



# NURSING

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Home and Community Based Services (HCS) and Texas Home Living (TxHmL) waiver programs

# Provider Responsibilities for Nursing

9.174 (a) (31) for HCS and 9.578 (p) for TxHmL

Nursing is provided in accordance with:

- PDP; IPC; Implementation Plan;
- Nursing Practice Act (Texas Occupations Code, Chpt. 301)
- Licensure, Peer Assistance, and Practice (22 TAC Chapter 217)
- Delegation of Nursing Tasks by Registered Professional Nurses to Unlicensed Personnel for Clients with Acute Conditions or in Acute Care Environments (22 TAC Chapter 224)
- RN Delegation to Unlicensed Personnel and Tasks Not Requiring Delegation in Independent Living Environments for Clients with Stable and Predictable Conditions (22 TAC Chapter 225)
- Waiver Applications, Appendix C

Nursing consists of health care activities and monitoring health conditions.

# Administering Medications

HCS 9.174 (a) (31) (A) and TxHmL 9.555 (c) (1) (A)

## Administration of Medications:

“The removal of an individual/unit dose from a previously dispensed, properly labeled container; verifying it with the medication order; giving the correct medication and correct dose to the proper client at the proper time by the proper route; and accurately recording the time and dose given.” (22 TAC, Chapter 225.4 (2))

# Monitoring Use of Medications

HCS 9.174 (a) (31) (B) and TxHmL 9.555 (c) (1) (B)

- Medication administration records (MAR)
- Observation of medication administration.
- Interviewing paid, unlicensed staff.

# Monitoring Health Risks, Data, And Information

HCS 9.174 (a) (31) (C) and TxHmL 9.555 (c) (1) (C)

- Development of Nursing Plan
- Health data based on the plan

Examples of health data: vital signs, lab results, weights, skin integrity, chronic/acute conditions, etc.

# Assisting to Secure Emergency Medical Services

HCS 9.174 (a) (31) (D) and TxHmL 9.555 (c) (1) (D)

- The licensed nurse must secure emergency medical services when needed
- LVNs are ONLY allowed to perform telephone triage using standardized and validated protocols. The LVN must be trained to use the protocols prior to performing telephone triage.
- Please refer to the Texas Board of Nursing FAQ's at <http://www.bon.state.tx.us/practice/faq-LVNperformingtriage.html>

# Making Referrals For Medical Services

HCS 9.174 (a) (31) (E) and TxHmL 9.555 (c) (1) (E)

- Based on health needs of the person
- Need for services of specialists such as seizures management, mental health care, cardiac care, etc.
- Follow-up visits
- Physician appointments due to a change in condition

# Performing Health Care Procedures

HCS 9.174 (a) (31) (F) and TxHmL 9.555 (c) (1) (F)

- Tasks ordered or prescribed by physician or medical practitioner and
- Required by standards of professional practice or law to be performed by a licensed nurse.

Examples – inserting a Foley catheter, care of a severe wound, etc.

# Delegating and Monitoring of Tasks Assigned

HCS 9.174 (a) (31) (G) and TxHmL 9.555 (c) (1) (G)

- In accordance with state law.
- Delegation DECISION made by RN
- RN delegates and supervises performance of nursing tasks
- LVNs assist RNs in supervision, teaching, training and education.

# Teaching About Health Needs and Assessing Health Conditions

HCS 9.174 (a) (31) (H) and TxHmL 9.555 (c) (1) (H)

Teaching unlicensed service providers about specific health needs;

HCS 9.174 (a) (31) (I) and TxHmL 9.555 (c) (1) (I)

Performing an assessment of individual's health condition;

# Performing Nursing Assessments

HCS 9.174 (a) (31) (J) and TxHmL 9.555 (c) (1) (J)

RN must

- perform a nursing assessment for each individual; before an unlicensed service provider performs a nursing task; as determined necessary by an RN, including if the individual's health needs change;
- document information from the nursing assessment;
- provide a copy of the documentation to the service coordinator if an individual is receiving CDS services,
- develop the nursing service portion of the implementation plan; and
- make and document decisions related to the delegation of a nursing task to an unlicensed service provider;

# Excluding the HH/CC Provider from BON Definition of “Unlicensed Person”

In making the determination that a Host Home/Companion Care Provider can act as the CRA, assume responsibility and accountability for the individual's healthcare and be excluded from the BON definition of “unlicensed person”, the RN would:

- consider how long the host home/companion care provider has had the individual living in the home;
- their relationship;
- the ability of the host home/companion care provider to assume this responsibility; and
- the supports available to the host home/companion care provider

# Texas Human Resources Code, Chapter 161

HCS 9.174 (a) (31) (K) and TxHmL 9.555 (c) (1) (K)

RN may determine unlicensed service provider can administer medication to an individual without delegation or oversight of an RN, if:

- The medication is an oral medication; topical medication; or a metered dose inhaler; and the medication is administered to the individual for a predictable or stable condition; and
- The unlicensed service provider is trained or determined to be competent by an RN regarding the proper administration of medication;
- The RN must review the administration of medication to an individual by an unlicensed service provider at least annually

## Physician Delegation

HCS 9.174 (a) (53) and TxHmL 9.578 (u)

The provider must, if a physician delegates a medical act to an unlicensed service provider in accordance with Texas Occupations Code, Chapter 157, and the program provider has concerns about the health or safety of the individual in performance of the medical act, communicate the concern to the delegating physician and take additional steps as necessary to ensure the health and safety of the individual.

# When a Nursing Assessment May Not Be Required

HCS 9.174 (c) and TxHmL 9.578 (q)

A program provider may determine that an individual does not require a nursing assessment if:

- There are no nursing services on the individual's IPC and the program provider has determined that no nursing tasks will be performed by unlicensed service providers; and
- this information is documented on the DADS form "Nursing Task Screening Tool";

OR

- a physician has delegated the tasks to the unlicensed service provider as a medical act under Texas Occupations Code, Chapter 157, and this is documented by the physician.

# Refusal of a Nursing Assessment

HCS 9.174 (d) and TxHmL 9.578 (r)

Individual/LAR refuses nursing assessment, program provider must not:

- provide nursing services to individual;
- provide HH/CC, RSS, SL, SHL, CS, respite, supported employment, employment assistance or DH to individual *unless*:
  - unlicensed service provider does not perform nursing tasks; and
  - provider determines they can ensure individual's health, safety, and welfare.

# Nursing Assessment Refused

HCS 9.174 (e) and TxHmL 9.578 (s)

- Program provider decides they cannot ensure individual's health, safety, and welfare while providing HCS or TxHmL services without nursing assessment, they must notify individual/LAR and service coordinator:
  - Of the decision (in writing);
  - reasons for decision; and
  - HCS/TxHmL services affected by decision.

# Notification of DADS

HCS 9.174 (f) and TxHmL 9.578 (t)

- Service Coordinator discusses impact of refusing nursing assessment with individual/LAR [§9.190(e)(21)(C)]
- Service Coordinator notifies provider individual/LAR continue to refuse assessment.
- Provider sends written notification to DADS.

# Resources

- DADS webpage for nursing services information:  
<http://www.dads.state.tx.us/providers/nschanges/index.cfm>
- DADS billing and payment information:  
<http://dadsview.dads.state.tx.us/cpi/comsvspolicy/billing-payment.html>
- To contact DADS Waiver Survey and Certification:  
512-438-4163  
[waiversurvey.certification@dads.state.tx.us](mailto:waiversurvey.certification@dads.state.tx.us)
- Texas Board of Nursing website: [www.bon.state.tx.us](http://www.bon.state.tx.us)