



Date: August 17, 2017

To: Nursing Facilities (NFs)

Subject: Provider Letter No. 17-15 – Failure to Deliver PASRR Services

Note: This letter replaces Provider Letter No 17-15 dated May 2, 2017. It clarifies that the role of the nursing facility (NF) is to coordinate completion of the Level I screening and Level II evaluation assessments with appropriate entities.

NFs must comply with both state and federal requirements related to Preadmission Screening and Resident Review (PASRR). This includes coordinating with appropriate entities to ensure completion of Level I screening and Level II evaluation assessments, participating in interdisciplinary team meetings (IDTs) and providing necessary specialized services for individuals with intellectual disabilities (ID), developmental disabilities (DD), or mental illness (MI) when IDTs determine services are needed. Full information about these requirements is in the Texas Administrative Code, Title 40, Chapter 19, Subchapter BB and the Code of Federal Regulations (CFR), Title 42, Part 483, Subchapter C.

The PASRR process ensures that residents who have ID, DD, or MI are not inappropriately placed in a nursing facility that cannot meet their needs. NF specialized services and PASRR support activities are critical components of the comprehensive care plan and quality care provided to individuals with ID, DD, or MI. Residents must receive ongoing services such as therapies and specialized equipment in accordance with their assessed needs, as identified by the IDT.

On any investigation related to PASRR, a surveyor will investigate whether or not the facility initiated and provided specialized services for residents identified by the IDT as having special needs related to PASRR. A failure to initiate or provide such services will result in a violation of the PASRR service delivery requirement at 40 TAC §19.2704(i)(7)(A)(B). Because of the crucial nature of the PASRR specialized support services, neglect will also be cited if the surveyor finds evidence that the facility's failure to provide services constituted neglect. Neglect, as defined by 40 TAC §19.101(83), involves the

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failure of a facility to provide goods or services, including medical services, that are necessary to avoid physical or emotional harm, pain, or mental illness.

If you have questions regarding this letter, you may contact a NF policy specialist with the Policy, Rules and Curriculum Development section at (512) 438-3161.

Sincerely,

[signature on file]

Mary T. Henderson
Associate Commissioner
Regulatory Services
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