

§ 558.17 Application Procedures for a Renewal License

(a) To renew its license, an agency must submit a renewal application through the online portal .

(b) An agency must submit its renewal application in accordance with § 558.12 of this subchapter (relating to General Application) when submitting a renewal application through the online portal.

(c) For each license period, an agency must provide services to at least one client to be eligible to renew its license.

(d) HHSC does not require an agency to admit a client under each category of service authorized under the license to be eligible to renew its license.

(e) With each renewal application, an agency accredited by an accreditation organization referenced in § 558.503 of this chapter (relating to Exemption from Survey) must submit to HHSC through the online portal a copy of the accreditation documentation that the agency receives from the accreditation organization.

(f) At least 120 days before the expiration date of a license, HHSC makes the renewal application and instructions available through the online portal. HHSC notifies the agency with electronic notice that the application and instructions to renew the license are made available through the online portal.

(1) If the renewal application is not made available by HHSC in accordance with this subsection, the agency must, at least 90 days before the expiration date of a license, notify HHSC in writing that it has not received notice of expiration and request that HHSC make a renewal application available.

(2) To avoid a late fee, an agency must submit to HHSC a complete and accurate renewal application, as described in § 558.12(c) of this subchapter, with full payment of all required license fees as specified in § 558.3 of this chapter (relating to License Fees), no later than the 45th day before the expiration date of the license.

(3) If an agency submits a renewal application after the 45th day before the expiration date of a license, but before the expiration date of the license, HHSC assesses the late fee set out in § 558.3(c) of this chapter for failure to comply with paragraph (2) of this subsection.

(g) If an agency submits a renewal application to HHSC after the expiration date of the license, HHSC denies the renewal application and does not refund the renewal license fee. The agency is not eligible to renew the license and must cease operation on the date the license expires. An agency whose license expires must apply for an initial license in accordance with § 558.13 of this subchapter (relating to Obtaining an Initial License).

(h) If an agency submits a renewal application before the expiration date of the license in accordance with this subsection, the license does not expire until HHSC has made a final determination on the application.

(1) If an enforcement action is pending at the time the renewal applicant submits a renewal application, the agency's license does not expire and the agency may continue to operate

until HHSC had made a final determination on the application, concurrent with the agency's opportunity for a formal hearing as described in § 558.601 of this chapter (relating to Enforcement Actions).

(2) A license expires if the license holder fails to submit a renewal application in accordance with the subsection before the expiration date.

(i) If a license holder fails to submit a renewal application in accordance with subsection (h) of this section because the license holder is or was on active duty with the armed forces of the United States of America outside the State of Texas, the license holder may renew the license pursuant to this subsection.

(1) An individual having power of attorney from the license holder or other authority to act on behalf of the license holder may request renewal of the license. The renewal application must include a current address and telephone number for the individual requesting the renewal.

(2) An agency may submit a request for a renewal application through the online portal before or after the expiration of the license.

(3) A copy of the official orders or other official military documentation showing that the license holder is or was on active military duty serving outside the State of Texas must be submitted to HHSC with the renewal application.

(4) A copy of the power of attorney from the license holder or other authority to act on behalf of the license holder must be submitted to HHSC with the renewal application.

(5) A license holder applying to renew a license under this subsection must pay the required renewal fee in full.

(6) A license holder may not operate the agency for which the license was obtained after the expiration of the license unless and until HHSC renews the license.

(7) This subsection applies to a license holder who is an individual or a partnership comprised of individuals, all of whom are or were on active duty with the armed forces of the United States of America serving outside the State of Texas.

(j) An applicant for a renewal license must comply with § 558.30 of this subchapter (relating to Operation of an Inpatient Unit at a Parent Agency) to operate an inpatient unit at the applicant's parent agency.

Notes

26 Tex. Admin. Code § 558.17

The provisions of this §558.17 adopted to be effective June 1, 2006, 31 TexReg 1455; amended to be effective September 1, 2008, 33 TexReg 1149; amended to be effective January 15, 2009, 34 TexReg 252; amended to be effective July 1, 2012, 37 TexReg 4613; amended to be effective January 17, 2018, 43 TexReg 238; 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