



Long-Term Care Regulatory Provider Letter

Number: PL 2022-07

Title: Description of Key Changes to 26 TAC 551, Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions

Provider Types: Intermediate Care Facilities for Individuals with an Intellectual Disability (ICF/IID) or Related Conditions

Date Issued: March 2, 2022

1.0 Subject and Purpose

This provider letter describes the key changes made to the Texas Administrative Code (TAC) Title 26, Chapter 551, Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions. HHSC made revisions based on legislation from the 86th Legislature, Regular Session (2019), to implement House Bill (HB) 1848 and legislation from the 87th Legislature, Regular Session (2021), to implement House Bill 3720. This letter also describes additional revisions based on HHSC's reorganization of Chapter 551 and the use of the Texas Uniform Licensure Information Portal (TULIP). The new rule and amendments become effective February 24, 2022.

2.0 Key Changes to 26 TAC Chapter 551

Throughout the rule, HHSC updated citations, agency names, and terminology; corrected minor grammatical and punctuation errors; and revised sentence structures to make the chapter easier to read.

2.1 New Requirements for Infection Prevention and Control Policies and Procedures

HB 1848 (87th R.S., 2019) requires new infection control policies and procedures in long-term living facilities:

- A facility's infection prevention and control policies must describe how the facility will monitor key infectious agents, including multidrug-resistant organisms.
- A facility must have a policy that describes how it will make rapid influenza diagnostic tests available to facility residents who are exhibiting signs and symptoms of influenza.

2.2 Standards for Facilities

HHSC included a state rule that refers to each Centers for Medicare & Medicaid Services (CMS) Condition of Participation (CoP). Additions to 26 TAC 551 include:

- Governing Body
- Client Protections
- Facility Staffing
- Active Treatment
- Client Behavior and Facility Practices
- Health Care Services
- Physical Environment
- Emergency Preparedness
- Dietetic Services.

By adding these requirements to Chapter 551, HHSC will require compliance at the State level that is consistent with Federal regulations.

2.3 Texas Unified Licensure Information Portal

The amendments and repeals reflect the transition from paper applications to the use of the online licensure portal, called the Texas Unified Licensure Information Portal (TULIP). A facility must disclose information listed in this section when applying for “relocation” and HHSC requires the facility to submit application information using the online portal, TULIP.

2.4 Emergency Preparedness

Previously, ICF/IID facilities were required to evaluate their emergency preparedness and response plan at least annually.

The amendments to this section now require evaluation of the emergency preparedness and response plan at least every two years, for consistency with CMS requirements.

2.5 Abuse, Neglect, and Exploitation

When reporting Abuse, Neglect, and Exploitation to DFPS, as well as reporting incidents to HHSC, the definitions of each type of abuse are defined in 26 TAC Chapter 711.

3.0 Administrative Penalties

House Bill 3720 amended Health and Safety Code [Section 252.065\(b\)](#). Under the previous law, the cap on the amount of penalties that could be assessed was calculated by violation and by the day.

Under the law that became effective September 1, 2021, the administrative penalties for each visit are limited to the cap amount, regardless of the number or duration of violations.

HHSC implemented and applied the new administrative penalty cap to any ICF administrative penalties imposed beginning on September 1, 2021.

4.0 Resources

[Texas Administrative Code Title 26, Chapter 551](#)

5.0 Contact Information

If you have any questions about this letter, please contact the Policy and Rules Section by email at LTCRPolicy@hhs.texas.gov or call (512) 438-3161.