

## § 558.220 Service Areas

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(a) An agency must identify its licensed service area. A branch office or ADS must be located within the parent agency's licensed service area. An agency must not provide services outside its licensed service area, except as provided in subsections (i) and (j) of this section.

(b) An agency must maintain adequate staff to provide services and to supervise the provision of services.

(c) An agency may expand its service area at any time during the licensure period. An agency must submit an application to HHSC through the online portal to expand the agency's service area at least 30 days before the expansion, unless HHSC grants the agency an exemption from the 30-day time frame as specified in subsection (d) of this section.

(d) An agency is exempt from the requirement to submit an application to HHSC through the online portal no later than 30 days before the agency expands its service area if HHSC determines an emergency situation exists that would affect client health and safety.

(1) An agency must notify HHSC immediately of a possible emergency situation that would affect client health and safety.

(2) HHSC grants or denies an exemption from the 30-day application submission requirement.

(A) If HHSC grants an exemption, the agency must submit an application to HHSC through the online portal, as described in subsection (e) of this section, no later than 30 days after the date HHSC grants the exemption.

(B) If HHSC denies an exemption, the agency may not expand the agency's service area until at least 30 days after the agency submits the written notice to HHSC, as described in subsection (e) of this section.

(e) If an agency intends to expand or reduce the agency's service area, the agency must submit an application to HHSC through the online portal, in accordance with § 558.208 of this subchapter (relating to Reporting Changes in Application Information and Fees).

(f) If an agency reports a change in service area, the agency must pay a fee and may be subject to a late fee, as described in § 558.208 of this subchapter.

(g) An agency may reduce its service area at any time during the licensure period. An agency must submit an application to HHSC through the online portal informing HHSC that the agency reduced its service area, no later than 10 days after the reduction.

(h) HHSC sends the agency a Notification of Change reflecting the change in service area. An agency is not required to post the Notification of Change in service area beside its license.

(i) An agency is exempt from the requirements described in subsections (c) - (f) of this section if a temporary expansion results from an emergency or disaster, as specified in § 558.256(o) of this subchapter (relating to Emergency Preparedness Planning and Implementation).

(j) An agency may provide services to a client outside the agency's licensed service area, but within the State of Texas, in accordance with this subsection and, for an agency licensed to provide hospice services, with the additional standards in § 558.830 of this chapter (relating to Provision of Hospice Core Services).

- (1) The agency may provide the services for no more than 60 consecutive days, unless the agency expands its service area as described in subsections (e) and (f) of this section.
  - (2) The client must reside in the agency's service area and be receiving services from the agency at the time the client leaves the agency's service area.
  - (3) The agency must maintain compliance with the Statute and this chapter and, if applicable, federal home health and hospice regulations.
  - (4) The agency must document in the client record the start and end dates for the services.
  - (5) An agency's authority to provide services to a client outside its service area may depend on regulations or requirements established by the client's private or public funding source, including a health maintenance organization or other private third-party insurance; Medicaid, under 42 United States Code Chapter 7, Subchapter XVIII; or a state-funded program. The agency is responsible for knowing these requirements.
- (k) If a client notifies an agency that the client is leaving the agency's service area and the agency does not provide services in accordance with subsection (j) of this section, the agency must inform the client that leaving the agency's service area requires the agency to:
- (1) place the client's services on hold in accordance with the agency's written policy, required by § 558.281 of this subchapter (relating to Client Care Policies), until the client returns to the agency's service area;
  - (2) transfer and discharge the client in accordance with § 558.295 of this subchapter (relating to Client Transfer or Discharge Notification Requirements) and the agency's written policy required by § 558.281 of this subchapter; or
  - (3) discharge the client in accordance with § 558.295 of this subchapter and the agency's written policy required by § 558.281 of this subchapter.

#### Notes

26 Tex. Admin. Code § 558.220

The provisions of this §558.220 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; amended to be effective October 1, 2013, 38 TexReg 6645; 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