



COMMISSIONER  
Chris Traylor

March 17, 2011

To: All Nursing Facility Administrators

Re: Information Letter No. 11-38  
Relocation Contractor Staff Access to Nursing Facility Residents and Clinical Records and  
Access by Nursing Facility Residents to Other Representatives of Community-based  
Organizations

*This Information Letter replaces Information Letter No. 07-107 issued November 1, 2007.*

Note: Please also review Information Letter No. 11-37 and Provider Letter No. 11-08 regarding the role of the Nursing Facility and the Relocation Contractor and their responsibilities in meeting the requirements of the Minimum Data Set 3.0 Section Q requirements. You must review both letters together to ensure all nursing facility residents receive relocation services if they indicate a desire to return to a community-based setting.

The Promoting Independence Initiative (Initiative) was developed in response to the United States Supreme Court Ruling in *Olmstead v. L.C.*, 119 S. Ct. 2176 (1999), and is supported by two Governor's Executive Orders (GWB 99-2 and RP 2002-13) and state legislation (Texas Government Code Sections 531.0244-531.02442 and 531.042). The purpose of the Initiative is to provide enhanced community options so individuals will have more residential choices in receiving their long term services and supports.

Money Follows the Person (MFP) is a significant policy resulting from the Promoting Independence Initiative. MFP allows nursing facility (NF) residents to move back into the community to receive services without being on an interest list or using a community "slot" to access services in the community.

One aspect of MFP is the creation of "relocation specialist" activities. Relocation specialists perform outreach and education activities for NF residents and identify individual residents who want to access community services through MFP. In addition, relocation specialists can assist in the facilitation and coordination of transition activities into the community.

The Department of Aging and Disability Services (DADS) contracts with relocation contractors; the contractors hire relocation specialists to perform activities related to community transition. As contractors of the state, relocation specialists have the authority to enter a NF and work with residents to explore interest in MFP; **this activity is not solicitation.**

NF administrators must allow relocation specialists access to their facilities and support them in this activity. Relocation specialists must provide adequate identification. DADS expects each NF administrator and NF staff to support the relocation specialists and assist in all MFP activities, including relocation specialist activities and transitional services.

It should be noted that NF residents are under no obligation to speak to relocation specialists. However, NF residents must be *provided with the opportunity* to interact with the relocation specialists to obtain further information, should they so desire.

Relocation specialists will continue to visit NFs throughout the state. Upon entering an NF, relocation specialists must identify themselves, request to speak to the Administrator or the person designated in charge in the absence of the Administrator, and explain the purpose of the visit.

Relocation specialists must be granted access to visit with residents who wish to meet with them, along with the residents' family members or other representatives (with the residents' approval), and to clinical records and any other documentation, with the resident or resident's legal representative's written approval. Additionally, relocation specialists must be allowed to perform activities and processes necessary to facilitate the residents' transition into a community setting.

DADS contracts with the following organizations to provide relocation services for NF residents, including children residing in a NF:

<b>Relocation Contractor</b>	<b>DADS Region(s)</b>	<b>Subcontractors</b>
ARCIL, Inc. (512) 832-6349	Region 4	<ul style="list-style-type: none"> <li>• Crockett Resource Center for Independent Living</li> <li>• East Texas Center for Independent Living</li> </ul>
ARCIL, Inc. (512) 832-6349	Region 5	<ul style="list-style-type: none"> <li>• Crockett Resource Center for Independent Living</li> <li>• Resource, Information, Support, and Empowerment</li> </ul>
ARCIL, Inc. (512) 832-6349	Region 7	<ul style="list-style-type: none"> <li>• Crockett Resource Center for Independent Living</li> </ul>
The Center on Independent Living, Inc. (COIL) (210) 655-2333	Region 8	None
Costal Bend Center for Independent Living (CBCIL) (361) 883-8461	Region 11	None
Houston Center for Independent Living (HCIL) (713) 974-4621	Region 6	None
LIFE/RUN (806) 795-5433	Regions 1,2	None
LIFE/RUN (806) 795-5433	Regions 9, 10	VOLAR Center for Independent Living
North Central Texas Council of Governments (NCTCOG) (817) 695-9193	Region 3	<ul style="list-style-type: none"> <li>• REACH Independent Living Centers</li> <li>• NCTCOG Independent Care Coordinators</li> <li>• Easter Seals</li> <li>• Pecan Valley MHMR</li> </ul>

In addition to required access for relocation specialists, DADS NF rules under 40 Texas Administrative Code (TAC) Section 19.413, *Access and Visitation Rights*, require NFs to allow other representatives of community-based organizations access to their facility to visit residents contingent upon the resident's permission. This visitation may be to provide health, social, legal or other services to a resident, but may be subject to reasonable restrictions. Also, 40 TAC Section 19.402, *Exercise of Rights*, states that the resident has the right to exercise their rights as a resident of the NF and as a citizen of the United States and to be free of any retaliation from exercising those rights.

MFP is an important DADS policy initiative that requires the cooperation of all of our contractors and community-based organizations. It is important that all parties work together professionally to promote the NF resident's quality of life and individual choice of residential setting to receive their long term services and supports. As stated above with regard to the relocation contractors, NF residents are under no obligation to speak to representatives of any community-based organizations. NF residents must be *provided with the opportunity* to interact with these representatives to obtain further information, should they so desire.

Representatives from these organizations are expected upon entering a NF, to identify themselves, request to speak to the Administrator or the person designated in charge in the absence of the Administrator, and explain the purpose of the visit.

If you have any questions about this letter, Promoting Independence, or the MFP policy, please contact Steven Ashman, MFP Program Specialist, at (512) 438-4135.

Sincerely,

*[Signature on file]*

William Campbell  
Section Manager  
Community Services Contracts

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