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Welcome Providers!

LTCR IDD/PI Quarterly Webinar

July 19, 2023

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Agenda

1. Blackboard Connect
2. General Alerts
3. HCS Certification
Standards Overview
4. Individualized Skills and Socialization
Alerts
5. Q & A



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Blackboard Connect Emergency Broadcast System Registration for Providers

Who must sign up?

Program	Personnel
ALF	Manager and Designee
DAHS	Director and Designee
HCS/TxHmL	Designee
ICF	Administrator and Alternate Administrator
HCSSA	Administrator and Alternate Administrator
NF	Administrator and Director of Nurses
PPECC	Administrator and Alternate Administrator



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How do I register?

Go to <https://txhhscrsdopen.bbcportal.com/Entry>
and click:

Sign Me Up!

Download your handout [\(PL 22-32\)](#) for a step-by-step walkthrough for signing up!

REMEMBER: You will need to enroll each facility you manage! Separate accounts are needed for separate facilities.



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What's next?

Providers should have a process in place to ensure that Blackboard Connect registrations are updated as the required designated staff change.

Once your designated staff have signed up for Blackboard connect, your program should begin receiving announcements through the system.





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General Alerts

HHSC Alerts

Registration is Open: 2023 Quality in Long-Term Care Conference

Texas HHSC, along with the University of Texas Steve Hicks School of Social Work, will host the 2023 Quality in Long-Term Care Conference in person at the Renaissance Hotel in Austin on Aug. 22-23.

[Register now!](#)

This year's theme is, "Making a Commitment to Person-Centered Long-Term Care."

The conference offers presentations from nationally and internationally recognized experts. Topics include:

- Caring for people with dementia.
- Infection prevention and control.
- Long COVID considerations in long-term care
- Current health care trends.
- Cutting-edge advances in long-term care, aging and disability services.

The conference is free to attend, and continuing education credit will be available for various healthcare disciplines. [Register for the conference here.](#)

For more information about this event, [visit the registration webpage](#) or [email UT Steve Hicks School of Social Work.](#)



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HHSC Alerts

HHSC Reminds Regulated Providers to Update Emergency Preparedness Plans Before Hurricane Season

A complete emergency preparedness and response plan includes:

- Up-to-date information about evacuation destinations
- Transportation plans
- Responsibilities of staff members
- Continuation of care and treatments for residents
- Communication procedures

Providers can visit the [DSHS Texas Ready website](#) for hurricane preparedness resources, including sample plans, disaster supply checklists, and more information on preparing for hurricanes and other emergencies.

In the event of an emergency, [Texas HHS Disaster Services](#) provides public health and medical support, shelters for people with medical needs, disaster food assistance, counseling services, water and ice. The program also provides regulatory support for health care facilities, long-term care facilities, childcare operations and special waivers for Medicaid providers and clients as needed.



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HHSC Alerts

HHSC Published Provider Letter 2023-13 Changes to Initial Self-Reporting Methods and Provider Investigation Report Form 3613/3613-A

HHSC published [PL 2023-13 Changes to Initial Self-Reporting Methods and Provider Investigation Report Form 3613/3613-A](#). This PL reminds providers that the option to submit a self-reported incident via scripted voicemail has not been available since January 1, 2023.



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CMS Alerts

Resources on Supporting Adults with IDD and Their Aging Caregivers

- [How State Agencies Can Anticipate and Meet the Needs of Adults with IDD and Their Aging Caregivers](#) describes strategies that state Medicaid and partner agencies can leverage to anticipate and meet the needs of adults with I/DD and their caregivers, including strategies related to services, data management, and partnerships.
- [State Policies and Practices to Support Person-Centered Planning Across the Lifespan for Individuals with IDD and Their Aging Caregivers](#) highlights ways that states can design and implement person-centered planning processes to support adults with IDD and their caregivers throughout their lives.
- [State Policies and Practices to Support Aging Caregivers of Adults with IDD](#) discusses strategies states are using to address the needs of aging caregivers, including assessment, training, and navigation support.
- [State Spotlights: Supporting Adults with IDD and Their Aging Caregivers](#) highlights innovative strategies states are using in four areas of focus: building interagency partnerships and relationships, providing engagement and navigation supports, implementing person- and family-centered systems of support, and planning for the future.



