVID-19 after a facility has been without new cases for 14 days or more.</p> <p>Submit a Form 3613-A Provider Investigation Report.</p> <p>Do not send subsequent cases or addendums (first cases only and those after 14 days or more after new case).</p>	<p>HHSC Complaint & Incident Intake (CII) via TULIP or 1-800-458-9858</p>	<p>24 hours for initial report; 5 days for facility investigation report.</p>	<p>40 TAC §19.2802(l)</p>
<p>Confirmed COVID-19 cases</p>	<p>The health authority with jurisdiction over their facility .</p>	<p>Immediately</p>	<p>40 TAC §19.1601(d)(2) and Title 25,</p>

	<p>In instances where there is no local health authority, report to DSHS directly.</p>		<p>Chapter 97, Subchapter A (relating to Control of Communicable Diseases).</p>
<ul style="list-style-type: none"> • Suspected and confirmed COVID-19 cases among residents and staff, including residents previously treated for COVID-19; • Total deaths including COVID-19 deaths among residents and staff; • Personal protective equipment and hand hygiene supplies in the facility; • Ventilator capacity and supplies in the facility; • Resident beds and census; • Access to COVID-19 testing while the resident is in the facility; and 	<p>The Centers for Disease Control and Prevention via the National Healthcare Safety Network system.</p>	<p>Weekly</p>	<p>42 CFR §483.80(g)(1)-(2)</p>

<ul style="list-style-type: none"> Staffing shortages. <p>Either a single confirmed COVID-19 case, or three or more residents or staff with new-onset of respiratory symptoms occurring within 72 hours of each other.</p>	<p>Residents, their representatives, and families.</p>	<p>By 5 p.m. the next calendar day; then update weekly or sooner when there are new COVID-19 cases, or three or more residents or staff with new-onset of respiratory symptoms</p>	<p>42 CFR §483.80(g)(3)</p>
<p>Nursing facilities offering point-of-care testing related to COVID-19 must report data for all testing completed, for each individual tested.</p>	<p>The following steps are required to begin reporting: Once you have CLIA or a CLIA waiver 1. Register here: https://www.dshs.texas.gov/coronavirus/lab-reporting.aspx 2. Locate your local health department or DSHS Region through https://dshs.texas.gov/regions/2019-nCoV-Local-Health-Entities/ 3. The LHD or DSHS region will provide the input forms and process for you. The required data elements are submitted to your Local Health Department or DSHS</p>	<p>Within 24 hours of results being known or determined, on a daily basis.</p>	<p>QSO-20-37-CLIA, NH QSO-20-38-NH</p>

	<p>Region using the forms and process they provided.</p> <p>4. The DSHS Regions or LHDs submit data into the state’s National Electronic Disease Surveillance System (NEDSS). NEDSS uploads to CDC.</p>		
<p>All deaths (COVID-19 and non-COVID-19) that occur in a NF and those that occur within 24 hours after transferring a resident to a hospital from the NF.</p>	<p>HHSC via TULIP</p>	<p>Ten working days after the last day of the month in which the death occurred.</p>	<p>PL 20-08, THSC §260A.016, §19.606 and §19.1010</p>

Assisted Living Facility COVID-19 Reporting Responsibilities

Report What	Report to Who	By When	As Required By
<p>Report the first confirmed case of COVID-19 in staff or residents, and the first confirmed case of COVID-19 after a facility has been without new cases for 14 days or more.</p> <p>Submit a Form 3613-A Provider Investigation Report.</p> <p>Do not send subsequent cases or addendums (first cases only and those after 14 days or more after new case).</p>	<p>HHSC Complaint & Incident Intake (CII) via TULIP or 1-800-458-9858</p>	<p>24 hours for initial report; 5 days for facility investigation report.</p>	<p>40 TAC §553.2001(m)</p>
<p>Confirmed COVID-19 cases</p>	<p>The health authority with jurisdiction over their facility. In instances where there is no local health authority, report to DSHS directly.</p>	<p>Immediately</p>	<p>26 TAC §553.41(n)(3) and Title 25, Chapter 97, Subchapter A (relating to Control of Communicable Diseases).</p>

A death (COVID-19 and non-COVID-19), serious injury of a resident, or threat to resident health and safety resulting from a disaster or emergency	CII via TULIP or 1-800-458-9858	Within 24 hours and complete form 3613- A provider investigation report within 5 days.	26 TAC §553.44(o)
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Intermediate Care Facility for People with an Intellectual Disability or Related Conditions COVID-19 Reporting Responsibilities

Report What	Report to Who	By When	As Required By
<p>Report the first confirmed case of COVID-19 in staff or individuals, and the first confirmed case of COVID-19 after a facility has been without new cases for 14 days or more.</p> <p>Submit a Form 3613-A Provider Investigation Report.</p> <p>Do not send subsequent cases or addendums (first cases only and those after 14 days or more after new case).</p>	<p>HHSC Complaint & Incident Intake (CII) via TULIP or 1-800-458-9858</p>	<p>24 hours for initial report; 5 days for facility investigation report.</p>	<p>26 TAC §553.44(o)</p>
<p>Confirmed COVID-19 cases</p>	<p>The health authority with jurisdiction over their facility. .</p> <p>In instances where there is no local health authority, report to DSHS directly.</p>	<p>Immediately</p>	<p>42 CFR §483.460(c)(5)(ii)</p> <p>Texas Health & Safety Code, Chapter 81; 26 TAC 551.42(e)(8); and 42 CFR</p>

			<p>§483.460(c)(5)(ii) (directing ICFs to follow CDC guidelines and state laws).</p> <p>Guidance is also provided in the ICF COVID-19 FAQs, a Gov Delivery, ICF Response Plan, and weekly webinars.</p>
Significant incidents or changes in the client's condition, including but not limited to serious illness.	The client's parents or guardians.	No later than 24 hours after the incident.	<p>42 CFR §483.420(c)(6)</p>
All deaths (COVID-19 and non-COVID-19) that occur in an ICF/IID.	HHSC Complaint & Incident Intake at 1-800-458-9858	Within one hour	<p>PL 17-02 (licensed facilities)</p> <p>PL 17-03 (non-licensed facilities).</p>