



## Long-Term Care Regulation Provider Letter

<b>Number:</b> PL 2024-06
<b>Title:</b> Teleservices in Home and Community Support Services Agencies
<b>Provider Types:</b> Home and Community Support Services Agencies (HCSSAs)
<b>Date Issued:</b> April 03, 2024

### 1.0 Subject and Purpose

This letter addresses the use of teleservices in Home and Community Support Service Agencies (HCSSAs) and describes the instances where telehealth may be appropriate.

### 2.0 Policy Details & Provider Responsibilities

#### 2.1 Definitions

Home health - the provision of one or more of the following health services required by an individual in a residence or independent living environment:

- nursing, including blood pressure monitoring and diabetes treatment;
- physical, occupational, speech, or respiratory therapy;
- medical social service;
- intravenous therapy;
- dialysis;
- service provided by unlicensed personnel under the delegation or supervision of a licensed health professional;
- the furnishing of medical equipment and supplies, excluding drugs and medicines; or
- nutritional counseling.<sup>1</sup>

<sup>1</sup> [26 TAC §558.2 Definitions](#)

Teleservice - the provision of services via telehealth, telemedicine, telemonitoring, or telecommunications.

Telecommunications - the exchange of information or data via two-way electronic means that includes voice, data, and video transmission. This may be accomplished using computers, tablets, applications, telephones, and other electronic technologies.

Telehealth - as a health service, other than a telemedicine medical service or a teledentistry dental service, delivered by a health professional licensed, certified, or otherwise entitled to practice in this state and acting within the scope of the health professional's license, certification, or entitlement to a patient at a different physical location than the health professional using telecommunications or information technology.<sup>2</sup>

Telemedicine - a service delivered by a physician licensed to practice in this state, or a physician's assistant or an advanced practice nurse acting under the delegation and supervision of a physician licensed in this state and acting within the scope of the professional's license to a client in the client's place of residence or independent living environment that is at a different physical location than the professional using telecommunications or information technology.<sup>3</sup>

Telemonitoring - the collection and transmission of clinical data between a home health or hospice agency and a client in an independent living environment within the agency's service area through electronic processing technologies.

## **2.2 Allowed Use of Teleservices**

Telehealth, telemonitoring, and telemedicine may only be provided by an agency licensed or licensed and certified to provide home health or hospice services. Some teleservices may not be appropriate or authorized for use by hospice providers and home health providers with the dialysis designation. The use of teleservices in these settings will be dependent on the safety and

---

<sup>2</sup> [Texas Occupations Code, Chapter 111, Telemedicine, Teledentistry, and Telehealth](#)

<sup>3</sup> Texas Occupations Code, Chapter 111, Telemedicine, Teledentistry, and Telehealth

efficacy of the teleservice delivery model, the client's needs, and the allowances made by the licensing boards and occupations codes. All HCSSA providers, including providers of PAS, may use applicable teleservices for the monitoring and training of staff when determined safe and effective.

Teleservices can only be provided for clients for whom remote services have been determined would safely and effectively meet the client's needs. The agency must outline all expectations for the delivery of teleservices and in-person services in their policies and procedures in accordance with Texas Administrative Code (TAC), Title 26, Chapter §558.281 (relating to Client Care Policies)<sup>4</sup>. Client service agreements that were made upon admission, including agreements with any additional providers such as nursing facilities, must be updated to include an agency's services that will be available or provided via teleservice and in-person. The minimum requirements for agreements are found in 26 TAC §558.292 (relating to Agency and Client Agreement and Disclosure).<sup>5</sup>

If an agency begins providing teleservices, clients must be given a choice to receive teleservices or in-person services as applicable. If an agency replaces an in-person service with a teleservice, the agency must inform the client as soon as practicable to allow the client to decide whether they will consent to receiving teleservices. If the client does not consent to receiving teleservices and in-person options are not available, the agency must document the inability to meet the client's needs based on the client's service delivery preference. If the agency determines the provision of a teleservices is resulting in a client not making progress towards or meeting their goals, the agency must reevaluate the client's services in accordance with 26 TAC §558.401 (relating to Standards Specific to Licensed Home Health Services)<sup>6</sup> and TAC §558.822 (relating to Review of the Hospice Plan of Care)<sup>7</sup>. All client care plans, plans of care and individualized service plans must reflect how all services are being delivered and specify how often the services will be delivered using the chosen service delivery model.

Telemedicine, telehealth, or telemonitoring may be provided if clinically appropriate and safe, as determined by the provider and practitioner, and

---

<sup>4</sup> [26 TAC §558.281](#)

<sup>5</sup> [26 TAC §558.292](#)

<sup>6</sup> [26 TAC §558.401](#)

<sup>7</sup> [26 TAC §558.822](#)

agreed upon by the client or the client's legally authorized representative. It is up to each practitioner to be aware of what services are appropriate to be provided via teleservices as dictated by the individual's licensing board, Texas Occupations Code, and the Texas Administrative Code regarding teleservices. Agencies and practitioners must also be aware of any limitations to teleservices based on a client's payor source.

Agencies must ensure documentation of assessments or services delivered via teleservices are current, accurate and signed with the date of documentation entry in accordance with 26 TAC §558.301 (regarding Client Records)<sup>8</sup>. Agencies who are licensed and certified must ensure compliance with federal regulations regarding any in-person service delivery requirements.

Agencies who choose to use teleservices for supervision and training of staff must ensure staff competency can be effectively evaluated through the chosen teleservice means and documented in the appropriate records.

### **3.0 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.

---

<sup>8</sup> [26 TAC §558.301](#)