



COMMISSIONER
Jon Weizenbaum

March 12, 2013

To: Home and Community Support Services Agencies (HCSSAs)

Subject: **Provider Letter 13-06** – Senate Bill (SB) 223 and House Bill (HB) 1720 Rule Revision to 40 Texas Administrative Code (TAC) Chapter 97

The purpose of this letter is to provide a summary of revisions to the Texas Administrative Code (TAC), Title 40, Part 1, Chapter 97, relating to HCSSAs. These revisions to 40 TAC Chapter 97 were effective July 1, 2012.

Senate Bill (SB) 223 and House Bill (HB) 1720 (82nd Legislature, Regular Session, 2011), revised the Texas Health and Safety Code (THSC), Chapter 142 relating to Home and Community Support Services by adding requirements for HCSSAs. The passage of SB 223 and HB 1720 also resulted in DADS revising 40 TAC Chapter 97 rules to comply with the requirements added to THSC Chapter 142.

The revisions to 40 TAC Chapter 97 require that a HCSSA report certain changes of information provided on an initial or renewal application after the license is issued. The rules allow DADS to assess a fee for some of the reportable changes. DADS may also assess a late fee when changes are not reported within the required time frame. The rules specify that DADS may not renew an initial HCSSA license unless DADS conducts an initial on-site survey of an agency not exempt from an initial survey. Additionally, a HCSSA administrator or alternate administrator may use the DADS HCSSA joint training hours, addressing common violations, towards a continuing education requirement if the training meets the required hours and topics of educational training in the administration of a HCSSA. Finally, adopted rules require that a HCSSA provide a DADS representative with a reasonable and safe workspace that is free from hazards to conduct a survey at a HCSSA location.

The proposed rules were published in the *Texas Register* on April 1, 2011, and were effective on July 1, 2012. The adoption notice can be reviewed in the June 22, 2012, issue of the *Texas Register* at:

<http://www.sos.state.tx.us/texreg/archive/June222012/adopted/40.SOCIAL%20SERVICES%20AND%20ASSISTANCE.html#361>.

Revision Notice 12-2 and the revised rules are available on the DADS Handbooks website at <http://www.dads.state.tx.us/handbooks>.

The revised rules are also available on the TAC website at [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=40&pt=1&ch=97](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=1&ch=97).

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If you have questions regarding the content of this letter, please contact a HCSSA policy specialist in the Policy, Rules and Curriculum Development unit at (512) 438-3161.

Sincerely,

Veronda L. Durden
Assistant Commissioner
Regulatory Services

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