



Long-Term Care Regulatory Provider Letter

Number: PL 2023-09
Title: HCS Survey Process and Expectations
Provider Types: Home and Community-based Services (HCS) Program Providers
Date Issued: August 23, 2023

1.0 Subject and Purpose

This letter provides guidance to Home and Community-based Services (HCS) program providers about the revised Long-Term Care Regulation (LTCR) survey process to align with the new HSC Certification Standard rules effective June 21, 2023. This process will begin September 1, 2023.

2.0 Policy Details & Provider Responsibilities

2.1 Survey Process Overview

The term survey may include:

- an initial certification survey;
- a recertification survey;
- a follow-up survey;
- a residential survey; and
- an intermittent survey.

The survey process generally consists of:

- an entrance conference,
- information gathering, and
- an exit conference.

2.1.1 Entrance Conference

During an entrance conference, the HHSC surveyor(s) will introduce themselves to the provider or designee, discuss the

general reason for the survey, explain the survey process, and collect relevant information from the HCS provider.

2.1.2 Information Gathering

During the information gathering process, HHSC surveyor(s) will conduct observations and interviews with staff and individuals receiving services. HHSC surveyors will also collect photocopies of records and other specific documentation to determine the provider's compliance with regulatory requirements and to assess the health and safety of individuals receiving services.

2.1.3 Exit Conference

During an exit conference, the HHSC surveyor(s) will discuss preliminary survey findings with the provider using form 3701-A *Preliminary Findings Based on Survey, Inspection or Investigation*, including whether HHSC identified any non-compliance. The preliminary findings list may contain, when applicable:

- Findings of potential non-compliance;
- Findings of potential non-compliance that are critical in nature; or
- Findings of no violations cited when potential non-compliance is not identified.

The HHSC surveyor(s) and provider or designee sign the bottom of the preliminary findings list, and the provider may also make a copy of the signed form for their own record.

2.1.4 Following the Exit Conference

Within 10 days following the exit conference, HHSC sends the provider a *Statement of Licensing Violations* (HHSC Form 3724). This form describes any areas of identified non-compliance, as appropriate.

2.2 Survey Expectations

As of September 1, 2023, all surveys will be unannounced. This means that the HCS program providers will need to have a representative with the following information available at the entrance conference.

Individual Profile: Complete the Individual Profile Information Form (Form 8576). The form is available on the HHS website at <https://www.hhs.texas.gov/regulations/forms/8000-8999/form-8576-individual-profile-information>.

List of Residences: List the address and phone number for each individual, the name and relationship of the family member or other unpaid caregiver with whom the individual resides, and the best time to contact the individual/unpaid caregiver.

Daily Routines: List the name and full address for each individualized skills and socialization provider, including the days and times each individual attends. List other day activity scheduled, including work.

2.3 Residential Surveys

HHSC will conduct unannounced surveys that include all three- and four-person residences and at least a 20% representative sample of host home/companion care homes to determine if the residence provides a safe environment. LTCR can add to the representative sample if additional residential surveys are necessary to determine compliance with the HCS Certification Standards.

2.4 Individualized Skills and Socialization

HHSC will conduct observations and interviews in individualized skills and socialization provider settings for those individuals who receive individualized skills and socialization services. HHSC will survey for the HCS program provider's compliance with the certification standards as they relate to service provision.

2.5 What to Expect During a Survey

HHSC conducts unannounced on-site surveys to determine if the provider follows the HCS Certification Standards. In accordance with Title 26 of the Texas Administrative Code, 565.25(d), the provider must make all records, reports, and other information related to the

delivery of the HCS program available to HHSC. Program providers must allow HHSC access to residences, records, individuals, and staff members at reasonable times to perform a survey. HHSC surveyors will perform surveys, follow-up visits, complaint investigations, and other contact visits as required for carrying out their responsibilities. An unannounced survey provides an opportunity for HHSC to assess how the provider typically operates.

If a provider fails to cooperate with HHSC surveyors during a survey, HHSC may take enforcement action, including assessing administrative penalties.

3.0 Background/History

On June 21, 2023, HHSC published new HCS Certification Standard rules located in Title 26 of the Texas Administrative Code 565, Home and Community-based Services Program and Community First Choice Certification Standards. As a result, HHSC also amended its survey process to align with the new standards.

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 or call (512) 438-3161.