MEMORANDUM
Texas Department of Human Services * Long Term Care/Policy

TO: LTC-R Regional Directors
    LTC-R Program Managers
    State Office Section/Unit Managers

FROM: Jim Lehrman
    Associate Commissioner
    Long Term Care-Regulatory
    State Office  MC: E-340

SUBJECT: Guidance for the Revision to the Mandatory Criteria of a Poor Performing Long Term Care Facility S&CC #99-16

DATE: June 28, 1999

The purpose of this letter is to follow the direction given by the Health Care Financing Administration's (HCFA) revision to the mandatory criteria of a poor performing, long term care facility (PPF). As indicated in RS&C Letter 98-19, the revised mandatory criteria states:

"If the facility is found out of compliance on the current survey; the scope and severity of the deficiency(ies) is at the level of actual harm or higher (G, H, I, J, K, L on the grid); and the facility has been cited at the level of actual harm or higher at the previous standard or intervening survey, the facility will be considered as a poor performer."

"Please note that the following is an exception to the new mandatory criterion: the 'G' box on the grid which represents isolated actual harm will be phased in early next year."

At the present time, both HCFA and the department are using the "H" or higher standard. Texas has requested that HCFA reconsider the plan to phase in "G" (isolated actual harm) as a mandatory finding of PPF. Pending notification of a response, surveyors will continue to use the "H" or higher standard.

If you have any questions, please contact Beverly Tucker, Professional Services Section Manager, at (512) 438-2631.

{Original Signature on File}

Joe Morganti, Jr. for
Jim Lehrman

JL:mg