



## Long-Term Care Regulatory Provider Letter

<b>Number:</b> PL 2021-37 (Replaces PL 15-17 and PL 16-16)
<b>Title:</b> Administrator and Alternate Administrator Requirements
<b>Provider Types:</b> Home and Community Support Services Agencies (HCSSAs)
<b>Date Issued:</b> October 15, 2021

### 1.0 Subject and Purpose

This provider letter provides guidance for administrators and alternate administrators of HCSSAs regarding requirements for experience, initial training, and continuing education in accordance with the licensing standards in Title 26 of the Texas Administrative Code (TAC), Chapter 558.

### 2.0 Policy Details & Provider Responsibilities

#### 2.1 Designation of the Administrator and Alternate Administrator

A HCSSA must designate only one administrator and one alternate administrator for the agency's license. These individuals must meet all qualifications and conditions for the position before designation. The date an individual is appointed to the administrator or alternate administrator position is the effective date of designation.

#### 2.2 Administrator Qualifications and Experience

The rules at 26 TAC §558.244 list the administrator and alternate administrator qualifications and experience requirements for each licensure category.

<b><i>If the agency is providing ...</i></b>	<b><i>The administrator and alternate administrator must meet the following qualifications and experience requirements ...</i></b>
Licensed home health services; Licensed and certified home health services; or Hospice services <sup>1</sup>	Be a licensed physician, registered nurse, licensed social worker, licensed therapist, or licensed nursing home administrator with at least one year of management or supervisory experience in a health-related setting; <b>OR</b> Have a high school diploma or a general equivalency degree (GED) with at least two years of management or supervisory experience in a health-related setting.
Personal assistance services (PAS) only	Meet the qualifications listed for other categories of services; <b>OR</b> Have a high school diploma or a GED with at least one year of experience or training in caring for individuals with functional disabilities; <b>OR</b> Have completed two years of full-time study at an accredited college or university in a health-related field.

### **2.3 Administrator Conditions**

Administrator conditions are additional requirements that demonstrate the person’s qualification to participate in management of an agency in Texas. The administrator’s failure to meet required conditions may

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<sup>1</sup> For an agency licensed to provide hospice services, the administrator or alternate administrator must also be a hospice employee and have any additional education and experience required by the hospice's governing body, as specified in the agency's job description.

affect the agency and may result in HHSC denying the license. The conditions outlined in 26 TAC §558.11(g), §558.244(b), and §558.241 for all licensure categories, include but are not limited to:

- attested ability to read, write, and understand English;
- training in the administration of a HCSSA, depending on previous experience;
- positive agency management history for the previous 12 months before designation (for example, no history of certain enforcement actions); and
- no previous conviction of a barred crime, offense, or misdemeanor.

**2.4 Administrator Training**

Title 26 TAC §558.259 requires initial training and continuing education for the administrator and alternate administrator.

**2.4.1 Initial Training for First-time Administrators**

A first-time administrator must complete a total of 24<sup>2</sup> hours of educational training in the administration of an agency 12 months from the date of designation as an administrator. Refer to the table below, which illustrates the first year of training for first-time administrators.

<b>New Administrator Requirements Equation</b>			
<b>Hours</b>	<b>Regulation</b>	<b>Topics</b>	<b>When</b>
8	Licensing standards, specified statutes, and Occupational Safety and Health Administration requirements 26 TAC §558.259(c)	The topics listed must be covered. Other topics that relate to the duties of a HCSSA administrator may be added for a total of eight hours.	Before date of designation as administrator

<sup>2</sup> 26 TAC §558.259 (b) and (c)

+16	Required topics 26 TAC §558.259(d)(1)-(8) and (9) or (10) as applicable	Only the topics listed in the rule count towards the 16 hours.	Within 12 months after date of designation
=24	Total clock hours for first year as a newly designated administrator or alternate administrator		

### 2.4.2 Continuing Education

Each administrator must complete 12 clock hours of continuing education beginning one year from the date of designation and continuing annually based on the date of designation. Any training entity may provide continuing education that covers the required topics. The agency may add additional topics as desired or required by the agency's policies and procedures. Continuing education must cover, but is not limited to, at least two of the following topics in any combination related to the duties of an administrator as listed below<sup>3</sup>:

