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**Welcome ICF Providers!**

**COVID-19 Updates and Q&A with LTC  
Regulation and DSHS**

**October 19, 2020**

For more information:

Web: <https://hhs.texas.gov/services/health/coronavirus-covid-19/coronavirus-covid-19-provider-information>

Email: PolicyRulesTraining@hhsc.state.tx.us

Phone: 512-438-3161

# COVID-19 Updates

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## Panelist

Susie Weirether  
IDD Policy and Rule Manager  
Policy, Rules and Training  
Long-term Care Regulatory

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# Reminder

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## Sign-up for GovDelivery To sign-up for Alerts:

- Go to:  
[https://service.govdelivery.com/accounts/TX\\_HHSC/subscriber/new](https://service.govdelivery.com/accounts/TX_HHSC/subscriber/new)
- Enter your email address.
- Confirm your email address, select your delivery preference, and submit a password if you want one.
- Select your topics.
- When done click "Submit."



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# Visitation Resources



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The following resources are available on the [ICF Provider Portal](#)

- [Expanded Reopening Visitation Rules](#)
  - Under "COVID-19 Resources"
- [Provider Letter 20-43](#)
  - Click on "Provider Communications"
- Visitation FAQ coming soon
  - Will be under "COVID-19 Resources" and sent out through GovDelivery



# COVID-19 Updates

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## Panelist

Texas Department of State and Health  
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# COVID-19 Q&A

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## Panelist

Renee Blanch-Haley, BSN, RN  
Director of Survey Operations  
Survey Operations  
Long-term Care Regulation

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# COVID-19 Q&A

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## Panelist

Dana Williamson

Director, Policy Development and Support  
Medicaid/CHIP

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# COVID-19 Updates

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## Panelist

Mary Valente, MPAff, LBSW, SMQT, CMDCP  
Policy Development Support Office  
1915(b) Waivers Support  
ICF Medicaid Policy Specialist  
1915(c) Waivers Special Projects



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- Updates
  - Q&A

# COVID-19 Updates

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## Panelist

Catherine Anglin  
NF & LSC Policy and Rule Manager  
Policy, Rules and Training  
Long-term Care Regulatory

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# COVID-19 Updates

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## Expanded Visitation

- Overview of New Requirements
- General Visitation
- ICF Form 2195
- Specific Visitation Q&A
  - Essential Caregiver Visits
  - End-of-Life Visits
  - Closed Window Visits
  - Salon Service Visits
  - Plexiglass Indoor Visits
  - Open Window Visits
  - Vehicle Parades
  - Outdoor Visits



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# Overview of New Requirements

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ICFs are required to allow:

- closed window visits
- end-of-life visits
- essential caregiver visits

Upon approval from HHSC, allow additional general indoor and outdoor visitation:

- open window visits
- outdoor visits
- vehicle parades
- indoor plexiglass visits

Emergency Rule 26 TAC §551.47

# Overview of New Requirements

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To receive and approved general visitation designation, an ICF must:

- demonstrate that it has separate areas, units, wings, halls, or buildings designated for COVID-19 positive, COVID-19 negative, and unknown COVID-19 status individual cohorts
- have separate, dedicated staff who work exclusively in the separate areas, units, wings, halls, or buildings

# Overview of New Requirements

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To receive and approved general visitation designation, an ICF must:

- have no facility-acquired COVID-19 cases in individuals for at least 14 consecutive days
- have no COVID-19 cases in staff working in the area, unit, wing, hall, or building that accommodates individuals who are COVID-19 negative

# Overview of New Requirements

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A small ICF that cannot provide separate areas, units, wings, halls, or buildings for individuals who are COVID-19 positive, COVID-19 negative or unknown COVID-19 status, based on the status of the entire facility, must:

- have no facility-acquired COVID-19 cases in individuals for at least 14 consecutive days
- have no COVID-19 cases in staff



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# 2195 Attestation Form

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Each ICF must submit LTCR form 2195 to the Regional Director in the LTCR region where the facility is located and must provide information about whether the ICF meets or does not meet the criteria for expanded general visitation.

Each ICF must submit a completed form 2195 to the Regional Director no later than October 31, 2020



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# 2195 Attestation Form

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An ICF that does not meet the visitation designation criteria must attest that it:

- is permitting closed window visits, end of life visits, and essential caregiver visits
- will develop and implement a plan to meet the visitation designation criteria as defined in 26 TAC §551.47
- has included the plan with the form or will submit the plan within five business days of submitting the form



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# 2195 Attestation Form

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An ICF with previous approval for visitation does not have to submit LTCR form 2195 or other documentation unless the previous visitation approval:

- has been withdrawn, rescinded, or cancelled
- was for only indoor or outdoor visitation instead of both indoor and outdoor visitation