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HCS Certification Standards Overview

Long-term Care Regulation Policy and Rules

HHSC Published HCS Rules

June 21, 2023

HHSC published new Home and Community-Based Services (HCS) Certification Standard rules effective June 21, 2023.

The new rules are in Title 26 of the Texas Administrative Code, [Chapter 565](#). HHSC reorganized rules for clarity and ease of use and added guidance regarding protective devices and residential requirements.



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HHSC Published PL 23-10

June 21, 2023

HHSC published HCS provider letter [2023-10 Introducing HCS Certification Standards](#) on June 21. This letter provides guidance for HCS program providers on the new HCS Certification Standards that HHSC adopted on June 21, 2023.



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HHSC Training Opportunities

HCS & TxHmL Joint Training Opportunities

HHSC Long-term Care Regulation hosts joint training for HCS and TxHmL program providers.

Sign up for training at the HHSC [Long-term Care Regulation Joint Training](#) page.



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HCS Certification Standards

Rule Overview

- Internal and external stakeholder workgroup began March 2021.
- Workgroup, formal and informal public comments informed rule language.
- Effective June 21, 2023.
- Located in Title 26 of the Texas Administrative Code Chapter 565.



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General Changes

Long-term Care Regulation (LTCR) made several high-level changes to the rule set, including:

- rule location in TAC,
- changing and adding terminology, and
- reorganizing.



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General Changes

Location Change

- Previous HCS rules were in TAC 40, Part 1, Chapter 9, Subchapter D but are now in TAC, Title 26, Part 1, Chapter 565.

Terminology Change

- LTCR added and removed terms and changed Certification Principle to Certification Standard.

New Structure and Order

- The new rules were reorganized to make more sense for the reader and to make it easier to find related topics.



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HCS Certification Standard Overview

26 TAC §565.3 Definitions

- Certification Standard: A minimum standard for a program provider used by the Texas Health and Human Services Commission (HHSC) during a survey to ensure health and safety of an individual. Violations of a certification principle or standard are subject to administrative penalties.
- Emergency Plan: A written plan that describes the actions that will be taken to protect individuals, including evacuation or sheltering-in-place, in the event of an emergency such as a fire or natural disaster.
- Enclosed bed: A protective device that:
 - (A) is commercially produced;
 - (B) includes a 360-degree side enclosure, inclusive of a top cover or canopy; and
 - (C) is appropriate for the size and weight of the individual.
- Means of escape: A continuous and unobstructed path of travel from an occupied portion of a building to an outside area.
- Protective Device: An item or device, such as a safety vest, lap belt, bed rail, safety padding, adaptation to furniture, or helmet, used only to protect an individual from injury, or for body positioning of the individual to ensure health and safety, and not used to modify or control behavior.



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HCS Certification Standards Overview

26 TAC §565.5 Rights of the Individual

- The previous rule language stated that the program provider must assist the individual and LAR with exercising the same rights and responsibilities exercised by people without disabilities. The new rule language states that the program provider cannot prohibit individuals and LARs from exercising these rights.
- You can read the complete list of changes in the provider letter.
- Some language that existed in other sections of rule were moved to the rights section for clarity.



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HCS Certification Standards Overview

26 TAC §565.7 Staff Member and Service Provider Requirements

- This section contains the qualifications for all HCS employees and staff members, including the person who oversees the provision of HCS services, service providers, contractors, volunteers, and professional and medical therapists.



