

§ 558.23 Change of Ownership

(a) A license holder may not transfer its license. If there is a change of ownership, the license holder's license becomes invalid on the date of the licensure change of ownership. The prospective license holder must apply for a license in accordance with § 558.12 of this subchapter (relating to General Application) and § 558.13 of this subchapter (relating to Obtaining an Initial License).

(b) If HHSC grants the application for an initial change of ownership license and allows an initial change of ownership application to occur without a gap in the agency's licensed status, the license holder at the time of the application must maintain an active and valid license until HHSC grants and issues an initial license to the change of ownership applicant.

(c) A change of ownership for a parent agency is a change of ownership for the parent agency's branch office or ADS and requires the submittal of an application and license fee for each branch office and ADS at the same time as the parent agency application and fee.

(d) HHSC conducts an on-site health inspection to verify compliance with the licensure requirements after issuing a license as a result of a change of ownership. HHSC may conduct a desk review instead of an on-site health inspection after issuing a license as a result of a change of ownership if:

(1) less than 50 percent of the direct or indirect ownership interest in the former license holder changed, when compared to the new license holder; or

(2) every owner with a disclosable interest in the new license holder had a disclosable interest in the former license holder.

(e) For an agency licensed to provide licensed and certified home health services or certified, as well as licensed, to provide hospice services, applicable federal laws and regulations relating to change of ownership or control apply in addition to the requirements of this section.

Notes

26 Tex. Admin. Code § 558.23

The provisions of this §558.23 adopted to be effective June 1, 2006, 31 TexReg 1455; amended to be effective October 11, 2017, 42 TexReg 5514; 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