See [PL 20-43](#), [26 TAC §551.47](#) for details



# Form 2195 – Section 1

## LTCR FORM 2195: Expansion of Reopening Visitation Status Attestation Form for ICF Only

### SECTION 1: Facility Information

*Instructions: Submit Form 2195 to your Regional Director to request designation as a visitation facility. You must wait for approval prior to implementing new expansion of reopening visitation protocols.*

<https://hhs.texas.gov/about-hhs/find-us/long-term-care-regulatory-regional-contact-numbers>

<b>Facility Type:</b>			
Facility Name:		Facility #/ID#:	
Contact Name:		Contact #:	
Contact's Email:			
Address:			
Facility's County:			
Visitation Designation requested:	List each wing, unit, area, or building for which you are requesting visitation designation below.		

Indicate type of visitation:

- Indoor plexiglass booth visitation only (only select if requesting an exemption for outdoor visitation types)
- Outdoor visitation, vehicle parades and open window visits only (only select if requesting an exemption for indoor plexiglass visits)
- Indoor plexiglass booth, outdoor visitation, vehicle parades and open window visits

If requesting indoor plexiglass visitation only or outdoor visitation only, an ICF must complete [Section 2](#) and [Section 5](#) of this form.



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# Form 2195 – Section 2

## **SECTION 2: ICF/IID meets the visitation designation criteria**

*Note: All ICF/IIDs must offer visitation, per state guidance. Complete Section 2 if your facility meets the visitation designation criteria. Complete [Section 3](#) if your facility does not meet visitation designation criteria. Visitation criteria from 26 TAC §551.47(h) and (i) are listed in [Section 6](#) for your reference. All ICF/IIDs must complete [Section 5](#), the signature section.*

### ICF must submit:

- facility map with COVID-19 cohort areas indicated
- picture of plexiglass barrier, including its location in the facility



# Form 2195 – Section 3

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- The ICF must attest to how they are unable to meet the visitation designation criteria and provide:
  - a facility map with COVID-19 cohort areas indicated
  - confirmation that they are permitting closed window, end-of-life, and essential caregiver visits
  - a plan to meet the visitation designation criteria—submit within 5 business days of submitting completed 2195



# Form 2195 – Section 4

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If an ICF cannot allow visitation because a local order prohibits it, an ICF must attest:

- There is a local order prohibiting visitation in this facility.
- Once the local order is no longer in effect, the ICF will resubmit LTCR Form 2195 and request visitation designation.
- The ICF has included a copy of the local order or the website where the local order can be viewed.



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# Form 2195 – Section 5

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## **SECTION 5: ICF/IID unable to offer both indoor plexiglass and outdoor visitation**

A facility may request an exemption for outdoor visits, indoor plexiglass visits, open window visits, and vehicle parades.

The ICF must demonstrate why they might qualify for an exemption from the visitation requirements specified.

HHSC will review the rationale to determine if an exemption can be approved and will notify the ICF if an exemption is approved or denied, and whether the exemption is temporary or long-term, dependent upon the situation.



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# Form 2195 – Section 5

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An ICF may not request, and HHSC will not approve, an exemption from closed window visits or visits by persons providing critical assistance, including essential caregivers and end-of-life visits.

See [PL 20-43](#) for more details.



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# 2195 Attestation Form

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## **SECTION 6: Signature and HHSC Review**

Name and title of ICF/IID administrator or director providing attestation:

## **SECTION 7: Rule References**

*For your reference, the visitation criteria are listed below.*

# Overview of New Requirements

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An ICF that **does not** meet the criteria for a visitation designation must permit:

- closed window visits for individuals regardless of their COVID-19 status
- end-of-life visits for individuals regardless of their COVID-19 status
- essential caregiver visits for individuals with COVID-19 negative or unknown COVID-19 status



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# Visitation Q&A

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## Question:

Am I required to permit visitation or is it voluntary? What types of visits require an ICF to apply for visitation designation?

## Answer:

New rule requires an ICF to permit visitation in accordance with the expanded visitation rules and CMS guidance. There are eight different types of visitation required by the expanded visitation rules; some of the visitation types require an ICF to receive approval (visitation designation) from HHSC, while others do not require approval from HHSC. *(Cont. on next slide)*



# Visitation Q&A

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## Answer (cont.):

The expanded visitation rules define each visit type and detail the specific requirements for each visit type.

Visitation types that do not require visitation designation:

- closed window visits, for all individuals
- end-of-life-visits, for all individuals at end-of-life
- essential caregiver visits, for all individuals who have COVID-19 negative or unknown COVID-19 status
- salon services visits, for all individuals who have COVID-19 negative status



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# Visitation Q&A

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## **Answer (cont.):**

Visitation types that do require visitation designation:

- open window visits
- outdoor visits
- indoor visits with a plexiglass barrier
- vehicle parades

Note: these visits types are available for all individuals who have COVID-19 negative status



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# Visitation Q&A

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## Question:

Do I have to be approved for Phase 1 visitation before I can be approved for expanded visitation?

