



COMMISSIONER
Chris Traylor

March 30, 2012

To: Home and Community-based Services (HCS) Providers
Texas Home Living (TxHmL) Providers

Subject: Information Letter No. 12-28
Notification of the Death of an Individual

DADS rule at Title 40 Texas Administrative Code (TAC) §9.178(w) requires HCS providers to, in part, report the death of an individual to DADS by the end of the next business day following the death or the program provider's learning of the death. A similar requirement for TxHmL providers is in DADS rule at 40 TAC §9.580(q).

Further, DADS rule at 40 TAC §9.178(g) requires HCS providers to provide to DADS all records, reports, and other information related to the delivery of HCS Program services as requested by DADS. A similar requirement for TxHmL providers is found in DADS rule at 40 TAC §9.580(b).

Information Letter No. 08-175, dated January 15, 2009, states that HCS and TxHmL providers must report deaths to DADS, as required by 40 TAC §9.178(w) and §9.580(q), by calling DADS at (512) 438-4163.

The purpose of this Information Letter is to change the requirement that providers report deaths by a phone call. **Effective May 1, 2012, HCS and TxHmL providers must notify DADS of an individual's death, as required by 40 TAC §9.178(w) and §9.580(q), by faxing a completed Form 8493, Notification to DADS Regarding a Death in HCS, TxHmL and DBMD Programs, to DADS at 512-438-4148.** This form is available at www.dads.state.tx.us/providers. The form must be faxed to DADS by the end of the next business day following the individual's death or the program provider's learning of the death.

In addition, HCS and TxHmL program providers must submit to DADS the following regarding the individual:

- the most recent person-directed plan;
- the most recent implementation plan;
- the most recent nursing assessment;
- the last three months of nursing notes;
- the last three months of physician orders;
- the last three months of lab work;
- the last two months of medication administration records;
- the last three weeks of documentation reflecting residential support, supervised living, supported home living or foster/companion care services provided;

- the last week of documentation reflecting day habilitation services provided, if applicable; and
- documentation of training provided to staff related to the individual's needs.

Further, HCS and TxHmL providers must provide any additional information requested by DADS related to services provided to the individual.

This documentation must be received by DADS within three business days after the completed Form 8493 is faxed to DADS and be delivered as follows:

By facsimile to: DADS Waiver Survey and Certification,
Risk Assessment Coordinators
At 512-438-4148; or

By overnight mail to: DADS Waiver Survey and Certification,
Risk Assessment Coordinators,
PO Box 149030, Mail Code E-348
Austin, Texas 78714-9030.

The completed Form 8493 and the documentation described above assist DADS Waiver Survey and Certification (WS&C) risk assessment coordinators in reviewing the death of an individual who received services in the HCS and TxHmL programs.

Failure by an HCS or TxHmL provider to comply with the requirements in this Information Letter may result in the provider being found out of compliance with DADS rules.

If you have any questions regarding the information in this letter, please contact the DADS Regulatory Services WS&C unit at (512) 438-4163 or at WaiverSurvey.Certification@dads.state.tx.us.

Sincerely,

[signature on file]

Carol Ahmed
Director of Survey Operations
Regulatory Services