



COMMISSIONER
Jon Weizenbaum

April 23, 2015

To: Home and Community-based Services Program Providers

Subject: Information Letter No. 15-27
Approval of a Four-Person Residence Acquired from Another Program Provider

The purpose of this information letter is to remind Home and Community-based Services (HCS) Program Providers of the process to obtain approval from the Department of Aging and Disability Services (DADS) for a four-person residence. In addition, this letter addresses the process to obtain approval from DADS for a four-person residence acquired by an HCS program provider from another program provider.

As stated in Title 40, Texas Administrative Code (TAC), Part 1, Chapter 9, Subchapter D, §9.188(a), a program provider must obtain written approval from DADS before providing residential support in a four-person residence. To obtain approval, DADS rule §9.188(b) and Home and Community-based Services (HCS) Handbook, Section 14910, Four-Person Home Approval Policy and Procedures, require a program provider to submit the following documentation to DADS:

- the address and county of the residence;
- the current date;
- the name of the program provider;
- the contact person and phone number with area code;
- the program provider's component code and contract number;
- the location code for the home;
- certification from the program provider that the program provider intends to provide residential support to one or more individuals who will live in the residence;
- one of the following certifications required by 40 TAC §9.178(e)(1)(A):
 1. certification by:
 - a. the local fire safety authority having jurisdiction in the location of the residence as being in compliance with the applicable portions of the National Fire Protection Association 101: Life Safety Code (Life Safety Code) as determined by the local fire safety authority;
 - b. the local fire safety authority having jurisdiction in the location of the residence as being in compliance with the applicable portions of the International Fire Code (IFC) as determined by the local fire safety authority; or
 - c. the Texas State Fire Marshal's Office as being in compliance with the applicable portions of the Life Safety Code as determined by the Texas State Fire Marshal's Office; or
 2. certification by DADS as being in compliance with the portions of the Life Safety Code

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applicable to small residential board and care facilities and most recently adopted by the Texas State Fire Marshal's Office; and

- written certification from the program provider that the residence to be approved is not the residence of any person except a person permitted to live in the residence as described in 40 TAC §9.153(20).

The effective date of the approval of a four-person residence, not previously approved by DADS, will be no earlier than the date all required documentation is received by DADS.

If a program provider purchases or leases a four-person residence that was approved by DADS under the previous program provider, the program provider that acquires the residence must request another approval of the four-person residence from DADS in accordance with 40 TAC §9.188(b) and Section 14900 of the HCS Handbook if the acquiring program provider intends to operate the residence as a four-person residence.

To maintain uninterrupted approval of the four-person residence, the acquiring program provider must submit the documentation required by 40 TAC §9.188(b) to DADS on or before the date the residence is purchased or leased, except the program provider may submit documentation of the certification required by 40 TAC §9.178(e)(1)(A) up to 10 business days after the date of purchase or lease.

- 1) If the program provider submits the documentation of certification within the 10-business-day period and the certification is effective on or before the date of purchase or lease, DADS will approve the four-person residence to be effective one of the following dates, whichever is later:
 - the date the initial documentation (documentation other than certification documentation) was submitted to DADS; or
 - the date of the purchase or lease.
- 2) If the program provider submits the documentation of certification within the 10-business-day period and the certification is effective after the date of purchase or lease, DADS will approve the four-person residence to be effective on the date the certification is effective.
- 3) If the program provider does not submit the certification within the 10-business-day period, DADS will determine that the provider is operating a four-person residence without approval from DADS and in violation of 40 TAC §9.188.

DADS will notify a program provider in writing of its approval or disapproval of a four-person residence within 14 calendar days after receiving the documentation submitted by a program provider.

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Requests for four-person residence approval must be sent via secure, encrypted email to resrevcoord@dads.state.tx.us or mailed to:

Department of Aging and Disability Services
WS&C Residential Review Coordinators, Mail Code E-248
P.O. Box 149030
Austin, TX 78714-9030

For questions, contact DADS Regulatory Services, Waiver Survey and Certification, at 512-438-4163 or email waiversurvey.certification@dads.state.tx.us.

Sincerely,

[signature on file]

Donna Jessee
Director
Center for Policy and Innovation

[signature on file]

Elisa J. Garza
Assistant Commissioner
Access and Intake

[signature on file]

Mary T. Henderson
Assistant Commissioner
Regulatory Services