



Long-Term Care Regulatory Provider Letter

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| Number: PL 2022-21 |
| Title: Guidance Regarding Revised HCSSA COVID-19 Response Emergency Rule |
| Provider Types: Home and Community Support Services Agencies (HCSSAs) |
| Date Issued: April 07, 2022 |

1.0 Subject and Purpose

This provider letter describes the key changes in regulations adopted in emergency rule 26 TAC §558.960 (relating to HCSSA Response to COVID-19), which became effective on March 24, 2022.

2.0 Policy Details & Provider Responsibilities

2.1 Infection Control

An agency must develop and enforce policies and procedures for infection control which must include standard and transmission-based precautions to prevent the spread of infectious disease.

2.2 Screening

An agency must continue to screen its clients, client's household members, and staff. Agencies must not allow staff to remain in the agency, enter a licensed facility, or make home visits if the employee, volunteer or contractor meets one or more of the following [screening criteria](#) as recommended by HHSC:

- a positive viral test for COVID-19;
- [symptoms of COVID-19](#); or
- close contact with someone with COVID-19 infection.

Although the required screening must still take place, the agency is no longer mandated to keep a screening log. HHSC surveyors will use the survey process to determine an agency's compliance with the screening requirement by:

- reviewing the agency's infection control policies and procedures;
- interviewing key staff and sampled clients; and
- reviewing the agency's reporting documentation for when a client or staff member has a positive case of COVID-19 to their local health entity.

Please note, a HCSSA is still required to report positive COVID-19 cases to their local health entity. See the listing of local health entities by county at [Coronavirus Disease 2019 \(COVID-19\) Local Health Entities](#).

If a HCSSA is unable to report to the local health entity, a required report must be made to the DSHS regional office. See the listing of DSHS Regional Offices at [Public Health Regions](#).

2.3 Non-essential Visits

To clarify HHSC's intention in 26 TAC §558.960(e)(2), a visit that requires non-essential services can be conducted in the following methods:

- in-person; or
- by phone or video conference, if appropriate to the client's needs.

If the options above are not available, the agency must reschedule the visit for a later date.

Based on client needs and emergency categorization, the agency must ensure that essential and non-essential services are delivered. The agency must evaluate and prioritize non-essential services based on the agency's ability to provide the care as scheduled. It is up to agency to determine the method that will be appropriate based on the needs of the client on the day service delivery is scheduled.

3.0 Background/History

4.0 Resources

[HCSSA COVID-19 Response Emergency Rule \(PDF\)](#)

5.0 Contact Information

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.