



Long-Term Care Regulatory Provider Letter

Number: PL 2021-24
Title: HCSSA COVID-19 Vaccination Authority for Home Health and Hospice Agencies
Provider Types: Home and Community Support Services Agencies (HCSSA) Licensed to Provide Home Health and Hospice Services
Date Issued: June 8, 2021

1.0 Subject and Purpose

The 86th Legislature, Regular Session, passed [House Bill \(HB\) 797](#) relating to the possession and administration of certain vaccines by a home and community support services agency (HCSSA or agency) or its employees, effective on May 18, 2021.

The purpose of this letter is to clarify that the authority granted by the legislation applies only to HCSSAs licensed to provide home health and hospice services. Agencies with only a personal assistance services (PAS) license are not authorized to provide COVID-19 vaccinations. Clients and staff of PAS agencies should refer to [Long Term Care COVID-19 Vaccine Options](#) for information and resources.

This letter also provides instructions for HCSSAs to register with the Department of State Health Services (DSHS) as providers of COVID-19 vaccines and to inform agencies of the responsibility to follow manufacturer instructions.

2.0 Policy Details & Provider Responsibilities

2.1 Vaccine Regulations

HB 797 amended Health and Safety Code, Chapter 142, to authorize HCSSAs to purchase, store, and transport any vaccine approved,

authorized for emergency use, or permitted by the United States Food and Drug Administration (USDA) to treat or mitigate the spread of a communicable or infectious disease, as defined by the Health and Safety Code §81.003.

To implement the legislation, HHSC Long Term Care Regulation adopted emergency rules at Title 26 of the Texas Administrative Code (TAC) §558.961 (relating to [Vaccine Authority for Home Health and Hospice Agencies](#)). The emergency regulations require home health and hospice agencies that choose to purchase, store, and transport the COVID-19 vaccination to have a policy that ensures vaccinations are stored and transported in accordance with a vaccine manufacturer's instructions and Centers for Disease Control and Prevention (CDC), Department of State Health Services (DSHS), and Texas Health and Human Services Commission (HHSC) guidelines.

2.2 Registration as a Vaccine Provider

DSHS is responsible for the distribution of COVID-19 vaccinations in the state of Texas, and HCSSAs may register through the DSHS website to be pandemic providers. HCSSAs may access the DSHS [vaccine enrollment](#) website at:
<https://enrolltexasiz.dshs.texas.gov/emrlogin.asp>.

Information on the DSHS website includes Immtrac2 enrollment and the pandemic provider agreement.

The CDC guidelines link for storage and handling is at the bottom of the slide. Vaccine product information is available for Pfizer, Moderna, and Johnson & Johnson vaccines. A vaccination provider is not required to provide all three types of the vaccine and must consider the appropriate vaccination storage and transport capabilities the agency may achieve as a vaccination provider.

HCSSAs may click on the first link to enroll as a pandemic provider. The website covers Immtrac2 enrollment, the pandemic provider agreement and an [immunization portal registration guide](#).

Note: In the portal, an HCSSA must choose the “Texas Healthcare Providers” group which indicates it is not a public health entity or a pharmacy.

3.0 Background/History

The following sections of the Texas Administrative Code (TAC) contain related vaccination requirements for HCSSAs:

- Title 26, Part 1, TAC §558.961 Emergency Rules for [Vaccine Authority for Home Health and Hospice Agencies](#); and
- Title 26, Part 1, TAC §558.303 [Standards for Possession of Sterile Water or Saline, Certain Vaccines or Tuberculin, and Certain Dangerous Drugs](#).

The applicable statutes for HCSSAs are referenced below:

- Texas Health and Safety Code [Chapter 142](#); and
- Texas Health and Safety Code [Chapter 81](#).

4.0 Resources

None

5.0 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.