



COMMISSIONER
Jon Weizenbaum

October 8, 2013

To: Assisted Living Facilities (ALFs), Hospice Freestanding Inpatient Units, Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions (ICFs/IID), and Nursing Facilities (NFs)

Subject: **Provider Letter 13-33** – Emergency Planning for Individuals Who Require Bariatric Care

The Texas Department of Aging and Disability Services (DADS) is issuing this letter to remind ALFs, Hospice Freestanding Inpatient Units, ICFs/IID and NFs that their emergency plans must provide for the safe evacuation of *all* individuals residing in their facilities when the emergency situation requires an evacuation. This includes individuals with special needs, such as individuals with obesity or morbid obesity who require bariatric care.

The program requirements that explain each program’s responsibility for emergency preparedness are as follows:

ALF	Texas Administrative Code (TAC), Title 40, Part 1, Chapter 92, § 92.62(d)
Hospice Freestanding Inpatient Unit	40 TAC §97.871(a)(2)(E) and Code of Federal Regulations (CFR), Title 42, Part 418, § 418.110(c)(1)(ii) (L726)
ICF/IID	40 TAC, §90.50(d)(7) and 42 CFR, §483.470(i)(2)(ii) (W446)
NF	40 TAC, §19.1914(d)(7) and 42 CFR, §483.75(m) (F517)

An individual who requires bariatric care may also require special equipment, procedures, and provisions in emergency planning, including but not limited to:

- Equipment must be appropriate in size and must accommodate the individual’s weight. This equipment may include beds, bedside chairs, scales, wheelchairs, toilets, and bedside commodes.
- Doorways, walkways and ramps must be of adequate width to provide all individuals with continuous and unobstructed exit-access to the “public way” (i.e., street or parking lot).
- Staff must be trained and have the capability to use special equipment required to lift, transfer and move an individual who requires bariatric care.

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An evacuation plan that relies on emergency personnel (i.e., police, fire and EMS) to evacuate an individual to the public way is not sufficient to ensure an individual's safety. The facility must be able to implement the evacuation without waiting for outside help to arrive.

If you have questions about the content of this letter, please contact a policy specialist in the Policy, Rules and Curriculum Development unit at (512) 438-3161.

Sincerely,

[signature on file]

Mary T. Henderson
Assistant Commissioner
Regulatory Services

MTH:cg