



COMMISSIONER
Jon Weizenbaum

June 11, 2013

To: Texas Home Living Program Providers
Local Authority Service Coordinators

Subject: Information Letter No. 13-26
Texas Home Living Nursing

The purpose of this letter is to inform Texas Home Living (TxHmL) program providers of the requirement to complete a registered nurse (RN) nursing assessment for all individuals in their program before nursing tasks can be provided individuals by a nurse or an unlicensed service provider.

Paid nursing tasks must be performed in accordance with Texas Occupations Code, Chapter 301 (Nursing Practice Act); 22 Texas Administration Code (TAC) Chapter 217 (relating to Licensure, Peer Assistance, and Practice); 22 TAC Chapter 224 (relating to Delegation of Nursing Tasks by Registered Professional Nurses to Unlicensed Personnel for Clients with Acute Conditions or in Acute Care Environments); and 22 TAC Chapter 225 (relating to RN Delegation to Unlicensed Personnel and Tasks Not Requiring Delegation in Independent Living Environments for Clients with Stable and Predictable Conditions).

Nursing hours must be on the individual plan of care (IPC) for the completion of a RN nursing assessment unless one of two exceptions exists:

1. Nursing services are not on the proposed IPC and the individual or legally authorized representative (LAR) and selected program provider have determined that no nursing tasks will be performed by an unlicensed service provider as documented on DADS form *Nursing Task Screening Tool*; or
2. Nursing tasks will be performed by an unlicensed service provider to whom a physician has delegated the task as a medical act under Texas Occupations Code, Chapter 157.

The local authority service coordinator or the program provider may assist the individual or the individual's LAR in filling out the Nursing Task Screening Tool found at <http://www.dads.state.tx.us/providers/nschanges/hcstxhtml/forms.html>.

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The TxHmL program providers must comply with the requirements outlined in this letter by November 1, 2013. Questions may be submitted to txhml@dads.state.tx.us.

Sincerely,

[signature on file]

Lynn W. Blackmore
Director
Center for Policy and Innovation

[signature on file]

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Assistant Commissioner
Regulatory Services

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