



Presentation to the Senate Health and Human Services Committee

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Long-Term Care Regulation,
Health and Human Services
Commission

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Long-Term Care Regulation

Total # of FTEs: 1,380

- **State Office: 309**
- **Regional: 1,071**

Total # of Provider Types: 7

Total # of Regulated Operations: 13,038

Total # of Professional License Types: 3

Total # of Professional Licensees: 125,713

Providers	Total
Nursing Facilities	1,212
Assisted Living Facilities (ALF)	2,023
Day Activity Health Services	404
Intermediate Care Facilities	784
Prescribed Pediatric Extended Care Centers	8
Home and Community Support Services Agencies (i.e. home health, hospice)	7,394
Home and community-based (HCS) and Texas Home Living waiver service providers	1,213
Professional Licenses	Total
Nursing Facility Administrators	1,829
Medication Aides	6,494
Certified Nurse Aides (CNA)	116,492
Nurse Aide Training and Competency Evaluation Program (NATCEP)	898



Staffing Requirements for Long-Term Care Facilities

Nursing Facilities (NFs)

"Sufficient nursing staff"

- At a minimum, the facility must maintain a ratio (for every 24-hour period) of one licensed nursing staff person for each 20 residents or a minimum of .4 licensed-care hours per resident day. RN onsite 8 consecutive hrs/day, 7 days a week.
- Must have an RN serve as a Director of Nursing for 40 hours/week.
- Charge nurse must be a licensed nurse, and the facility must have one on duty on each shift. The DON cannot also serve as the charge nurse if the facility has an average daily occupancy of more than 60 residents.
- Nurses must have specific competencies and skill sets necessary to care for residents' needs, as identified through resident assessments and described in the plan of care.

Other Direct Care Staff (Certified Nurse Aides (CNAs))

- Must ensure CNAs complete training and demonstrate competency within 4 months of employment.
- Must ensure CNAs meet ongoing training requirements.

Assisted Living Facilities (ALFs)

Attendants must be 18 years old or a high school graduate, and must be in the facility at all times when residents are present

A facility must have sufficient staff to:

- Maintain order, safety, and cleanliness;
- Assist with medication regimens;
- Prepare and serve meals that meet the daily nutritional and special dietary needs of each resident, in accordance with each resident's service plan;
- Assist with laundry;
- Assure that each resident receives the kind and amount of supervision and care required to meet his basic needs; and
- Ensure safe evacuation of the facility in the event of an emergency.

Facility must have staffing policies, which require staffing ratios based upon residents' needs.

Night shift staff must be immediately available, and depending on the type and size of the facility, awake also.



Long-Term Care Workforce Challenges

State of Texas Assistance Requests (STARs) for Long-Term Care Facility Staffing

As of 7-25-2022

Number of Staffing Requests Filled

234

HHSC Regulatory Citations – Staffing Related FY 2020-FY 2022

Facility Type	FY 2020	FY 2021	FY 2022	TOTAL
Nursing Facility	226	184	180	590
Assisted Living Facility	427	346	361	1,134
TOTAL	653	530	541	1,724





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HHSC Response to Long-Term Care Workforce Challenges

HHSC is providing the following flexibilities for certified nurse aides (CNAs) by allowing:

- More options to sit for the nurse aide examinations and become a CNA;
- Work training and experience gained in a nursing facility during the public health emergency to count toward the 100 hours of required training needed to be eligible to sit for the exams; and
- Many parts of the traditional CNA training to be conducted virtually, which reduces the challenges future nurse aides face when obtaining required education and training



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HHSC Response to Long-Term Care Workforce Challenges

HHSC has provided flexibilities for nursing facility administrators by permitting:

- Greater reciprocity for administrators licensed in another state to receive a license in Texas;
- More nursing facility locations where an administrator-in-training can complete an internship; and
- Waived license fees for military veterans and their spouses.



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HHSC Response to Long-Term Care Workforce Challenges

HHSC conducted two surveys of providers to assess the state of the CNA workforce in nursing facilities.

- The first survey gauged how many temporary nurse aides would be moving through the testing process to receive full certification.
- The second was to assess how many nurse aides nursing facilities are short.

Based on the surveys, HHSC anticipates between 7,000 and 8,000 nurse aides will need to obtain certification. However, the number could be to 10,000 based on the high rates of staff turnover and current vacant nurse aide positions.

HHSC Response to Long-Term Care Workforce Challenges

Given the significant volume of temporary nurse aides on the path to certification, HHSC submitted a request to CMS to waive federal regulations which prevent a nursing facility from employing a nurse aide longer than four months unless they meet the training and certification requirements.

This waiver will allow temporary nurse aides to continue to provide care to residents beyond the four-month limit while the HHSC testing contractor facilitates their transition to full certification.



Rider 146: Nursing Facility Workforce Study

Rider 146, Senate Bill 1, 87th Legislature, Regular Session directed HHSC to report on the workforce shortage and delivery of care in Texas nursing facilities. HHSC must:

- Evaluate the current workforce shortage;
- Consult with numerous stakeholder groups, including other state agencies;
- Develop recommendations for legislation, policies, and short-term and long-term strategies to recruit and retain direct care staff to ensure an adequate workforce; and
- Examine and develop recommendations for nursing facility reforms.



Rider 146: Implementation Activities

- HHSC Regulatory Services has had productive engagement with the following stakeholders to collect input for the report:
 - Provider associations;
 - HHSC Long-Term Care Ombudsman;
 - Resident advocacy organizations, including AARP; and
 - Texas Workforce Commission.
- HHSC participated in a nursing facility workforce town hall hosted by the Texas Health Care Association (THCA).
- Upcoming outreach efforts include meeting with the Texas Education Agency and the Board of Nursing.
- The report is on target to be submitted to the Legislature by the November 1st deadline.

