



COMMISSIONER
Jon Weizenbaum

June 23, 2014

To: Nursing Facilities (NFs)

Subject: **Provider Letter 14-09** – Small House NF or Household NF

The Texas Department of Aging and Disability Services (DADS) is issuing this letter to notify NF providers of new rules and rule amendments in Texas Administrative Code, Title 40, Part 1, Chapter 19, effective April 1, 2014. The purpose of the new 40 TAC §[19.345](#) and the amendments to 40 TAC §[19.2322](#) is to promote a resident-centered care culture in NFs.

The new 40 TAC §19.345 sets forth the requirements for a new construction of a small house NF or household NF, including a conversion, an addition or a remodeling. The new section:

- includes requirements that must be met for a NF to be a small house NF or household NF and describes the three models of small house NFs and household NFs;
- sets forth requirements for the physical plant and environment of a small house NF or household NF; and
- allows DADS to waive a requirement in §§19.330 - 19.343 of Subchapter D if DADS determines that those requirements would prevent the implementation of resident-centered care in a small house NF or household NF.

The amendment to 40 TAC §19.2322 provides that DADS gives priority to a small house NF waiver application over a pending community needs waiver application filed in the same county. It also states that DADS does not approve more than 16 beds for a small house NF or a household in a NF that is granted a small house NF waiver. The amendment:

- requires an applicant to submit schematic building plans with the waiver application and submit final construction documents after the waiver application is approved;
- provides local NFs the opportunity to submit comments when a small house NF waiver application is received;
- specifies that a waiver application is considered withdrawn if it is not completed within 90 days;
- provides that DADS approves the replacement or transfer of beds certified at a small house NF or household NF only to another small house NF or household NF; and
- adds that DADS can decertify and de-allocate Medicaid beds granted through a small house NF waiver if the NF in which they are located does not continue to meet the requirements in 40 TAC §19.345.

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If you have questions about 40 TAC §19.345, please contact an architect in the Architectural unit at (512) 438-2371. Policy-related questions may be directed to a Life Safety Code policy specialist in the Policy, Rules and Curriculum Development unit at (512) 438-3161.

Sincerely,

[signature on file]

Mary T. Henderson
Assistant Commissioner
Regulatory Services

MTH:cg