



## Long-Term Care Regulation Provider Letter

<b>Number:</b> PL 2023-02
<b>Title:</b> Lettering System for Scope and Severity Matrix
<b>Provider Types:</b> Home and Community-based Services (HCS) and Texas Home Living (TxHmL)
<b>Date Issued:</b> January 18, 2023

### 1.0 Subject and Purpose

This letter explains the labels used in the Scope and Severity Matrix located in [40 TAC §9.181\(b\)](#) for HCS and [40 TAC §9.581\(b\)](#) for TxHmL.

### 2.0 Policy Details & Provider Responsibilities

At the end of the survey process, HHSC reviews the violations and, if necessary, assesses the appropriate penalty amount using evidence collected during the survey. The minimum and maximum amount HHSC can impose on a program provider per violation is set in rule; HHSC cannot go below or above these amounts. See [40 TAC §9.181\(b\)](#) for HCS and [40 TAC §9.581\(b\)](#) for TxHmL.

At times, HHSC will use a lettering system to identify a violation's scope and severity in lieu of writing out the entire label. This is similar to the practice used in other LTCR programs, including ICF. To determine which letter belongs to which scope and severity, program providers can use the chart below:

<b>Scope &amp; Severity Grid for Administrative Penalties</b>			
	ISOLATED	PATTERN	WIDESPREAD
IMMEDIATE THREAT	<b>Critical</b>	<b>Critical</b>	<b>Critical</b>
	<b>J</b>	<b>K</b>	<b>L</b>
Initial	\$400-\$1000	\$1000-\$2000	\$2000-\$3000
Repeat	\$500-\$1000	\$2000-\$4000	\$3000-\$5000
ACTUAL HARM	<b>Non-Critical</b>	<b>Critical</b>	<b>Critical</b>
	<b>G</b>	<b>H</b>	<b>I</b>
Initial	\$100-\$200	\$200-\$1000	\$300-\$1500
Repeat	\$200-\$1000	\$300-\$2000	\$400-\$3000
POTENTIAL FOR ACTUAL HARM	<b>Non-Critical</b>	<b>Non-Critical</b>	<b>Critical</b>
	<b>D</b>	<b>E</b>	<b>F</b>
Initial	\$0-\$200	\$0-\$350	\$0-\$500
Repeat	\$0-\$300	\$0-\$500	\$0-\$1000
NO POTENTIAL FOR ACTUAL HARM	<b>Non-Critical</b>	<b>Non-Critical</b>	<b>Non-Critical</b>
	A	B	C
Initial	\$0-\$200	\$0-\$350	\$0-\$500
Repeat	\$0-\$200	\$0-\$350	\$0-\$500

Program providers can also reference the below list to determine what the letter designation means. This list does not include the administrative penalty amount.

<b>Letter</b>	<b>Designation</b>
A	Non-Critical: Isolated and no potential for actual harm
B	Non-Critical: Pattern and no potential for actual harm
C	Non-Critical: Widespread and no potential for actual harm
D	Non-Critical: Isolated and potential for actual harm
E	Non-Critical: Pattern and potential for actual harm
F	Critical: Widespread and potential for actual harm
G	Non-Critical: Isolated and actual harm
H	Critical: Pattern and actual harm
I	Critical: Widespread and actual harm
J	Critical: Isolated and immediate threat
K	Critical: Pattern and immediate threat
L	Critical: Widespread immediate threat

### **3.0 Resources**

[40 TAC §9.181\(b\)](#) for HCS Scope and Severity Matrix

[40 TAC §9.581\(b\)](#) for TxHmL Scope and Severity Matrix

[40 TAC §9.153](#) for the definitions of the terms used in the HCS Scope and Severity Matrix

[40 TAC §9.553](#) for the definitions of the terms used in the TxHmL Scope and Severity Matrix

### **4.0 Contact Information**

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