



## Long-Term Care Regulatory Provider Letter

<b>Number:</b> PL 2021-34
<b>Title:</b> Amended Statutory Cap Regarding Administrative Penalties for Intermediate Care Facilities
<b>Provider Types:</b> Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions
<b>Date Issued:</b> September 10, 2021

### 1.0 Subject and Purpose

The purpose of this provider letter is to notify providers of changes to how HHSC determines and imposes administrative penalties based on changes made by House Bill 3720 (87<sup>th</sup> Legislature, Regular Session, 2021). The effective date is September 1, 2021.

### 2.0 Policy Details & Provider Responsibilities

House Bill 3720 amended Health and Safety Code [Section 252.065\(b\)](#). Under the previous law, the cap on the amount of penalties that could be assessed was calculated by violation and by the day.

Under the law effective September 1, 2021, the administrative penalties for each visit are limited to the cap amount, regardless of the number or duration of violations.

HHSC will implement and apply the new administrative penalty cap to any ICF administrative penalties imposed beginning on September 1, 2021.

HHSC will also follow with amended rules to Title 26 of the Texas Administrative Code, Chapter 551, Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions, to reflect this change.

### **3.0 Contact Information**

If you have any questions about this letter, please contact the LTCR Policy and Rules Section by email at [LTCRPolicy@hhs.texas.gov](mailto:LTCRPolicy@hhs.texas.gov) or call (512) 438-3161.