- abuse, neglect, and exploitation
- agency responsibilities
- basic principles of management in a licensed health-related setting
- client rights, including the right to confidentiality
- community resources
- complaint investigation resolution
- development and interpretation of agency policies
- disaster preparedness planning
- ethics
- financial management
- fraud and abuse detection and prevention
- infection control
- legal issues regarding advance directives
- marketing
- nutrition (for agencies licensed to provide inpatient hospice services)
- quality improvement

<sup>3</sup> 26 TAC §558.260(a)(1)-(10)

- risk assessment and management
- skills for working with clients, families, and other professionals service providers
- the Outcome and Assessment Information Set (OASIS) for agencies licensed to provide licensed and certified home health services

#### **2.4.3 Previously Designated Administrators**

An administrator that was previously designated as an administrator by another HCSSA in Texas is required under 26 TAC §558.259(h) to complete 12 clock hours within each 12-month cycle from the date of designation in at least two topics in 26 TAC §558.260(a)(1)-(10). It is the responsibility of the HCSSA hiring a previously designated administrator to maintain documentation of the administrator's qualifications for the position including continuing education, certificates or transcripts of training taken in previous years. In the absence of available documentation, the administrator may need to repeat initial training to demonstrate qualification for the position. Experience as an administrator of an agency in another state or as a manager of another health care provider type in Texas does not qualify an individual to be exempt from the initial training requirements in the licensing standards.

It is the obligation of the administrator and alternate administrator to be up-to-date on the HCSSA licensing standards. When a previously designated administrator or alternate administrator has not been designated to a position during a period when state regulations in 26 TAC Chapter 558 have been amended, the agency must ensure the administrator and alternate are knowledgeable on current updated regulations. HHSC recommends the administrator or alternate administrator seek training in topics covering current regulations as part of annual continuing education. The administrator alternate administrator may choose to complete such training before designation but should complete the training with the 12-month period in accordance with §558.260(a).

#### **2.4.4 Administrator and Alternate Administrator Training**

A HCSSA or HCSSA employee is responsible for ensuring the training they take complies with the licensing standards in 26 TAC, Chapter 558, §§558.259-260. HHSC does not endorse specific training providers nor does it require administrators to take a particular training course. For additional information, the [HCSSA - Training Requirements & Opportunities](#) page is a helpful resource that provides new, tenured and prospective HCSSA administrators with information and guidance regarding regulations; provides a portal for administrators to find training; and includes a list of known training providers.

## **2.5 HHSC Review of Administrator Documentation**

HHSC licensing staff and regional surveyors review applications and agency documentation to determine if designated administrators and alternate administrators meet all appropriate qualifications and conditions set in 26 TAC §558.244 (relating to Administrator Qualifications and Conditions and Supervising Nurse Qualifications).

### **2.5.1 Licensure Review**

Applicants for initial licensure must provide HHSC licensing unit staff documentation of the administrator's and alternate administrator's ability to meet qualifications and conditions for the position with the initial application in TULIP. The following are required forms of documentation reviewed at licensure:

- proof of completion of the presurvey training online and
- any certificates or transcripts documenting administrator or alternate administrator initial, education, or continuing education training (as applicable).

An agency's administrator and alternate administrator must meet the training requirements in effect on the date HHSC issues the license. The agency must show proof of training and other conditions before HHSC will issue the license. Administrators and alternate administrators are considered controlling parties of the agencies and are subject to screening and analysis including a criminal history check.

### **2.5.2 Regional and Survey Review**

Agencies must maintain documentation of each administrator's qualifications for review by HHSC surveyors.

The following are acceptable forms of administrator qualifications documentation reviewed during a survey:

- licenses and permits;
- resumes and curriculum vitae;
- reference checks that document verifiable dates of employment and job experience;
- transcriptions or diplomas of education; and
- certificates of training and continuing education.

### **2.6 Administrator Responsibilities**

The alternate administrator is fully responsible for the duties of the administrator position when the administrator is unavailable.

The agency must have a designated administrator and alternate administrator at all times. The administrator is responsible for applying and directing the agency's administrative policies relating to ongoing functions and service delivery<sup>4</sup>.

## **3.0 Background**

The Health and Human Services Commission (HHSC) does not intend that this document be inclusive of all the administrator and alternate administrator requirements under the HCSSA license. Applicants, license holders, and all agency staff should read and understand the regulations in their entirety.

## **4.0 Contact Information**

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

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<sup>4</sup> 26 TAC §558.243(b)(1)