

# § 558.217 Agency Closure Procedures and Voluntary Suspension of Operations

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(a) Permanent closure. An agency must notify HHSC in writing within five days before the permanent closure of the agency, branch office, or ADS.

(1) The agency must include in the written notice the reason for closing, the location of the client records (active and inactive), and the name and address of the client record custodian.

(2) If the agency closes with an active client roster, the agency must transfer a copy of the active client record with the client to the receiving agency in order to ensure continuity of care and services to the client.

(3) The agency must mail or return the initial license or renewal license to HHSC at the end of the day that services cease.

(4) If an agency continues to operate after the closure date specified in the notice, HHSC may take enforcement action against the agency.

(b) Applicability. This subsection applies to an agency licensed to provide licensed home health services, personal assistance services, and licensed-only hospice services.

(1) Voluntary suspension of operations occurs when an agency voluntarily suspends its normal business operations for 10 or more consecutive days. A voluntary suspension of operations may not last longer than the licensure renewal period. If an agency voluntarily suspends operations, the agency must:

(A) discharge or arrange for backup services for active clients;

(B) provide written notification to the designated survey office at least five days before the voluntary suspension of operations, or within two working days before the voluntary suspension of operations, if an emergency occurs that is beyond the agency's control; and  
(C) post a notice of voluntary suspension of operations on the entry door of the agency and leave a voice message that informs callers of the voluntary suspension of operations.

(2) An agency must notify the HHSC HCSSA licensing unit in writing no later than seven days after resuming operations.

## Notes

26 Tex. Admin. Code § 558.217

The provisions of this §558.217 adopted 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 2430, eff.

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