

§ 558.31 Time Frames for Processing and Issuing a License

(a) General.

(1) In this section, the date of an application is the date an applicant successfully submits an application to HHSC through the online portal as described in subsection (b)(1) of this section.

(2) HHSC considers an application complete for purposes of this section when it is complete and accurate as described in § 558.12 of this subchapter (relating to General Applications), and the applicant has met all requirements for licensure, including applicable background and survey standards before HHSC issues a license.

(b) Time frames. HHSC processes an application in accordance with the following time frames.

(1) The first time frame begins on the date the applicant successfully submits an application through the online portal and the online portal reflects a status of "payment received" for applicable license fees, including late fees, and ends on the date HHSC determines the submission is complete and accurate, as described in § 558.12 of this subchapter (relating to General Applications). If HHSC receives an incomplete application, the first time frame ends on the date HHSC sends an electronic notice, through the online portal, to the agency that the application is incomplete. The electronic notice specifies the information that the applicant must submit to complete the application. The first time frame is no longer than 45 days.

(2) The second time frame begins on the date that the application is complete, as described for the purpose of this section, in subsection (a)(2) of this section, and ends on the date the license is issued. The second time frame is no longer than 45 days.

(3) If an agency is subject to a proposed or pending enforcement action on its license, on or within 45 days before the expiration date of the license, HHSC may postpone decision on a renewal application while the action is pending.

(c) Reimbursement of fees.

(1) If HHSC does not process the application in the time frames stated in subsection (b) of this section, the applicant has the right to request that HHSC reimburse the license fee. If HHSC does not agree that the established time frames have been violated or finds that good cause existed for exceeding the established time frames, HHSC denies the request.

(2) HHSC considers that good cause for exceeding the established time frames exists if:

(A) the number of applications to be processed exceeds by 15 percent or more the number of applications processed in the same quarter for the preceding year;

(B) another public or private entity used in the application process caused the delay; or

(C) other conditions existed giving good cause for exceeding the established time frames.

(d) Appeal. If HHSC denies the request for reimbursement of the license fee, as authorized by subsection (c) of this section, the applicant may appeal the denial. In order to appeal, the applicant must send a written request for reimbursement of the license fee to the HHSC

executive commissioner. The request must include that the application was not processed within the established time frame. The HHSC HCSSA licensing unit provides the HHSC executive commissioner with a written report of the facts related to the processing of the application and good cause for exceeding the established time frame. The HHSC executive commissioner makes the final decision and provides written notification of the decision to the applicant and the HHSC HCSSA licensing unit.

Notes

26 Tex. Admin. Code § 558.31

The provisions of this §558.31 adopted to be effective June 1, 2006, 31 TexReg 1455; amended to be effective January 15, 2009, 34 TexReg 252; 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