

# § 558.1 Purpose and Scope

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(a) Purpose.

(1) The purpose of this chapter is to implement Texas Health and Safety Code, Chapter 142, which requires the Texas Health and Human Services Commission (HHSC) to adopt minimum standards that a person must meet in order to be licensed as a home and community support services agency (HCSSA) and also to qualify to provide certified home health services. The requirements serve as a basis for licensure and survey activities.

(2) Except as provided by Texas Health and Safety Code § 142.003 (relating to Exemptions from Licensing Requirement), a person, including a health care facility licensed under the Texas Health and Safety Code, may not engage in the business of providing home health, hospice, or personal assistance services (PAS), or represent to the public that the person is a provider of home health, hospice, or PAS for pay without a HCSSA license authorizing the person to perform those services issued by HHSC for each place of business from which home health, hospice, or PAS is directed. A certified HCSSA must have a license to provide certified home health services.

(b) Scope. This chapter establishes the minimum standards for acceptable quality of care. A violation of a minimum standard established by Texas Health and Safety Code Chapter 142, or by a rule adopted under that chapter, is a violation of law. The rules in this chapter are adopted to protect clients of HCSSAs by establishing minimum standards relating to quality of care and quality of life.

(c) Limitations. Requirements established by private or public funding sources such as health maintenance organizations or other private third-party insurance, Medicaid (42 United States Code (USC) Chapter 7, Subchapter XIX ), Medicare (42 USC Chapter 7, Subchapter XVIII ), or state-sponsored funding programs are separate and apart from the requirements in this chapter for agencies. No matter what funding sources or requirements apply to an agency, the agency must still comply with the applicable provisions in the Statute and this chapter. The agency is responsible for researching availability of any funding source to cover a service provided by the agency.

## Notes

26 Tex. Admin. Code § 558.1

The provisions of this §558.1 adopted to be effective June 1, 1994, 19 TexReg 2915; amended to be effective July 21, 1997, 22 TexReg 6573; amended to be effective March 2, 1998, 23 TexReg 1958; transferred effective September 1, 1999, as published in the August 6, 1999 issue of the Texas Register, 24 TexReg 6099; amended to be effective June 15, 2000, 25 TexReg 5929; amended to be effective February 1, 2002, 26 TexReg 9159; amended to be effective June 1, 2006, 31 TexReg 1455; Transferred from Title 40, Chapter 97 by Texas Register, Volume 44, Number 15, April 12, 2019, TexReg 1893, eff. 5/1/2019; Amended by Texas Register, Volume 46, Number 15, April 9, 2021, TexReg 2428, eff. 4/25/2021