

§ 558.29 Application and Issuance of an Alternate Delivery Site License

(a) An agency with a license to provide hospice services may qualify for an ADS license if the parent agency:

- (1) is in substantial compliance with the Statute and this chapter; and
- (2) has no enforcement action pending against its license.

(b) To apply for an ADS license, an agency must submit an ADS application to HHSC through the online portal, in accordance with § 558.12 of this subchapter (relating to General Application).

(1) In the application, an agency may request to operate an inpatient unit at the ADS location.

(2) To add an inpatient unit to a licensed ADS, an agency must submit a change of service category application through the online portal according to the instructions for requesting HHSC approval, and otherwise comply with requirements of this section.

(c) After an agency submits an application for an ADS with an inpatient unit, the agency must contact the HHSC Architectural Unit to request a Life Safety Code survey. Before HHSC considers whether the application is complete, HHSC determines an agency's compliance with the Life Safety Code requirements § 558.871 of this chapter (relating to Physical Environment in a Hospice Inpatient Unit).

(d) A designated survey office reviews an agency's application for an ADS license and makes a recommendation to the HHSC HCSSA licensing unit whether to approve or deny the application. The HCSSA licensing unit approves or denies the agency's application.

(e) If HHSC denies an agency's application, HHSC sends the agency a written notice:

- (1) informing the agency of its decision; and
- (2) providing the agency with an opportunity to appeal its decision through a formal hearing process as described in § 558.601 of this chapter (relating to Enforcement Actions).

(f) Except as provided in subsection (g) of this section, after HHSC issues a license for an ADS with an inpatient unit, the agency must, after providing inpatient services to a client, submit the Notification of Readiness for a Health Survey of a Hospice Inpatient Unit (HHSC Form 2020-A), to the designated survey office. HHSC conducts an initial licensure health survey to review the requirements in § 558.871 of this chapter specified in Subchapter H, Division 7 of this chapter (relating to Hospice Inpatient Units) that an HHSC Life Safety Code surveyor did not review during the initial Life Safety Code survey.

(g) An agency is not required to request an initial licensure health survey of an ADS with an inpatient unit if the agency is exempt from the health survey as specified in § 558.503 of this chapter (relating to Exemption From a Survey). To demonstrate that it is exempt, the agency must send the accreditation documentation from the accreditation organization to the HHSC designated survey office within seven days after the agency receives the accreditation documentation.

(h) If an agency receives accreditation documentation from the accreditation organization

after the agency submits a written request to HHSC for an initial licensure health survey, the agency may demonstrate that it is exempt from the survey by sending the accreditation documentation to the HHSC designated survey office before HHSC arrives at the agency to conduct an initial health survey.

(i) A Medicare-certified hospice agency must also submit a request to CMS for approval of an ADS, including an ADS with an inpatient unit. CMS approves or denies the request.

(j) An ADS license expires on the same date the parent agency's license expires. To renew an ADS license, the license holder must submit to HHSC through the online portal a renewal application and all required fees for the ADS license when submitting a renewal application for the parent agency's license.

(k) If HHSC grants an ADS license, it will provide the license to the parent agency. The agency must post the ADS license in a conspicuous place on the licensed ADS premises.

(l) An ADS must comply with the Statute and this chapter, including the applicable additional standards for hospice agencies in Subchapter H of this chapter (relating to Standards Specific to Agencies Licensed to Provide Hospice Services) and § 558.322 of this chapter (relating to Standards for Alternate Delivery Sites). A Medicare-certified hospice agency's ADS must also comply with the applicable federal rules and regulations for hospice agencies in 42 CFR Part 418.

Notes

26 Tex. Admin. Code § 558.29

The provisions of this §558.29 adopted to be effective June 1, 2006, 31 TexReg 1455; amended to be effective October 1, 2013, 38 TexReg 6628; 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 2429, eff. 4/25/2021