



COMMISSIONER
Chris Traylor

January 19, 2012

To: Home and Community-based Services (HCS) Providers

Subject: Information Letter No. 11-152
Maintaining Accurate Information of Delegation Status in HCS
Foster/Companion Care Homes

Per agreement between the Department of Aging and Disability Services (DADS) and the Board of Nursing (BON), a registered nurse (RN) may exempt an HCS foster/companion care provider from the BON definition of unlicensed person if the specified conditions are met. Information on the requirements for RN exemption of a foster/companion care provider from the BON definition of unlicensed person is available in the frequently asked questions (question number 5) at: <http://www.dads.state.tx.us/providers/hcs/faqs/nursingservicesfaqs.html>.

The RN must document the exemption of the foster/companion care provider from the BON definition of unlicensed person on form 8495, "[Exemption of Foster/Companion Care Provider from the BON definition of Unlicensed Person Form](#)." A copy of this form is attached to this letter and can be found on the DADS website: <http://www.dads.state.tx.us/providers/nschanges/index.html>. All parts of this form should be properly completed and regularly updated to reflect modifications. A copy of this form must be kept in the foster/companion care home and shown to DADS reviewers upon request.

If the RN exempts the foster/companion care provider from the BON definition of unlicensed person:

- RN delegation is not necessary;
- the foster/companion care provider is not required to keep a medication administration record; and
- RN notification, or LVN notification if the LVN is participating in the LVN on-call services pilot, is not required prior to administration of a pro re nata (PRN) or initial dose of medication other than a chemical restraint.

If the RN delegates medication administration to an HCS foster/companion care provider, the foster/companion care provider is required to:

- maintain documentation of medication administration;
- contact the RN, or LVN participating in the LVN on-call services pilot, prior to administering an initial dose of a medication; and
- follow the parameters outlined in the nursing service plan when administering a PRN medication.

If you have any questions regarding the information in this letter, please contact the DADS Regulatory Services WS&C unit at (512) 438-4163.

Sincerely,

[signature on file]

Veronda L. Durden
Assistant Commissioner
Regulatory Services

Exemption of Foster/Companion Care (FCC) Provider from the Board of Nursing (BON) Definition of Unlicensed Person

Individual _____

I assert that I have assessed and determined that all four of the following criteria have been met:

- the FCC provider meets the definition of Client Responsible Adult (CRA) in Texas Administrative Code (TAC), Title 22, Part 11, Chapter 225, §225.4;
- the individual and FCC maintain a stable and beneficial relationship;
- the FCC provider is willing and able to assume the responsibility and accountability for the individual's health care; and
- the FCC provider has adequate and appropriate supports available.

Based on the comprehensive assessment I completed, I have decided to exempt the FCC provider from the BON definition of unlicensed person. I have developed a nursing service plan that requires the FCC provider to report any changes in conditions or medical treatment to me.

Signature of Registered Nurse

Date

Printed Name and Credentials