

§ 558.216 Change in Agency Certification Status

(a) An agency must notify HHSC in writing no later than five days after the agency decides to voluntarily withdraw from the Medicare program. If an agency's voluntary withdrawal from the Medicare program is based on the permanent closure of the agency, the agency must also comply with §558.217 of this division (relating to Agency Closure Procedures and Voluntary Suspension of Operations).

(b) If an agency chooses to voluntarily withdraw from the Medicare program, or if CMS involuntarily terminates or denies its certification, the license will be affected as follows:

(1) If an agency licensed to provide licensed and certified home health services has no other license categories remaining on the license after losing its Medicare certification, its license is void and the agency must cease operation. If the agency wants to resume providing services, it must apply for an initial license.

(2) If a Medicare-certified agency has another license category remaining on the current license and the agency wants to continue providing services under the remaining license category, HHSC surveys the agency under the remaining license category.

(c) As specified in § 558.601(c)(2) of this chapter (relating to Enforcement Actions), HHSC may take enforcement action against an agency licensed to provide licensed and certified home health services if the agency fails to maintain its Medicare certification. The agency may request an administrative hearing in accordance with § 558.601 of this chapter to contest the enforcement action taken by HHSC against the agency.

Notes

26 Tex. Admin. Code § 558.216

The provisions of this §558.216 adopted to be effective February 1, 2002, 26 TexReg 9159; amended to be effective June 1, 2006, 31 TexReg 1455; amended to be effective July 1, 2012, 37 TexReg 4613; 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. 4/25/2021