



COMMISSIONER  
Jon Weizenbaum

Date: December 1, 2016

To: Assisted Living Facilities (ALFs)  
Home and Community Support Services Agencies (HCSSAs)  
Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions (ICFs/IID)  
Medication Aide Training Programs  
Nursing Facilities (NFs)

Subject: Provider Letter No. 16-43 – Rule Amendments in Texas Administrative Code (TAC), Title 40, Part 1, Chapter 95, Medication Aides Program Requirements

On October 2, 2016, the Texas Department of Aging and Disability Services (DADS) added new rules and amended existing rules in 40 TAC Chapter 95, Medication Aides Program Requirements. These changes were initiated to:

- provide updates to business language and procedures;
- provide clarifications to current practices; and
- coincide with revisions to the medication aide curriculum, which will be effective on January 1, 2017.

The rule change to §95.101 provides new and revised definitions for the following terms: active duty, armed forces, day, HCSSA, facility, medication aide, military service member, military spouse, military veteran, Nurse Aide Registry (NAR), PRN medication and registered nurse. “Permit holder” was changed to “medication aide” for consistency throughout the chapter. The term “workdays” was replaced with “days.”

DADS amended §95.105 to clarify that electronic refills of medications may be ordered once signed and approved by a nurse. Section §95.105 also clarifies that if a specific practice is not included as allowable, it is prohibited.

DADS amended §95.107 to include the requirement that, prior to making an application for a permit, the applicant:

- must not have been convicted of a criminal offense listed in the Texas Health and Safety Code (THSC), Chapter 250, within the preceding five years; and
- must not be listed as unemployable on the Employee Misconduct Registry (EMR) or listed on the NAR in revoked or suspended status.

The amendment at §95.109 includes the requirement that DADS verifies the accreditation of the high school that issued the applicant’s diploma, the testing service, or program that certified the applicant’s general equivalency development test. If DADS is unable to verify the accreditation status of the school, testing service or program, then the applicant must provide documentation to DADS verifying the accreditation status of the school, testing service or program. Amendments to §95.113 authorize DADS to deny an application for a permit if the applicant:

701 W. 51st St. ★ P.O. Box 149030 Austin, Texas 78714-9030 ★ (512) 438-3011 ★ [www.dads.state.tx.us](http://www.dads.state.tx.us)

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Provider Letter No. 16-28

July 20, 2016

Page 2

- is listed on the NAR in revoked or suspended status;
- has a conviction of a criminal offense listed in THSC Chapter 250; or
- is listed as unemployable in the EMR.

The amendments to §95.115 include clarifying that if a permit has been expired for one year or more, the applicant may not renew the permit. The individual must comply with the application procedures found in §95.109 to obtain a new permit.

The amendments to §95.119 require that before a student begins a training program, the program must obtain a criminal history report from the Texas Department of Public Safety and verify that the student does not have a conviction of a criminal offense listed in THSC Chapter 250. Each program must perform an employability check using both the EMR to verify that the student is not listed as unemployable and the NAR to verify whether the student is listed in revoked or suspended permit status. The program must document the findings of the criminal history check and employability check in its records.

Finally, the amendments add a new §95.129, which implements Senate Bill (SB) 807 and SB 1307 (84th Texas Legislature, Regular Session, 2015). SB 807 and SB 1307 amended the Texas Occupations Code, Chapter 55, Licensing of Military Service Members, Military Veterans, and Military Spouses. The amendment enables military service members, spouses and veterans to obtain an occupational license or permit in an expedited manner. The rule amendments address several areas that relate to medication aide permits for eligible military service members, military veterans and military spouses.

You can access the amended rules for [Chapter 95 Licensing Standards for Medication Aides](#) to view all the revisions.

If you have questions regarding this letter, please contact a Medication Aide program specialist at (512) 438-2025. If you would like more information, you may also email [credential@dads.state.tx.us](mailto:credential@dads.state.tx.us).

Sincerely,

*[signature on file]*

Mary T. Henderson  
Associate Commissioner  
Regulatory Services

MTH:cg