



Date: November 3, 2017  
To: Medicare-Certified Home Health and Hospice Agencies  
Subject: Provider Letter No. 17-34 – The Centers for Medicare & Medicaid Services (CMS) Emergency Preparedness Requirements

Medicare-certified home health and hospice agencies must comply with the new federal emergency preparedness Condition of Participation, including training and testing program requirements, by November 15, 2017. The CMS Emergency Preparedness Final Rule was published in the Federal Register on September 8, 2016.<sup>1</sup>

A Medicare-certified agency is required to participate in an annual full-scale exercise that is community-based. Depending on the accessibility of a community-based exercise, an agency may fulfill this requirement by conducting a smaller community-based exercise or an individual facility-based exercise on an annual basis (the term “facility” includes in-home providers).

In addition to the above requirement, a certified agency is required to conduct a second exercise annually. The additional exercise may include a second full-scale exercise or a tabletop exercise that involves key personnel discussing simulated scenarios in an informal setting. For additional recommendations and interpretive guidance, please refer to [Appendix Z](#) in the State Operations Manual.

At this time, HHSC Regulatory Services is not amending rules in 40 Texas Administrative Code, Chapter 97, Licensing Standards for Home and Community Support Services Agencies (HCSSAs) based on the new federal requirements. The licensure regulations currently in Chapter 97 already contain the main elements of the emergency preparedness program required by the new federal regulations.

As a reminder, all HCSSAs are expected to comply with current state rules on emergency preparedness planning.<sup>2</sup> In addition to meeting these requirements, inpatient hospice units must have a written disaster preparedness plan that addresses the core functions of emergency management.<sup>3</sup>

If you have questions regarding this letter, please contact a HCSSA policy specialist with the Policy, Rules, and Training section at (512) 438-3161.

Sincerely,

*[signature on file]*

Mary T. Henderson  
Associate Commissioner  
Long-term Care Regulatory

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<sup>1</sup> See Code of Federal Regulations (CFR) §484.22 for home health agencies and CFR §418.113 for hospice agencies.

<sup>2</sup> See Texas Administrative Code (TAC), Title 40, Part 1, Chapter 97, [§97.256](#).

<sup>3</sup> See 40 TAC [§97.871\(a\)\(2\)\(A-G\)](#).