## Answer:

No, an ICF is not required to be approved for Phase 1 visitation before applying for expanded visitation approval. The expanded visitation rules replace Phase 1 visitation rules and previous expanded visitation rules, meaning the Phase 1 visitation rules and previous expanded visitation rules are no longer in effect.



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# Visitation Q&A

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## Question:

Can an ICF implement only portions of the expanded visitation? For instance, may a facility only allow general visitation and not essential caregivers?

## Answer:

No, an ICF may not limit the types of visitation they permit and must allow all types of visitation in accordance with the expanded visitation rules. (Cont. on next slide).



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# Visitation Q&A

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## **Answer (cont.):**

The ICF may be exempted from indoor or outdoor visitation if approved by HHSC.

If the ICF determines they are unable to meet one or more of the visitation requirements the facility must include a justification for the exemption on the COVID-19 Status Attestation Form 2195 to request an exemption to certain types of visitation. (Cont. on next slide).



# Visitation Q&A

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## **Answer (cont.):**

If approved by HHSC, an ICF might be exempted from one or more of the following visitation types:

- indoor plexiglass visits
- outdoor visits
- vehicle parades
- open window visits

An ICF may not request, and HHSC will not approve an exemption for the following visitation types:

- essential caregiver visits
- end-of-life visits
- closed window visits



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# ICF Form 2195 Q&A

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## Question:

I can't find the attestation form to request visitation designation. How can I get a copy of the form?

## Answer:

The attestation form, LTCR form 2195, is attached to provider letter 20-43. You can find all ICF provider letters on the ICF provider portal, located under the "communications" section.

See [PL 20-43](#) for details.



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# ICF Form 2195 Q&A

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## Question:

How should I submit LTCR form 2195 to the regional director? Is it okay to fax or mail the form?

## Answer:

You should email the completed form to the [Regional Director](#) for the [region in which your facility is located](#). You should not fax or mail the completed form, as it could delay receipt of the form. Most HHSC regional staff are currently teleworking and might not be in the office to receive a faxed or mailed form.



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# ICF Form 2195 Q&A

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## Question:

After an ICF submits LTCR form 2195 to the regional director, how soon will the ICF be notified of a decision? How will HHSC notify the ICF?

## Answer:

HHSC will notify the ICF of approval or denial within three business days of the ICF submitting a complete LTCR form 2195 (attestation form). The regional director or their designee will notify the ICF administrator or director via email.



# Essential Caregiver Q&A

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## Question:

Do ICFs have to be approved for visitation designation for persons deemed as essential caregivers?

## Answer:

No, an ICF does not have to be approved for visitation designation to permit essential caregiver visits. Rather, an ICF must permit essential caregiver visits under the conditions on the next slides. *(Cont. on next slide)*



# Essential Caregiver Q&A

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## Answer (Cont.):

The essential caregiver visitor must:

- wear a facemask over both the mouth and nose and other appropriate PPE recommended by CDC guidance and the ICF's policy while in the facility.
- have had a negative COVID-19 test no more than 14 days before the first essential caregiver visit, unless the ICF performs a rapid test prior to entry into the facility. (Cont. on next slide)



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# Essential Caregiver Q&A

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## Answer (Cont.):

- sign an agreement to leave the facility at the appointed time unless otherwise approved by the ICF.
- self-monitor for signs and symptoms of COVID-19.



# Essential Caregiver Q&A

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## Answer (Cont.):

The ICF must:

- develop and enforce essential caregiver visitation policies and procedures as stated in each program's expanded emergency rules.
- inform the essential caregivers of applicable policies, procedures, and requirements and maintain documentation of the essential caregiver's agreement to follow them.



# Essential Caregiver Q&A

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## Answer (Cont.):

- approve the essential caregiver visitor's facemask and any other appropriate PPE recommended by Centers for Disease Control and Prevention (CDC) guidance and the ICF's policy; or provide a caregiver with an approved facemask and any other appropriate PPE.
- document the identity of each essential caregiver in the individual's file and create an essential caregiver badge.



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# Essential Caregiver Q&A

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## Answer (Cont.):

- maintain a record of each essential caregiver visit.
- escort the essential caregiver visitor in and out of the designated visitation area; the visit itself does not need to be monitored by facility staff.

See [PL 20-43](#) for details.



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# End-of Life Visits Q&A

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## Question:

Do ICFs have to allow end-of-life visits when the COVID-19 status of the individual is unknown? What if the individual is positive for COVID-19?

## Answer:

Yes, an ICF must allow end-of-life visits for all individuals with COVID-19 positive, COVID-19 negative or unknown COVID-19 status.



