

Notice



TEXAS
Health and Human
Services

Please note that during the presentation of the HCSSA Provider Webinar on 01/19/2024 incorrect information was unintentionally provided regarding Plans of Correction and Plans of Removal. While this content was verbally identified and corrected during the webinar, the slides have now been updated to reflect the accurate information.



TEXAS
Health and Human
Services

**Welcome to the
HCSSA Provider
Webinar with LTCR**

**Revised
January 24, 2024**

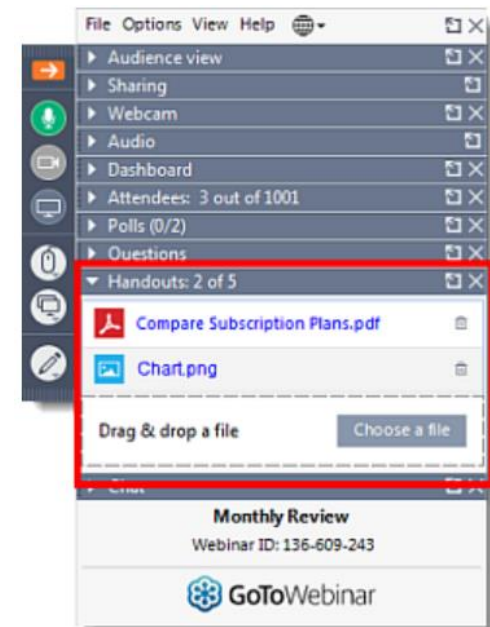
Presentation and Handouts



TEXAS
Health and Human
Services

A pdf version of this presentation is available in the **Handout** section of your control panel.

- Select the tab for “handouts”
- Double click on the file to open it
- Save to your computer





TEXAS
Health and Human
Services

HCSSA Provider Portal

Sections:

- Communications
- Texas HCSSA Provider Directory
- Contact Program Staff
- Information & Provider Letters

The screenshot displays the HCSSA Provider Portal website. The top navigation bar includes links for Providers, Business, Regulations, About, News, and Contact. The main content area is titled "How to Become a Licensed HCSSA Provider" and provides information about the licensing process, including a link to "What is HCSSA/Hospice? Click here to learn more." Below this, the "Becoming Licensed in Texas" section states that HCSSAs must be licensed to operate in Texas and lists the steps to become licensed: Complete the pre-survey, properly complete the license application, upload all required documents, pay the required license fee, be registered with and be in good standing with the Texas Department of Health and Human Services, and be approved by HHS/HCSSA. The "Types of Application" section lists "Initial" and "Renewal" applications. The "Information & Provider Letters" section is also visible, showing a search bar and a table of letters.

Number	Title/Notes	Date Published
PL 2021-37	Administrator and Alternate Administrator Requirements/Replaces PL 20-17 and PL 20-18	10/15/2021
PL 2021-38	Licensing Requirements for In-Home Supportive Palliative Care	09/15/2021
PL 2021-39	Authority to Enter Long-term Care Facilities	09/02/2021
PL 2021-29	End of Temporary Suspension of Certain LTCR Requirements During COVID-19 Outbreak/Replaces PL 2020-21 and 2020-26. Revised September 14, 2021.	09/13/2021
PL 2021-27	Documenting Delivery of Non-Delegated Tasks by Unlicensed Personnel/Replaces PL 2013-20	01/22/2021
PL 2021-24	HCSSA COVID-19 Vaccination Authority for Home Health and Hospice Agencies	06/08/2021
PL 2021-18	Requirement to Request an Initial Survey Within Six Months After Issuance of an Initial License	04/23/2021
PL 2021-17	Description of Key Changes in Newly Adopted HCSSA Rules	04/23/2021
PL 2021-11	Fingerprint-based Criminal History Checks for Current and Prospective Modification Aides	04/15/2021
PL 2021-14	Status of an Active License During a Renewal Process/Replaces PL 2019-18	04/06/2021

HCSSA Provider Portal

<https://hhs.texas.gov/doing-business-hhs/provider-portals/long-term-care-providers/home-community-support-services-agencies-hcssa>



TEXAS
Health and Human
Services

HCSSA FAQs

The general HCSSA FAQs were updated last month.

The HCSSA FAQs page is available on the HCSSA Portal webpage.



Reminder

Blackboard Connect Emergency Communication System rules became effective on January 24, 2023.

Surveyors are assessing compliance with the requirement that the required staff have enrolled.



