

DAHS FAQs

Updated: October 2023

General FAQs Regarding DAHS Facilities

IMPORTANT NOTE - These FAQs apply only to DAHS facilities providing services in the DAHS program. For information related to the provision of individualized skills and socialization services, please refer to the [Individualized Skills and Socialization Provider Portal](#).

What is the difference in DAHS and ISS?

DAHS: A DAHS facility provides services on a daily and regular basis, but not overnight, to four or more people who are not related by blood, marriage, or adoption to the owner of the facility. DAHS facilities were formerly known as adult day care centers.

ISS: In 2014, the Centers for Medicare & Medicaid Services (CMS) issued regulations governing the settings in which Medicaid home and community-based services (HCBS) are provided. To comply with the regulations, HHSC replaced existing day habilitation services in the Deaf Blind with Multiple Disabilities (DBMD), Home and Community-based Services (HCS), and Texas Home Living (TxHmL) waiver programs with a new service for individuals with intellectual and developmental disabilities. This new, more integrated service is called Individualized Skills and Socialization.

How do I open a DAHS facility?

DAHS facilities must be licensed to operate in Texas. To become licensed, a provider must submit an online application through the [TULIP website](#).

- Properly complete a license application through TULIP.

- Pass a background check for all individuals and corporations.
- Pay the required licensure fee.
- Pass a Life Safety Code inspection and a health survey.

For a facility to retain its license, the results of any inspection, survey, follow-up visit, or complaint/incident investigation must show the facility to be in substantial compliance with current state licensure laws and rules.

How can I get a copy of the DAHS rules?

The DAHS rules may be accessed at [Texas Administrative Code Title 26, Part 1, Chapter 559: Day Activity and Health Services Requirements](#).

To request a printable copy of Chapter 559, visit the Secretary of State's [Public Document Request page](#).

- Click on the link "Agency" next to Title 26 Health and Human Services
- Click on the link "Chapters" next to Health and Human Services Commission, Title 26, Part 1
- Navigate to the listing of Chapter 559 by using the "Next" button at the bottom of the page
- To request a copy of the entirety of Chapter 559, click on "Chapter Request" next to Chapter 559 Day Activity and Health Services Requirements
- Complete the Chapter Request form by entering your email and clicking "Submit Document Request"
- Within a few minutes, you will receive an email at the address you provided that includes a link for you to access the document.

How do I sign up for GovDelivery?

Sign up for GovDelivery to receive email updates including provider alerts, webinar notices, and provider letter notices.

- Go to the HHSC [GovDelivery sign-up page](#)
- Enter your email address
- Confirm your email address, select your delivery preference, and submit a password if you want one
- Select your topics by provider type

How do I contract with HHSC to receive reimbursement?

A DAHS provider must meet certain eligibility criteria in order to provide services and receive reimbursement for these services. Rules regarding minimum eligibility requirements for contracting can be found in Title 40 of the TAC as follows:

- [TAC, Title 40, Part 1, Chapter 98: Adult Day Care and Day Activity and Health Services Requirements](#)
- [TAC, Title 40, Part 1, Chapter 49: Contracting For Community Care Services](#)

Click [here](#) for more information about the HHS provider enrollment process and requirements.

What are the qualifications of a DAHS attendant?

As described in §559.62(a)(4), an attendant must be at least 18 years of age and may be employed as a driver, aide, cook, janitor, porter, housekeeper, or laundry worker. If a facility employs a driver, the driver must have a current operator's license, issued by the Texas Department of Public Safety, which is appropriate for the class of vehicle used to transport individuals.

Additionally, if an attendant handles food in the facility, the attendant must meet requirements of the Department of State Health Services rules on food service sanitation as described in 25 TAC, Chapter 228, Subchapters A - J (relating to Retail Food)

Do I have to have a nurse?

[§559.62\(a\)\(2\)](#) - A DAHS facility must employ a licensed nurse. The facility nurse can be an RN or LVN licensed by the Texas Board of Nursing and must practice in compliance with the Nurse Practice Act and rules and regulations of the Texas Board of Nursing. If a DAHS employs an LVN as the facility nurse, the DAHS must ensure that an RN consultant provides consultation at the facility at least four hours per week.

Can the facility nurse also be the facility director?

[§559.62\(a\)\(2\)\(C\)](#) – Yes. A nurse can serve as director if the nurse meets the qualifications for facility director. If a facility nurse serving as director leaves the facility to perform other duties related to the DAHS program, an LVN or another RN must fulfill the duties of the facility nurse.

Can the activities director also be the facility director?

[§559.62\(a\)\(1\)\(C-D\)](#) – Yes. The activities director can serve as facility director if the activities director meets the qualifications for facility director. One person may not serve as facility nurse, activities director, and facility director, regardless of qualifications.