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HCS Certification Standards Overview

26 TAC §565.9: Provider Requirements

- The program provider's requirements for hiring and continued employment are in this section, including:
 - Background checks and prohibitions to employment
 - Employee Misconduct Registry (EMR) checks
 - Nurse Aide Registry (NAR) checks
 - List of Excluded Individuals and Entities maintained by the United States Department of Health and Human Services checks
 - List of Excluded Individuals and Entities maintained by the Texas Health and Human Services Commission (HHSC) Office of Inspector General checks
- Moved rules related to conflicts of interest, contractors in the CFC PAS/HAB program, contracting with someone of the individual or LAR's choice to this section.
- Rule require a program provider to have a policy and procedure in place to ensure that only staff members with a valid license and insurance can transport an individual.



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HCS Certification Standards Overview

26 TAC §565.11 Service Delivery

- Removed rules that were duplicated elsewhere and updated language around respite, making it clear that respite cannot take place in a prohibited setting.
- Updated language to include individualized skills and socialization services.



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HCS Certification Standards Overview

26 TAC §565.23: Residential Requirements

Includes requirements for the condition of residences and water temperature in the home.

Consolidated four-person residence and fire marshal inspections into this section.

Clarified requirements around fire drills, including the number, type, and frequency.

Removed the requirement that the residence comply with the National Fire Protection Association specifically since there are other comparable standards a fire marshal might use.

Added requirements for policies and procedures around medication administration and infection control.



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HCS Certification Standards Overview

26 TAC §565.25: Programmatic Requirements

This section contains the requirements for:

- Consumer/Advocate Advisory Committee
- Satisfaction Surveys
- Complaints and Reviews
- Critical Incident Data
- Death Reporting
- Rules Against Retaliation
- Record Requests
- Alternate CEO Designation
- Inspection of a host home/companion care residence



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HCS Certification Standards Overview

26 TAC §565.27: Finances and Rent

Most rules stayed the same with some notable changes:

- when considering the maximum amount to charge an individual, the program provider develops a process or formula that divides the rent equitably.
- the provider must have a process of showing the individual acknowledged receiving the funds, which may include an acknowledgement signed by the individual.
- the program provider must pay the HH/CC service provider the agreed upon amount.
- the program provider must have a written residential agreement between the individual and program provider or HH/CC service provider, whichever is appropriate.



HCS Certification Standards Overview

26 TAC §565.31: Requirements Related to ANE

Most rules stayed the same with some notable changes:

- Clarified requirements for reporting allegations of abuse, neglect, and exploitation to HHSC Complaint and Incident Intake (CII) when the alleged perpetrator is employed by a contracted licensed Individualized Skills and Socialization provider.
- The program provider is responsible for coordinating services with licensed Individualized Skills and Socialization providers, including information regarding abuse, neglect, and exploitation.
- Each staff member, service provider, and volunteer must sign an acknowledgement that they understand all individuals must live free of abuse, neglect, and exploitation.



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HCS Certification Standards Overview

26 TAC §565.35: Enclosed Beds

- Rule permits an enclosed bed when the enclosed bed was purchased prior to the rule effective date and is in compliance with rule.
- All enclosed beds will be prohibited by LTCR in HCS residences after June of 2028.
- An enclosed bed includes a 360-degree side enclosure, inclusive of a top cover or canopy.



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HCS Certification Standards Overview

26 TAC §565.37: Protective Devices

- Program providers must get an initial assessment before using a protective device along with an annual assessment or after significant change.
- Rule explains how a protective device can be used and the documentation the program provider needs to keep.



HCS Certification Standards Overview

26 TAC §565.41: HHSC Surveys of a Program Provider

Most rules stayed the same with some notable changes:

- Added residential surveys.
- All surveys are unannounced.
- Minor changes to language to allow for flexibility.