TEXAS
Health and Human
Services

Requirements

Requirements per [26 TAC §558.256\(q\)](#):

- Agency administrators and alternate administrators are required to enroll in the Emergency Response System
- The agency must respond to requests for information received through the emergency communication system in the format established by HHSC



TEXAS
Health and Human
Services



TEXAS
Health and Human
Services

PL 2022-32

How to Sign-up for Blackboard Connect Emergency Communication System

HHSC Long-term Care Regulation has published [Provider Letter 2022-32 - Blackboard Connect Emergency Communication System](#).

The provider letter informs long-term care providers of the emergency communication system called Blackboard Connect, your responsibility in signing up for the system, and the sign-up process.



TEXAS
Health and Human
Services

Blackboard Troubleshooting

- **Unable to register on Blackboard?**



**Make sure you have the correct registration link
from PL2022-32.**

- **Not receiving a confirmation email from
Blackboard?**



Try checking on your firewall settings.



TEXAS
Health and Human
Services

COVID-19 Reminder

- Emergency Rules expired July 21, 2022
- All positive COVID-19 infections are to reported to the local health department/entity for the county in which the client lives in
- Current emergency rules can be located at [26 TAC §570, Long-Term Care Provider Rules During a PHE or Disaster, Subchapter D, Home and Community Support Services Agencies](#)



TEXAS
Health and Human
Services

Licensure Renewals



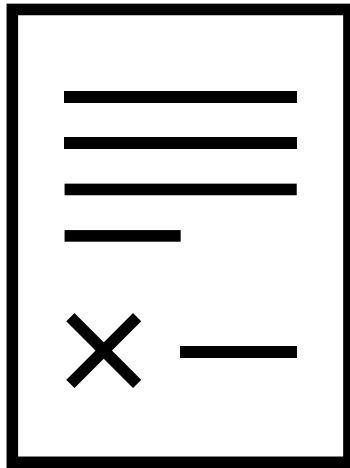
HHSC released an alert on December 13th encouraging providers to submit the renewal application via TULIP as soon as possible within the 120 days prior to the license expiring. Not doing so puts the provider at risk of providing services without a license.



TEXAS
Health and Human
Services

Form 2020

Notification of Readiness for Initial Survey



HHSC has published a revised copy of [*Form 2020, Notification of Readiness for Initial Survey*](#).

This revision includes updated submission methods for Form 2020, removes outdated language, and adds clarifying language to the types of home health services an agency plans to offer.



TEXAS
Health and Human
Services

PL 2023-20

TULIP – Updated and Additional Information

HHSC Long-Term Care Regulation has published [Provider Letter 2023-20, Texas Unified Licensure Information Portal – Updated and Additional Information \(Replaces PL 2018-15\).](#)

This letter provides updated and additional information about the Texas Unified Licensure Information Portal (TULIP) for all licensed providers, medication aides (MAs), medication aide (MA) schools, nurse aides (NAs), Nurse Aide Training and Competency Evaluation Programs (NATCEPs) and nurse facility administrators (NFAs). This letter replaces PL 2018-15. All licensed providers, MAs, MA schools, NAs, NATCEPs and NFAs now conduct all licensure and approval activities online using TULIP.

Reminder

TULIP Credentialing Transition Grace Period Extended

Nurse Aides (NAs), Medication Aides (MAs), Nursing Facility Administrators (NFAs), and Nurse Aide Training Competency Evaluation Programs (NATCEPs) are now required to use the new credentialing system in the Texas Unified Licensure Information Portal (TULIP) for licensing certification or permitting activities.

For registration issues in TULIP, email
TULIP_Support@hhsc.state.tx.us.

For NA questions, email
NurseAideRegistry@hhs.texas.gov.

For MA questions, email
Medication_Aide_Program@hhs.texas.gov.



TEXAS
Health and Human
Services

Reminder

Weather Preparedness – Winter and Extreme Freezing

HHSC encourages long-term care agencies to review and ensure emergency plans for freezing temperatures and snow. Emergency plans for extreme weather should include the provider's plan to address:

- Power loss;
- Water and food needs;
- Communication to families; and
- Sheltering in place and evacuation as applicable.



TEXAS
Health and Human
Services

Reminder

Providers must follow emergency preparedness rules and their own internal emergency preparedness policies and procedures.

Inpatient hospice units with generators should perform any maintenance or needed testing while the weather is mild. This will ensure the equipment functions in case of extreme cold or power loss.

It is important to review building integrity and identify any areas that may need repair, reinforcement or weatherproofing. Multi-story buildings should review any other needed measures should evacuation be required and have a plan in place for how to move residents around or out of the building if there is a loss of power.



