



Long-Term Care Regulatory Provider Letter

Number: PL 2021-14 *Replaces PL 19-18*

Title: Status of an Active License During a Renewal Process

Provider Types: Assisted Living Facilities (ALF); Day Activity and Health Services Facilities (DAHS); Home and Community Support Services Agencies (HCSSA); Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions (ICF/IID); Nursing Facilities (NF); Prescribed Pediatric Extended Care Centers (PPECC)

Date Issued: April 6, 2021 **Updated** April 13, 2021

1.0 Subject and Purpose

The purpose of this letter is to describe circumstances in which the active license of an ALF, DAHS, HCSSA, ICF/IID, NF, and PPECC provider undergoing a license renewal or enforcement action may extend beyond the expiration date printed on the license. This letter has been updated to clarify HHSC Enforcement's role in the process.

2.0 Policy Details & Provider Responsibilities

2.1 Renewals

2.1.1 Timely Renewal

Except in the case of immediate license revocation or suspension, once a facility or agency is licensed, the license remains valid and in effect as long as the provider submits a complete renewal application in a timely manner to prevent the expiration of the license. The Health and Human Services Commission (HHSC) Long-term Care Regulation (LTCR) department considers a provider's license active during the license renewal process regardless of the expiration date printed on the license.

A renewal application is considered complete when it contains all required information and is timely filed and when all licensure fees are paid and received by LTCR Licensing and Credentialing in accordance with applicable rules. For all current license holders, renewal applications are automatically generated through the Texas Unified Licensure Information Portal (TULIP) and are accessible through the provider's TULIP account. It is the provider's responsibility to review and update the application to ensure the information is current and correct before submitting the renewal and application licensing fees.

2.1.2 Proof of a Valid License:

A provider's license will remain in effect pending HHSC LTCR review and approval of the license renewal. If proof of a valid license is needed, a provider may obtain confirmation that the license is still in effect past the effective date printed on the license by requesting a Renewal in Progress letter from HHSC LTCR Licensing and Credentialing or having the entity that is requesting proof contact HHSC LTCR Licensing and Credentialing for verification.

The issuance of a Renewal in Progress letter does not preclude HHSC LTCR from denying license renewal based on a provider's non-compliance with the rules and statute.

2.2 Denial of Renewal of a License

Based on conditions set forth in the rules, HHSC may deny the renewal of a provider's license. Unless the renewal is expressly denied, the provider may continue to use the license for all intended purposes for which it was granted.

2.2.1 HCSSA-Renewal of an Initial License

If an HCSSA fails to make a timely request for an initial licensing survey, HHSC LTCR may conduct a desk review to cite the agency for non-compliance with 26 TAC §§[558.19](#) and [558.521](#)(a) and (c) and **make a referral to HHSC Enforcement for recommending an appropriate penalty, including the possible denial of the renewal of the initial license. If warranted, HHSC**

Enforcement will issue the notice letter with opportunity for an appeal. If an HCSSA makes a timely request for an initial licensing survey, but HHSC LTCR has not yet conducted an initial licensing survey before the license expiration date, HHSC will not deny the renewal based solely on the expiration of the license.

2.3 Contested Cases

A provider may be undergoing an enforcement action at the time of a license renewal. As provided in Texas Government Code [§2001.054](#), if a license holder submits a timely and sufficient application for the renewal of a license, the existing license does not expire until the application has been finally determined by the state agency. Multiple renewal periods may pass during the pendency of an enforcement action. The provider must submit a renewal application for each licensing period to keep the license active, as the renewal application will not be processed until the final resolution of the action. If a timely and sufficient renewal application is not submitted, the existing license may expire before the conclusion of the case.

If a license revocation is proposed or a renewal application is denied and goes to an enforcement action, the applicant may request an administrative hearing. If a hearing is granted, the renewal application process will be placed on hold. For the existing license to remain valid, the provider must submit a renewal application for each licensing period to keep the license active, as the renewal application will not be processed until the final outcome of the hearing process.

3.0 Background/History

The following sections of the Texas Administrative Code (TAC) contain licensing renewal requirements for LTC provider types respectively:

- Title 26, Part 1, TAC [§553.15](#) for an ALF
- Title 26, Part 1, TAC [§559.15](#) for a DAHS facility
- Title 26, Part 1, TAC [§558.17](#) and [§558.19](#) for a HCSSA
- Title 26, Part 1, TAC [§551.15](#) and [§551.17](#) for an ICF/IID
- Title 26, Part 1, TAC [§554.208](#) and [§554.214](#) for a NF
- Title 26, Part 1, TAC [§550.106](#) for a PPECC

The licensing statutes for LTC provider types are referenced below:

- Texas Health and Safety Code [Sec. 247.023](#) for an ALF
- Texas Human Resources Code [Sec. 103.006](#) and [Sec. 103.007](#) for a DAHS facility
- Texas Health and Safety Code [Sec. 142.006](#) for a HCSSA
- Texas Health and Safety Code [Sec. 252.033](#) for an ICF/IID
- Texas Health and Safety Code [Sec. 242.033](#) for a NF
- Texas Health and Safety Code [Sec. 248A.053](#) for a PPECC

4.0 Resources

None

5.0 Contact Information

For questions regarding TULIP or TULIP accounts, please contact TULIP Support by email at TULIP_Support@hpsc.state.tx.us.

If you have any questions about this letter, please contact the Policy and Rules Section by email at LTCRPolicy@hhs.texas.gov or call (512) 438-3161.