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# Closed Window Visits Q&A

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## Question:

Do ICFs have to allow closed window visits when the COVID-19 status of the individual is unknown? What if the individual is positive for COVID-19?

## Answer:

Yes, an ICF must allow closed window visits for all individuals with COVID-19 positive, COVID-19 negative or unknown COVID-19 status.



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# Salon Service Visit Q&A

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## Question:

Do ICFs have to allow salon service visits when the COVID-19 status of the individual is unknown? What if the individual is positive for COVID-19?

## Answer:

No, a salon services visit is not allowed if the visitor has signs or symptoms of COVID-19 or an active COVID-19 infection, or if the individual has an active COVID-19 infection or unknown COVID-19 status. (continued on next slide)



# Salon Service Visit Q&A

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## **Answer (Cont.):**

An ICF can allow a salon services visitor to enter the facility to provide services to an individual who has COVID-19 negative status, if the requirements in the expanded emergency rules are met, including screening of the barber or beautician.

An ICF does not need an approved general visitation designation from HHSC to allow salon services visits.



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# Plexiglass Indoor Visits Q&A

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## Question:

Did the new expanded emergency rules change visitation requirements for plexiglass indoor visits?

## Answer:

Yes, the ICF must now allow plexiglass indoor visits upon receiving an approved visitation designation and in accordance with the requirements on next slide.



# Plexiglass Indoor Visits Q&A

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## Answer (cont.):

- Prior to using the plexiglass barrier or booth, the ICF must submit a photo of it and its location in the facility for approval from HHSC.
- The plexiglass barrier or booth is not required to be constructed with three sides or a specific size.
- It can be any layout and size that aids in infection prevention and control.



# Plexiglass Indoor Visits Q&A

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## Answer (cont.):

The plexiglass barrier or booth must not be installed in an area of the facility where it:

- blocks or obstructs a means of egress (e.g., exit door, hallway or the way out of a room)
- blocks or interferes with any fire safety equipment or system
- offers access to the rest of the facility or contact between the visitors and other individuals



# Plexiglass Indoor Visits Q&A

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## Answer (cont.):

During the visit, the ICF must ensure:

- physical distancing of at least six feet is maintained between individuals and visitors
- visitors wear a facemask or face covering over both the mouth and nose while in the facility
- individuals wear a facemask or face covering over both the mouth and nose (if tolerated) throughout the visit
- both the visitor and the individual practice proper hand hygiene



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# Open Window Visits Q&A

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## Question:

Did the new expanded emergency rules change visitation requirements for open window visits?

## Answer:

Yes, the ICF must allow open window visits upon receiving an approved visitation designation and in accordance with the requirements on next slide



# Open Window Visits Q&A

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## **Answer (cont.):**

The individual must have COVID-19 negative status.

During the visit, the ICF must ensure:

- physical distancing of at least six feet is maintained between individuals and visitors
- visitors wear a facemask or face covering over both the mouth and nose throughout the visit
- individuals wear a facemask or face covering over both the mouth and nose (if tolerated) throughout the visit
- both the visitor and the individual practice proper hand hygiene



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# Vehicle Parades Q&A

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## Question:

Did the new expanded emergency rules change visitation requirements for vehicle parades?

## Answer:

Yes, the ICF must allow a vehicle parade upon receiving an approved visitation designation and in accordance with the requirements on next slide.



# Vehicle Parades Q&A

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## **Answer (cont.):**

The individual must be COVID-19 negative.

The ICF must provide a comfortable and safe outdoor visiting area for vehicle parades, considering outside air temperatures and ventilation.

During a vehicle parade, the ICF must ensure:

- visitors must remain in their vehicles throughout the parade
- physical distancing of at least six feet is maintained between individuals throughout the parade
- individuals are not closer than 10 feet to the vehicles for safety reasons
- individuals wear a facemask or face covering over both the mouth and nose (if tolerated) throughout the visit



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# Outdoor Visits Q&A

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## Question:

Did the new expanded emergency rules change visitation requirements for outdoor visits parades?

## Answer:

Yes, the ICF must allow an outdoor visit upon receiving an approved visitation designation and in accordance with the requirements on next slide.



# Outdoor Visits Q&A

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## **Answer (cont.):**

The individual must be COVID-19 negative.

During an outdoor visit, the ICF must ensure:

- physical distancing of at least six feet is maintained between individuals and visitors
- visitors wear a facemask or face covering over both the mouth and nose throughout the visit
- individuals wear a facemask or face covering over both the mouth and nose (if tolerated) throughout the visit
- both the visitor and the individual practice proper hand hygiene



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# Questions?

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For more information:

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Email: [PolicyRulesTraining@hhsc.state.tx.us](mailto:PolicyRulesTraining@hhsc.state.tx.us)

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# Thank you!

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