TEXAS
Health and Human
Services

LTCR January & February Training Opportunities

Long-Term Care Regulation staff and program providers are invited to attend the following webinar trainings hosted in January and February.

- **Role of the HCSSA Administrator**
Tuesday, January 23, 2024
10:00 AM - 11:30 AM
Register here for webinar:
<https://register.gotowebinar.com/register/3064684588218636891>
- **Most Frequently Cited Violations for Home and Community Support Services Agencies**
Wednesday, February 7, 2024
10:00 AM - 11:30 AM
Register here for webinar:
<https://register.gotowebinar.com/register/6600718381192999001>



TEXAS
Health and Human
Services

LTCR January & February Training Opportunities

Long-Term Care Regulation staff and program providers are invited to attend the following webinar trainings hosted in September.

- **Quality Assessment/Performance Improvement (QAPI) for HCSSAs**
Wednesday, February 14, 2024
10:00 AM - 11:00 AM
Register here for webinar:
<https://register.gotowebinar.com/register/7756333689287803998>

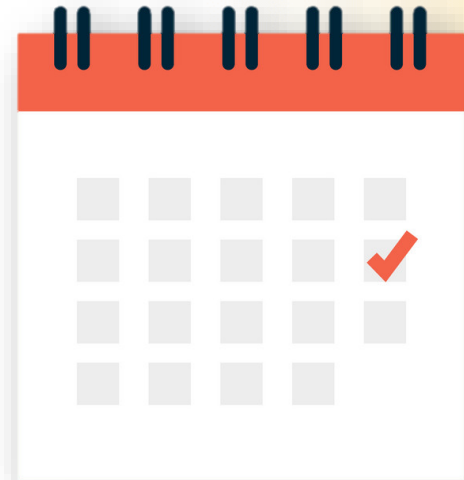


TEXAS
Health and Human
Services

Webinars

The frequency of the HCSSA webinars will continue to be quarterly and will cover current HCSSA topics.

The next webinar will be held in April.





TEXAS
Health and Human
Services

HCSSA Reporting and Investigation

Reporting Abuse, Neglect and
Exploitation to HHSC



New Process Phases

The new process phases streamlined and enhanced efficiency of reporting and investigation of alleged Abuse, Neglect and Exploitation (ANE) by a HCSSA.

Reporting alleged ANE by a HCSSA provider changed in two phases:

Phase One

Began
July 1, 2023

Phase Two

Begins
September 1, 2023



TEXAS
Health and Human
Services

Reminder

Effective September 1, 2023- **ALL HCSSAs** must report **all** abuse, neglect and exploitation to HHSC CII, if there is cause to believe alleged ANE was committed by an employee, volunteer, contractor or subcontractor of the HCSSA, including family members employed by a HCSSA. The agency must self report by doing **one** of the following:

- **Submit on-line:**
<https://txhhs.force.com/TULIP/s/>
- **Email CII at:**
ciicomplaints@hhs.Texas.gov
- **Call by Phone:**
1-800-458-9858



As of 9/1, DFPS will no longer investigate allegations involving HCSSA providers.



TEXAS
Health and Human
Services



TEXAS
Health and Human
Services

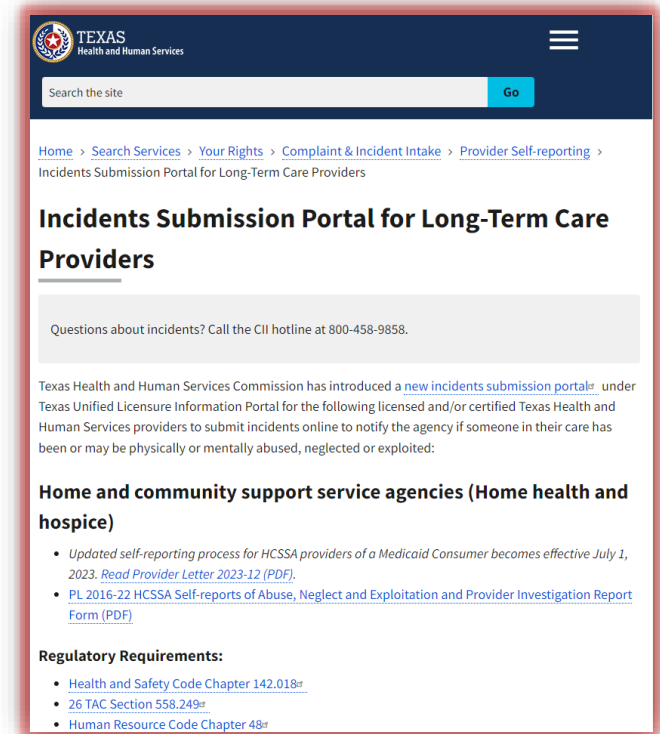
Incidents Submission Portal

The portal contains:

