



## Long-Term Care Regulatory Provider Letter

<b>Number:</b> PL 18-24 (ALF, DAHS and ICF/IID)
<b>Title:</b> Rules related to License Terms and Survey Frequency
<b>Provider Types:</b> Assisted Living Facilities (ALFs), Day Activity and Health Services Facilities (DAHS) and Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions (ICFs/IID)
<b>Date Issued:</b> May 10, 2019

### 1.0 Subject and Purpose

The Executive Commissioner of the Health and Human Services Commission (HHSC) has adopted rules in Texas Administrative Code, Title 26 (26 TAC) Chapters 551 and 553 and Title 40 (40 TAC) Chapter 98 related to license terms and survey frequency for the provider types referenced above. The rules were effective October 29, 2018.

### 2.0 Policy Details & Provider Responsibilities

#### 2.1 Transition to a Three-Year License Term

HHSC will begin to transition existing licenses to a three-year term. Any initial licenses issued between the effective date of October 29, 2018 and December 31, 2018 will be given a two-year license term. Starting January 1, 2019, all initial licenses will be given a three-year license term. If HHSC renews a license after December 31, 2018, and before January 1, 2021, HHSC issues a renewal license for a two-or three-year term, depending on the last digit of a facility's identification number.<sup>1</sup> Starting January 1, 2021, HHSC will renew all licenses for a three-year term. The table below shows the license term, based on the last digit of a facility's ID number and year of renewal.

<sup>1</sup> 26 TAC §551.15(b)-(c) for ICFs/IID; 26 TAC §553.15(b)-(c) for ALFs; and 40 TAC §98.15(b)(c) for DAHS facilities.

License Expiration Year	Last Digit of Facility ID Number	License Term
2019	0-3 or 7-9	2 Years
2019	4-6	3 Years
2020	0-3 or 7-9	3 Years
2020	4-6	2 Years

Licensure fees are stated in the licensure rules for each program and will be based on the licensure term.<sup>2</sup>

### 3.0 Survey Frequency

HHSC may conduct inspections of ALFs, DAHS facilities, and ICFs/IID as appropriate. However, it is required to conduct inspections at a minimum frequency to carry out its licensing and certification responsibilities. In addition to initial inspections, HHSC inspects a facility as described below:

- Assisted Living Facility—HHSC inspects an ALF at least once every two years after the initial inspection.
- Day Activity Health Service Facility—HHSC inspects a DAHS facility at least once every two years after the initial inspection.
- Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions—HHSC conducts at least two unannounced inspections of an ICF/IID during a two-year licensing period, and at least three unannounced inspections of an ICF/IID during a three-year licensing period.

### 4.0 Background/History

House Bill 2025, 85th Legislature, Regular Session, 2017 (HB 2025) made statutory amendments that increased the term of a license for an ALF, a DAHS facility or an ICF/IID from two years to three years. The amendments also require the executive commissioner to adopt a system by rule under

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<sup>2</sup> 26 TAC §551.19(a)(1) for ICFs/IID; 26 TAC §553.4(a)(1) for ALFs; and 40 TAC §98.21(a) for DAHS facilities. The ICF/IID and ALF fee components for each unit of capacity and each bed, respectively, for which a renewal license is sought, are also annualized at an unchanged rate.

which licenses transition to a three-year license term on a staggered basis. In addition, the statutes require HHSC to prorate the license fees.<sup>3</sup>

The changes in minimum inspection frequency also implement statutory amendments made by HB 2025.<sup>4</sup>

## **5.0 Forms/Appendices**

None.

## **6.0 Contact Information**

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

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<sup>3</sup> Health and Safety Code (HSC) §252.033 (h)(2); §252.034 for ICFs/IID; HSC, §247.023(a) for ALFs; Human Resources Code (HRC) §103.006(b) for DAHS.

<sup>4</sup> HSC §252.041(a) for ICFs/IID; HSC §247.027(a)(1) for ALFs; HRC §103.008(a)(1) for DAHS.