March 26, 2015

To: Home and Community-based Services Providers
Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions Providers with a Capacity of 13 or Fewer Beds
Texas Home Living Providers

Subject: Information Letter 15-24/Provider Letter 15-05 – Licensed Vocational Nurse On-Call Pilot Program Ends September 1, 2015

This letter reminds participants in the licensed vocational nurse (LVN) On-Call Pilot program that it ends on September 1, 2015. After September 1, 2015, only registered nurses (RNs) may provide On-Call telephone services to individuals receiving services in the Home and Community-based Services (HCS) or Texas Home Living (TxHmL) programs or in an Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions (ICF/IID) with a capacity of 13 or fewer beds.

Background

Senate Bill (S.B.) 1857 (82nd Texas Legislature, Regular Session, 2011) required the Texas Department of Aging and Disability Services (DADS) and the Texas Board of Nursing (BON) to conduct a pilot program to evaluate LVNs providing on-call telephone services to individuals receiving services in the HCS or TxHmL programs or in an ICF/IID with a capacity of 13 or fewer beds.

The BON defines “on-call telephone services” as “providing telephone services anytime of the day to handle non-urgent, urgent and emergent conditions an individual may experience; making a telephone assessment, providing instructions to an unlicensed person over the phone regarding that condition and reporting those instructions to a RN clinical supervisor.”

BON rules at Texas Administrative Code (TAC), Title 22, Part 11, Chapter 217, §217.11(2) state that “the LVN practice is a directed scope of nursing practice under the supervision of an RN, advanced practice registered nurse, physician's assistant, physician, podiatrist or dentist. Supervision is the process of directing, guiding and influencing the outcome of an individual's performance of an activity.”

The LVN On-Call Pilot

In accordance with the Memorandum of Understanding between DADS and the BON dated July 6, 2011, the LVN On-Call Pilot program established by S.B. 1857 permits an exception to 22 TAC §217.11(2) for providers of HCS, TxHmL and ICFs/IID with a capacity of 13 or fewer beds; therefore, providers, LVNs and RNs who are participating in the LVN On-Call Pilot program according to the Operational and Communication Protocols may perform on-call telephone services for individuals in their care while the On-Call Pilot program is in effect.
The section of S.B. 1857 authorizing the LVN On-Call Pilot program expires on September 1, 2015. Therefore, effective September 1, 2015, an LVN may no longer provide on-call telephone services to individuals receiving services in the HCS or TxHmL programs or in an ICF/IID with a capacity of 13 or fewer beds. An RN is authorized to provide on-call telephone services and will continue to be authorized to do so after the pilot program ends.

A report on the LVN On-Call Pilot program will be generated later this year. The report will include evaluation results from random sample chart reviews and death reviews, lessons learned from the pilot, input from providers participating in the pilot and recommendations.

If you have any questions, please contact the DADS Waiver Survey and Certification unit at 512-438-4163 or an ICF/IID policy specialist in the Regulatory Services Policy, Rules and Curriculum Development unit at 512-438-3161.

Sincerely,

[Signature on file] [Signature on file]

Mary T. Henderson  Donna Jessee
Assistant Commissioner  Director
Regulatory Services  Center for Policy & Innovation

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