- Communications
- Program Regulatory Requirements
- FAQs
- Provider's User Guide to submit incidents online

Incident Submission Portal Page

<https://www.hhs.texas.gov/services/your-rights/complaint-incident-intake/provider-self-reporting/incidents-submission-portal-long-term-care-providers>



Provider Letters

- **PL 2023-12** - Revised Process for Reporting Abuse Neglect and Exploitation
<https://www.hhs.texas.gov/sites/default/files/documents/pl2023-12.pdf>
- **PL 2023-13** - Self-Reporting Methods and Provider Investigation Report
<https://www.hhs.texas.gov/sites/default/files/documents/pl2023-13.pdf>



TEXAS
Health and Human
Services

Reminder



TEXAS
Health and Human
Services

A provider still needs to report to DFPS, if the agency has cause to believe that a consumer is in a state of self-neglect.



This requirement has not changed.

List of Resources for Self-neglect

DFPS Website

- [DFPS - Report Abuse or Neglect \(texas.gov\)](https://www.texas.gov)

Texas Abuse Hotline

- [Welcome \(txabusehotline.org\)](https://www.txabusehotline.org)



TEXAS
Health and Human
Services

Reminder

A Client Can File a Complaint by:

- **Submit On-line:**
<https://www.hhs.texas.gov/services/your-rights/complaint-incident-intake/how-do-i-make-a-complaint-about-hhs-service-provider>
- **Email CII at:** ciicomplaints@hhs.Texas.gov
- **Call by Phone:** (800) 458-9858, press #1
- **By Mail:** Texas Health and Human Services
Complaint and Incident Intake
Mail Code E249
P.O. Box 149030
Austin, TX 78714-9030
- **By Fax:** (877) 438-5827 or (512) 438-2724



TEXAS
Health and Human
Services

CMS Hospice Updates

CMS released changes that were effective January 1, 2024. These changes will only impact HCSSAs providing hospice services.

- **Informal Dispute Resolution**
- **Provider Enrollment**
- **Marriage and Family Therapist and Mental Health Counselor as part of the IDG**

Electronic Code of Federal Regulations:

[eCFR :: Home](#)



TEXAS
Health and Human
Services



TEXAS
Health and Human
Services

NOTICE

The following slides have been altered to correct information pertinent to only HCSSA provider types.

HHSC recognizes the information presented on the slides during the webinar on 01/19/2024 contained information not pertinent to HCSSA providers. Although this information was verbally corrected at the end of the webinar, the slides have now been updated to provide accurate information.



TEXAS
Health and Human
Services

Plan of Correction vs Plan of Removal



TEXAS
Health and Human
Services

Plan of Correction

Plan of Correction – upon receiving HHSC Form 3724 (Statement of Licensing Violations and Plan of Correction) or Form 2567 (For Federal deficiencies), the provider must submit an acceptable plan of correction to the regional office within a specified time frame



TEXAS
Health and Human
Services

Root Cause Analysis

3724/2567 Review Statement of Violations:

What happened?

What are the systems, processes or policies
contributed to the failure?



TEXAS
Health and Human
Services

Five Components (POC)

1. What corrective action will the provider take for the clients affected by the violation?
2. How will the provider identify other clients who might be affected by the violation?
3. What measures or systemic changes will the provider put in place to prevent recurrence of the violation?
4. How will the provider monitor the corrective action to ensure full correction and prevent recurrence?
5. When will the corrective action be completed?



Dates and Details

- The POC must contain sufficient detail to show the agency has a complete plan to correct the non-compliance and prevent recurrence. If an agency fails to correct each violation by the date on the POC, HHSC may take enforcement action against the agency (§558.527(g)(2)).
- HHSC provides official written notification of the survey findings to the agency within 10 working days after the exit conference.
- An agency must submit an acceptable POC no later than 10 days after receipt of the official written notification of survey findings (§558.527(g)(3)).



TEXAS
Health and Human
Services

LTCR Requirements

- Provider must sign and date the POC.
- POC must address the five components.
- Each citation must have a POC and HHSC must accepted all POCs.
- Violations must be corrected within timeframes dictated at §558.527(g)(2)(A-D).



