



COMMISSIONER
Jon Weizenbaum

August 15, 2015

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

Subject: **Information Letter 15-55**
Change to Certification Review Process

The purpose of this letter is to notify HCS and TxHmL program providers of a change to the certification review process described in Department of Aging and Disability Services rules at Texas Administrative Code (TAC), Title 40, §9.185(i) and §9.577(i). These rules state as follows:

If DADS determines at the end of a review that a program provider's failure to comply with one or more of the certification principles results in a condition of a serious nature, DADS:

- (1) requires the program provider to complete corrective action within 30 calendar days after the date of the review exit conference; and**
- (2) conducts a follow-up review after the 30-day period to determine if the program provider completed the corrective action.**

A "condition of a serious nature" is defined in 40 TAC §9.153 and §9.553.

Currently, if DADS determines that a provider's failure to comply with a certification principle results in a condition of a serious nature, DADS requires the provider to complete corrective action within 30 calendar days for **all** items out of compliance, including those that are determined not to be of a serious nature. Also, if, during the 30-day follow-up review, DADS determines that all items are not corrected, DADS takes action in accordance with 40 TAC §9.185(l) and §9.577(l).

Effective October 1, 2015, if DADS determines that a provider's failure to comply with a certification principle results in a condition of a serious nature, DADS will:

- require the provider to complete corrective action within 30 calendar days, in accordance with §9.185(i) and §9.577(i), only for those items remaining out of compliance that resulted in a condition of a serious nature;
- require the provider to submit a corrective action plan to DADS within 14 calendar after the date of DADS final review report, in accordance with 40 TAC §9.185(d) and §9.577(d), for any items remaining out of compliance that did not result in a condition of a serious nature;
- review during the 30-day follow-up review described in 40 TAC §9.185(i) and §9.577(i) only items remaining out of compliance that resulted in a condition of a serious nature; and
- if it is determined during the 30-day follow-up review that the items remaining out of compliance that resulted in a condition of a serious nature are not corrected, take action in accordance with 40 TAC §9.185(l) and §9.577(l).

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If a provider fails to submit a corrective action plan for any items remaining in non-compliance that did not result in a condition of a serious nature, DADS will take action in accordance with 40 TAC §9.185(g) and §9.577(g).

If you have questions regarding the content of this letter, please contact Waiver Survey and Certification at: WaiverSurvey.Certification@dads.state.tx.us.

Sincerely,

[signature on file]

Mary T. Henderson
Assistant Commissioner
Regulatory Services

[signature on file]

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