HCS Certification Standards Overview

Wrap Up

- Most of the rules remained the same
- Reorganization makes it easier to find similar topics
- Notable changes:
 - residential requirements section
 - enclosed beds section
 - protective devices section
- PL 2023-10
- 26 TAC 565





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Texas Home Living

Texas Home Living Certification Standards

Effective June 19, 2023, rules in:

40 TAC Part 1, Chapter 9, Subchapter N,
Texas Home Living (TxHmL) Program and
Community First Choice (CFC)

Transferred to:

26 TAC Health and Human Services, Part
1, Chapter 566, Texas Home Living
(TxHmL) Program and Community First
Choice (CFC) Certification Standards.



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Texas Home Living Certification Standards

	40 TAC 9 Sub N	26 TAC 566
Definitions	§9.553	§566.3
Description of TxHmL Program Services	§9.555	§566.5
Other Program Provider Requirements	§9.572	§566.17
HHSC Surveys of a Program Provider	§9.576	§566.19
Program Provider Certification Principles: Service Delivery	§9.578	§566.7
Certification Principles: Staff Member and Service Provider Requirements	§9.579	§566.9
Certification Principles: Quality Assurance	§9.580	§566.11
Administrative Penalties	§9.581	§566.23
Certification Principles: Prohibitions	§9.584	§566.13
Certification Principles: Requirements Related to the Abuse, Neglect, and Exploitation of an Individual	§9.585	§566.15
Amelioration	§9.586	§566.25
Program Provider Compliance and Corrective Action	§9.587	§566.21



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Individualized Skills and Socialization Alerts

HHSC Alerts

Joint Training Page Available for Individualized Skills and Socialization Program Providers

The Individualized Skills and Socialization Program now has a [Joint Training Opportunities page](#) where providers can register for upcoming classes.

- Class size will be limited to maximize participation, but classes will be offered regularly. Providers should check the page often for updates.



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HHSC Alerts

HHSC Published Updated Provider Letter 2023-01 New Regulatory Rules for LTCR Individualized Skills and Socialization Services

HHSC published updated [Provider Letter 2023-01 New Regulatory Rules for LTCR Individualized Skills and Socialization Services](#) (PDF). This PL provides updated guidance on the hold harmless period.

For questions email [LTCR Policy](#).



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HHSC Alerts

HHSC Updates the Individualized Skills and Socialization Hold Harmless Period on July 1

- Hold harmless period for the DAHS ISS program was from Jan. 1, 2023, through June 30, 2023.
- July 1, 2023, through March 17, 2024, the hold harmless period for the provision of off-site services will be extended. HHSC will survey for compliance for these services but will not have enforcement action.
- July 1, 2023, HHSC will survey for compliance on all other regulatory requirements and will apply enforcement action as outlined in [Title 26 Chapter 559, Subchapter H, Division 4.](#)



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DAHS Online Directory

Directories can be found on the [DAHS home page](#).

Texas DAHS Directory

- [Directory of Traditional DAHS and DAHS with Individualized Skills and Socialization Facilities in Excel format](#)
- [Directory of Traditional DAHS and DAHS with Individualized Skills and Socialization Facilities in PDF format](#)
- [Directory of DAHS-Individualized Skills and Socialization Only Facilities in Excel format](#)
- [Directory of DAHS-Individualized Skills and Socialization Only Facilities in PDF format](#)



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LTC Provider Search

- [Long-term Care Provider Search | HHS \(texas.gov\)](https://www.texas.gov/long-term-care-provider-search)

What is the LTC Provider Search?

Finding long-term care for yourself or a family member is an important task. While nothing can replace visiting a facility or meeting with a provider in person, the Long-term Care (LTC) Provider Search can help you learn more about these providers and facilities.

The LTC Provider Search includes information about:

- Nursing homes
- Assisted living facilities
- Intermediate care facilities for people with IDD
- Daytime programs for adults
- Home health, hospice and personal assistance services
- Prescribed Pediatric Extended Care Centers

The screenshot shows a web interface for the LTC Provider Search. At the top, there are two tabs: 'Location' and 'Provider Name'. Below the tabs is a search input field labeled 'City, County or ZIP Code'. Underneath the input field is a dropdown menu labeled 'Select Type of Care'. At the bottom right of the search area is a yellow button with the word 'SEARCH' in black capital letters.



