New, Adopted Nursing Facility Rules Effective March 27, 2017

Information posted March 29, 2017

The Health and Human Services Commission (HHSC) has adopted amendments to and added new rules to 40 TAC Chapter 19, Nursing Facility Requirements for Licensure and Medicaid Certification, effective March 27, 2017. The adopted rules:

- Add definitions of "stay agreement," "substandard quality of care violation," and "widespread," which are terms used in new §19.2113. The rules also add a definition of "quality measure report", a term used in new §19.2107.

- Allow a quality-of-care monitor to visit a facility that is identified through the HHSC early warning system as a medium risk or that requests a visit and provides that a quality-of-care monitor conducts a follow-up visit within 45 days after an initial visit.

- Add that a rapid response team visits a Nursing Facility that is identified as high risk through the early warning system or that has committed three violations that require license revocation under new §19.2107.

- Provide that, subject to certain exceptions, the HHSC executive commissioner revokes a Nursing Facility license if the Department of Aging and Disability Services (DADS) finds that the license holder has committed three or more violations constituting an immediate threat to health and safety related to the abuse or neglect of a resident within a 24-month period at the same facility.

- Establish the criteria by which the HHSC executive commissioner may stay a proposed Nursing Facility license revocation and sets forth the requirements for a license holder to submit a written request to stay a license revocation, including that the license holder must enter into a stay agreement acceptable to the executive commissioner.

The rules were published as adopted in the Texas Register on March 24, 2017. They became effective March 27, 2017.

Email questions to NfRules@dads.state.tx.us.