



COMMISSIONER
Jon Weizenbaum

January 29, 2014

To: Assisted Living Facilities

Subject: **Provider Letter 14-02** – Changes to the Assisted Living Facility (ALF) Licensing Standards

The Texas Department of Aging and Disability Services (DADS) is issuing this letter to provide notice of changes to the Licensing Standards for Assisted Living Facilities effective January 6, 2014. Please review these changes carefully.

Texas Administrative Code (TAC), Title 40, Part 1, Chapter 92, §92.2 Definitions

This section has new or revised definitions for "abuse," "neglect," "exploitation," "flame spread," "local code" and "listed." The definition for National Fire Protection Association (NFPA) 101 has been updated to reflect the 2000 edition.

40 TAC §92.5 Health Care Professional

This section states that a health care professional may coordinate the provision of services to a resident within the professional's scope of practice and as authorized under Texas Health and Safety Code, Chapter 247.

40 TAC §92.11 Criteria for Licensing

This section adds the limited provision of skilled nursing services to:

- coordinate resident care with a home and community support services agency or health care professional;
- provide or delegate personal care services and medication administration;
- assess a resident to determine the care required; and
- deliver **temporary** skilled nursing services for **minor illness, injury or emergency for a period not to exceed 30 days.**

40 TAC §92.41 Standards for Type A and Type B Assisted Living Facilities

This section now states that a facility must:

- provide the resident's immediate family, and document the family's receipt of, the DADS telephone hotline number to report suspected abuse, neglect or exploitation; and
- keep specific documentation in an employee's personnel records, including a criminal history report, an annual employee misconduct registry check, an annual nurse aide registry check, documentation of an initial tuberculosis screening, documentation of an employee's compliance with or exemption from of the facility vaccination policy, and a signed statement acknowledging that an employee may be held criminally liable for failure to report suspected abuse, neglect or exploitation.

40 TAC §92.61

This section updates the NFPA 101, Life Safety Code, references from the 1988 edition to the 2000 edition. This includes updating organization names, terminology and references. Please review Provider Letter 13-43.

40 TAC §92.62

This section updates the NFPA 101, Life Safety Code, references from the 1988 edition to the 2000 edition. This includes updating organization names, terminology and references.

40 TAC §92.63

This section updates the NFPA 101, Life Safety Code, references from the 1988 edition to the 2000 edition. This includes updating organization names, terminology and references. See Provider Letter 13-43.

40 TAC §92.64

This section updates the NFPA 101, Life Safety Code, references from the 1988 edition to the 2000 edition. This includes updating organization names, terminology and references. The proposed repeal of §92.101 removes definitions for "abuse," "neglect" and "exploitation" that have been consolidated in the proposed amendment to §92.2.

40 TAC §92.101

This section was repealed. The definitions for "abuse," "neglect" and "exploitation" have been consolidated in the definitions located under 40 TAC §92.2.

40 TAC §92.102

This section updates the reporting requirements for abuse, neglect or exploitation. The change requires a facility to obtain signed statements from employees, as a condition of employment, acknowledging that an employee may be held criminally liable for failure to report suspected abuse, neglect or exploitation.

40 TAC §92.127

This section requires an ALF to post a sign in a public area stating that suspected abuse, neglect and exploitation must be reported to DADS at 1-800-458-9858.

If you have any questions about the changes related to the 2000 edition of NFPA 101, you may contact the DADS Architectural Unit at 512-438-2371.

If you have questions regarding the content of this letter, you may 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