



Date: May 12, 2017
To: Nursing Facilities (NFs)
Subject: Provider Letter No. 17-19 – Rule Amendments in Texas Administrative Code (TAC), Title 40, Part 1, Chapter 18, Nursing Facility Administrators

On February 15, 2017, the Texas Department of Aging and Disability Services (DADS) amended existing rules in 40 TAC Chapter 18, Nursing Facility Administrators (NFAs). These changes were initiated to:

- clarify when a NFA may request an informal review;
- update the time frame for requesting a formal hearing; and
- amend the list of violations that lead to sanctions.

The amendment to 40 TAC §18.52 clarifies that DADS gives an NFA an opportunity to request an informal review before DADS initiates proceedings to revoke or suspend the administrator's license or deny the renewal of the license.

DADS amends 40 TAC §18.53 to change the timeframe for an NFA to request a formal hearing from 15 to 20 days after receiving a notice from DADS. The new timeframe is consistent with the timeframe for hearings for administrative penalties in the Texas Health and Safety Code (THSC) §242.067(f). In addition, 40 TAC §18.53 adds a reference to Title 40, Chapter 91 regarding the governance of a formal hearing.

The amendment to 40 TAC §18.54 adds moral turpitude to the list of violations that lead to sanctions. This addition makes the list consistent with THSC §242.313.

You may access the amended rules for [Chapter 18 Nursing Facility Administrators](#) to view all the revisions.

If you have questions regarding this letter, please contact an Enforcement program specialist at (512) 438-5495.

Sincerely,

[signature on file]

Mary T. Henderson
Associate Commissioner
Regulatory Services

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