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LTCR Q&A

Individualized Skills and Socialization Q&A

How do I report ANE or incidents to HHSC?

Individualized Skills and Socialization provider report ANE and incidents to Texas Health and Human Services Commission (HHSC) Complaint and Incident Intake (CII) by either:

- calling 1-800-458-9858, or
- using the submission portal in TULIP within one hour after suspecting or learning of the alleged abuse, neglect, or exploitation.

Using TULIP is the preferred way for providers to report incidents.



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Individualized Skills and Socialization Q&A

When reporting an incident how can I determine if it is reportable to DFPS or HHSC?

In accordance with [§559.241](#), an Individualized Skills and Socialization provider must report abuse, neglect, and exploitation, to HHSC Complaint and Incident Intake (CII) within one hour of learning or suspecting the abuse, neglect, exploitation. Within five working days after making this report, the individualized skills and socialization provider must ensure an investigation of the incident is conducted and send a written investigation report on Form [3613-A](#), Provider Investigation Report, or a form containing, at a minimum, the information required by Form 3613-A, to HHSC's CII.

If the provider holds other licenses or certifications for other lines of business, the provider must follow those rules.



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Individualized Skills and Socialization Q&A

Can I provide off-site services in a building that is on the same campus as my on-site building?

The LTCR rules for Individualized Skills and Socialization specify that off-site must be provided in a community setting that is a setting accessible to the general public within an individual's community.

Off-site Services:

- Must be provided in a community setting of the individuals choosing.
- Must include transportation.
- Must not be conducted at an on-site location or prohibited setting for an individual as set forth in the rules governing the HCS Program, residence of an individual or another person unless provided in an event open to the public, or unless the activity is a volunteer activity performed by an individual in the residence.



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HCS/TxHmL Q&A

Question:

The HCS Certification Standards require a program provider to conduct an on-site inspection of a host home. Does HHSC require a specific form?



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HCS/TxHmL Q&A

Answer:

Previous rule (HCS 40 TAC §9.178(c)(1)) required that before providing services to an individual in a residence in which host home/companion care, supervised living, or residential support is provided, and **annually** thereafter

Certification Standards in 26 TAC §565.25(b) require that the on-site inspection of the host home/companion care residence be conducted before providing services and then quarterly rather than annually.

HHSC does not require that the program provider use a specific form to demonstrate that all provisions of §565.25(b) are met.



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HCS/TxHmL Q&A

Question:

I am an HCS provider, but I also have individuals who attend Individualized Skills and Socialization during the day. Where should I report abuse, neglect, and exploitation?



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HCS/TxHmL Q&A

Answer:

As of 6/21/23, when the person who is alleged to have committed the ANE is employed by the HCS program provider, report ANE to DFPS Statewide Intake at 800-647-7418.

When the person who is alleged to have committed the ANE is employed by the Individualized Skills and Socialization provider, report ANE to HHSC CII.

26 TAC §565.31



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LTCR Provider Training

Resources

[Joint Training](#)

[HCS & TxHmL Training](#)

[Individualized Skills & Socialization \(ISS\) Training](#)



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Questions?

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Sign up for gov.delivery to receive alerts

Go to:

<https://service.govdelivery.com/accounts/TXHHSC/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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LTCR IDD/PI Quarterly Webinar

Webinar Schedule

Next Webinar: October 2023

Please feel free to contact us with any questions, comments, or concerns.

Email: LTCRPolicy@hhs.texas.gov
Phone: 512-438-3161

Also, as a reminder, the PowerPoint slides will be available on the provider portals shortly after the webinar is completed, typically within 48-72 hours.



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Upcoming Webinars



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Send your ideas for our upcoming
quarterly webinars.

LTCRPolicy@hhs.Texas.gov

Subject: LTCR IDD Quarterly Webinar
Idea





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Thank you!

Email: LTCRPolicy@hhs.texas.gov

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