



## Long-Term Care Regulatory Provider Letter

<b>Number:</b> PL 18-16 (HCSSAs) (Replaces PL 09-17)
<b>Title:</b> Notification Requirements in Response to an Emergency or Disaster
<b>Provider Types:</b> Home and Community Support Services Agencies
<b>Date Issued:</b> May 10, 2019

### 1.0 Subject and Purpose

This provider letter is to inform a Home and Community Support Services Agency (HCSSA or agency) of notification requirements for temporary agency changes in response to an emergency or disaster.

### 2.0 Policy Details & Provider Responsibilities

If certain information provided in an initial or renewal application changes due to an emergency or disaster, a HCSSA must report the change to the Health and Human Services Commission (HHSC). Any change listed below requires notification to HHSC in writing:

- temporary relocation;
- temporary expansion of a HCSSA’s service area; or
- voluntary suspension of its operations.

The notification must be provided, in the case of such a temporary relocation or expansion, to the Licensing and Credentialing Section in writing by fax to (512) 438-2731, or by mail to: Texas Health and Human Services, Mail Code E-342, 701 W. 51<sup>st</sup> St, Austin, TX 78751. In the case of a voluntary suspension of operations, the notice may be provided by any written means to the designated survey office.

In the coming months, HCSSA providers will also be able to provide written notice to HHSC of temporary changes due to an emergency or disaster through the Texas Unified Licensure Information Portal (TULIP), an online licensure application system, if the system is available during such an emergency or disaster. Changes submitted through TULIP, when operable,

will be deemed to satisfy the required written notice to a designated survey office or the equivalent of notice to the Licensing & Credentialing Section by email, as applicable.

The following subsections outline the requirements and other helpful information when notifying HHSC of a change or update as a result of an emergency or disaster.

### **2.1 Temporary Relocation**

If a HCSSA temporarily relocates a place of business as a result of an emergency or disaster, the agency is exempt from providing a 30-day advance notice.<sup>1</sup> However, the agency is still required to provide written notice to HHSC no later than five working days after an agency temporarily relocates. The agency must provide the following information to the HCSSA Licensing and Credentialing Section:

- the license number and the date of relocation;
- the physical address and phone number of the temporary location; and
- the date of return to its licensed place of business if, at that time, the agency has already returned to its original office.<sup>2</sup>

If the HCSSA returns to its licensed place of business after the initial notice of relocation is due, HHSC accepts the required written notice of that return no later than five working days after returning to the original office.<sup>3</sup>

### **Medicare-certified Agencies**

The Centers for Medicare and Medicaid Services (CMS) advises Medicare-certified home health or hospice agencies to contact their state survey agency, which is HHSC in Texas, regarding their status and future plans when a public health emergency declaration occurs.<sup>4</sup> Questions and information concerning available and applicable federal

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<sup>1</sup> 26 TAC [§558.213\(g\)](#).

<sup>2</sup> 26 TAC [§558.256\(o\)\(1\)\(A-C\)](#) and (p).

<sup>3</sup> 26 TAC [§558.256\(o\)\(1\)\(C\)](#).

<sup>4</sup> See CMS Provider Survey and Certification Frequently Asked Questions for Declared Public Health Emergencies--All Hazards Health Standards and Quality Issues (5/21/2013), A-5, Provider Relocation. [CMS FAQs](#).

procedures for relocation of a Medicare-certified agency under such circumstances can be directed to the CMS Regional Office (RO) at 214-767-6301. The CMS RO reviews requests on a case-by-case basis and may make limited exceptions to the physical location requirements. Additional information, including frequently asked questions regarding emergency response and recovery, may be found on the [CMS website](#).

## 2.2 Temporary Expansion of Service Area

During a disaster, an agency may continue to provide services to clients who have evacuated outside of the agency's service area. If an agency is temporarily expanding its service area to provide services during a disaster, the agency must provide the HHSC Licensing & Credentialing Unit with:

- the license number and the revised boundaries of the service area;
- the date the temporary expansion begins; and
- the date the temporary expansion of its service area ends.<sup>5</sup>

**Note:** An agency may not provide services for more than 60 consecutive days unless the agency expands its service area.<sup>6</sup> An agency that permanently expands or reduces its service area must notify HHSC by reporting the change and paying the applicable fee.<sup>7</sup>

## 2.3 Voluntary Suspension of Operations

An agency licensed to provide licensed home health services, personal assistance services or hospice services may voluntarily suspend its normal business operations for 10 or more consecutive days due to an emergency. A voluntary suspension of operations may not last longer than the licensure renewal period. If an agency voluntarily suspends operations, the agency must:

- discharge or arrange for backup services for active clients;
- provide written notice to the agency's regional survey office location, within two working days; and
- post a notice of voluntary suspension of operations on the entry door of the agency and leave a message on an answering machine

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<sup>5</sup> 26 TAC [§558.256\(o\)\(2\)](#).

<sup>6</sup> 26 TAC [§558.220\(j\)\(1\)](#).

<sup>7</sup> 26 TAC [§558.220\(c\)](#) and [§558.208\(b\)\(3\)\(E\)](#).

or with an answering service that informs callers of the voluntary suspension of operations.<sup>8</sup>

There may be instances in which a HCSSA may not be able to contact its designated survey office if the survey office is closed as a result of a widespread disaster. HCSSAs will be informed if alternative measures to provide notification are authorized.

An agency must notify the Licensing & Credentialing Unit in writing no later than seven calendar days after resuming operations.<sup>9</sup>

**Note:** If the HCSSA decides to permanently close the agency, branch office, or alternate delivery site, the HCSSA must notify HHSC in writing and follow the required agency closure procedures.<sup>10</sup>

### 3.0 Background/History

If certain application information changes after the applicant submits an application to HHSC for a license or after HHSC issues the license, the license holder must report the change and pay the applicable fee.<sup>11</sup> HHSC has statutory authority to implement rules regarding a change in application information.<sup>12</sup> The executive commissioner can implement rules to:

- specify the information provided in an application that a license holder must report to HHSC if the information changes;
- establish timeframes for reporting a change in the application information;
- establish which changes are required to be reported and require HHSC evaluation and approval; and
- set a fee associated with timely reporting of information changes, where required, and the amount of a late fee to be assessed against a license holder who fails to report a change in the application information within the required timeframe.<sup>13</sup>

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<sup>8</sup> 26 TAC [§558.217\(b\)](#).

<sup>9</sup> 26 TAC [§558.217\(b\)\(2\)](#).

<sup>10</sup> 26 TAC [§558.217\(a\)](#).

<sup>11</sup> 26 TAC [§558.208](#).

<sup>12</sup> Texas Health and Safety Code (HSC), Chapter 142, [§142.0104](#).

<sup>13</sup> HSC, Chapter 142, [§142.0104](#).

## **4.0 Resources**

None.

## **5.0 Contact Information**

If you have any questions about this letter, please contact the Policy, Rules and Training Section by email at [PolicyRulesTraining@hsc.state.tx.us](mailto:PolicyRulesTraining@hsc.state.tx.us) or call (512) 438-3161.