



Long-Term Care Regulation Provider Letter

Number: PL 2023-07

Title: Temporary Closures

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

Date Issued: March 22, 2023

1.0 Subject and Purpose

This letter provides guidance about processes related to temporary closures. The temporary closure process allows providers an opportunity to temporarily cease operations due to an unexpected or unforeseen natural disaster or event. This process gives the provider time to complete repairs and resume operations without having to reapply for licensure and or certification as applicable. Each temporary closure is considered on a case-by-case basis.

For facilities (NF, DAHS, ALF, ICF/IID, PPECC), a temporary closure is defined as a cessation of operations for longer than 30 days with plans to resume operations.

For HCSSAs, a temporary closure is defined as suspending normal business operations for 10 or more consecutive days with plans to resume operations.

2.0 Policy Details & Provider Responsibilities

2.1 Certified Nursing Facilities

Temporary closures must be approved by the Centers for Medicare and Medicaid Services (CMS). The provider submits the request for a temporary closure directly to CMS. Long-term Care Regulation (LTCR)

Licensing and Credentialing receives the approved temporary closure letter from CMS and a written request from the provider to temporarily close the license. LTCR allows the license to be temporarily closed in correspondence with the CMS approval.

Failure to follow this process may result in adverse regulatory action.

The facility maintains its license and Medicare certification while temporarily closed. The license shows as active in the licensing system (TULIP).

In order to reopen the facility, the provider must submit a Reopen Application in TULIP. A Life Safety Code Survey is required to reopen.

2.2 Certified HCSSAs

For agencies licensed and certified to provide home health services or certified hospice services, a temporary closure must be approved by CMS.

The provider must notify LTCR Licensing and Credentialing of a voluntary suspension of services at least five days before the voluntary suspension of operations, or within two working days before the voluntary suspension of operations in the case of an emergency that is beyond the agency's control. The provider must indicate how long the anticipated closure will be.

Failure to notify Licensing and Credentialing may result in adverse regulatory action.

Temporary closures are reviewed on a case-by-case basis by CMS. LTCR Licensing and Credentialing works with the Medicare Administrative Contractor (MAC) to obtain CMS review. LTCR allows the license to be temporarily closed in correspondence with the CMS approval.

If the provider anticipates the temporary closure lasting more than 30 days, the provider notifies LTCR Licensing and Credentialing. A Tie-Out notice must then be submitted by LTCR to the MAC.

If a provider anticipates more than 180 days on its initial request for a temporary closure, CMS will view this as a cessation of business and generally deny the temporary closure and advise the provider to submit a voluntary termination.

2.3 Licensed-Only Home and Community Support Services Agencies

For agencies licensed to provide home health services, personal assistance services, and licensed-only hospice services, the process for a temporary closure is in [26 TAC 558.217](#) related to voluntary suspension of services.

A voluntary suspension of services is defined as suspending normal business operations for 10 or more consecutive days. A voluntary suspension of services may not last longer than the licensure renewal period.

The provider must notify LTCR Licensing and Credentialing of a voluntary suspension of services at least five days before the voluntary suspension of operations, or within two working days before the voluntary suspension of operations in the case of an emergency that is beyond the agency's control.

The provider must notify LTCR Licensing and Credentialing in writing no later than seven days after resuming operations.

Failure to notify Licensing and Credentialing may result in adverse regulatory action.

The agency maintains its license while temporarily closed. The license shows as active in the licensing system (TULIP).

2.4 Non-Medicare certified NFs, ALFs, DAHS Facilities, ICFs/IID and PPECCs

Temporary closures for these licensed-only, licensed/Medicaid certified-only, or Medicaid certified-only facilities is at the discretion of LTCR.

To request a temporary closure, the provider submits its request to LTCR Licensing and Credentialing and the appropriate regional contact.

A request to reopen must be submitted to LTCR Licensing and Credentialing within 90 days of the temporary closure start date. Failure to notify Licensing and Credentialing may result in adverse regulatory action. In order to reopen the facility, a Life Safety Code Survey is required.

The facility maintains its license and Medicaid certification, if applicable, while temporarily closed. The license shows as active in the licensing system (TULIP).

3.0 Background/History

During the pandemic, LTCR allowed emergency temporary closures to address staffing and other needs. In December 2022, LTCR issued an alert that the emergency temporary closure process would conclude on January 1, 2023. LTCR is issuing this provider letter to ensure that processes related to temporary closures are well defined.

4.0 Resources

LTCR Licensing Contacts for Notification:

- NF, DAHS: LTC_NF_DAHS_Licensing@hhs.texas.gov
- ALF, ICF/IID, PPECC: LTC_ALF_ICF_Licensing@hhs.texas.gov
- HCSSA: LTC_HCSSA_Licensing@hhs.texas.gov

Regional Contacts: [Long-Term Care Regulatory Regional Contact Numbers | Texas Health and Human Services](#)

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.