TEXAS
Health and Human
Services

Evidence of Correction

- Maintain evidence of correction.
- Provide specifics about any training conducted as part of a POC.
- Identify persons (staff title) or staff position responsible for corrections.



TEXAS
Health and Human
Services

Do's and Don'ts of POC

DO:

- Cater each POC to the non-compliance identified in the Statement of Violations/Statement of Deficiencies
- Provide exact dates for expected completion
- Complete corrective actions in the timeframes agreed upon in the POC.



TEXAS
Health and Human
Services

Do's and Don'ts of POC

DON'T:

- Use general statements that the provider “has complied” or “will comply”.
- Fail to look at systems or address each finding.
- Dispute citations in the POC.
- Make a complaint against a surveyor or the survey process in the POC.



TEXAS
Health and Human
Services

Appeal Rights

- Submitting a POC does not limit a provider's appeal rights.
- Submitting a POC is required, whether or not a provider plans to appeal the findings.
- Submitting a POC stating "IDR" or "appeal" is not acceptable.
- Timeframes must be followed regardless of whether a provider appeals the findings.



TEXAS
Health and Human
Services

Timeframe Reminders

- Rule for POCs: 26 TAC §558.527
- At exit: surveyor provides preliminary findings
- 10 working days after final exit: HHSC provides HHSC-3724 or 2567.
- 10 days after receiving HHSC-3724 or 2567: provider submits acceptable POC.
- Dates for correction must meet timeframes outlined in §558.527(g)(2)(A-D).



TEXAS

Health and Human
Services

Plan of Removal

Plan of Removal –
developed by the provider
to describe how the
provider plans to remove
an immediate threat
situation



TEXAS

Health and Human
Services

POC vs POR

- A POC is how the provider will correct the noncompliance in response to violations on a 3724/2567. It includes the 5 criterion.
- A POR is how the provider will immediately remove non-compliance that is causing a situation that could result in harm, impairment or death (Immediate Threat/Immediate Jeopardy). A POC will still be required once the 3724/2567 is received by the provider.



TEXAS
Health and Human
Services

Plan of Removal Basics

- Surveyor must request a POR.
- The POR documents immediate action a provider will take to prevent serious harm, impairment or death from occurring.
- POR does not have to completely correct all non-compliance – some noncompliance may be addressed in the POC.
- POR does not have specific criterion.
- HHSC LTCR must accept and confirm implementation of the POR before the IT/IJ can be removed.



TEXAS
Health and Human
Services

POR Important Notes

- Must document all steps taken to protect the health and safety of the clients.
- Implementation is expected to be immediate.
- Must be specific to show how immediacy of situation is being removed.
- Must maintain evidence of steps being taken and will be monitored to ensure it is fully implemented.



TEXAS
Health and Human
Services

POC/POR Questions?



TEXAS
Health and Human
Services

Questions & Answers

Sign-up for Gov Delivery

- Go to:
<https://service.govdelivery.com/accounts/TXHHS/C/subscriber/new>
- Enter your email address.
- Confirm your email address, select your delivery preference, and submit a password if you want one.
- At a minimum, select HCSSA or your preferred topics.
- When done click "Submit."

☐ Provider Alerts

- ☐ Assisted Living Facilities (ALF) Resources
- ☐ Assisted Living and Residential Care (ALRC) Resources
- ☐ Community Living Assistance and Support Services (CLASS) Resources
- ☐ Consumer Directed Services (CDS) Resources
- ☐ Consumer Managed Personal Assistance Services (CMPAS) Resources
- ☐ Electronic Visit Verification
- ☐ Local Authorities Resources
- ☐ Texas Minimum Data Set (MDS) Resources
- ☐ Day Activity and Health Services (DAHS) Resources
- ☐ Deaf-Blind with Multiple Disabilities (DBMD) Program Resources
- ☐ Employment First
- ☐ Family Care (FC) Resources
- ☐ Federal Survey and Certification (S&C) Letters
- ☒ Home and Community Support Services Agencies (HCSSAs) Resources



TEXAS
Health and Human
Services

How to Contact

Jennifer Morrison, Manager

Jennifer.Morrison@HHS.texas.gov

Long-term Care Regulation Policy Mailbox

LTCRPolicy@hhs.texas.gov

LTCR Policy Main Line

(512) 438-3161

HCSSA Provider Portal

<https://hhs.texas.gov/doing-business-hhs/provider-portals/long-term-care-providers/home-community-support-services-agencies-hcssa>



TEXAS
Health and Human
Services



TEXAS
Health and Human
Services

Thank you!
