

§ 558.243 Administrative and Supervisory Responsibilities

(a) Administrative responsibilities.

(1) A license holder, or the license holder's designee, must designate an individual who meets the qualifications and conditions set out in §558.244 of this division (relating to Administrator Qualifications and Conditions and Supervising Nurse Qualifications) to serve as the administrator of the agency.

(2) A license holder, or the license holder's designee, must designate in writing an alternate administrator who meets the qualifications and conditions of an administrator to act in the absence of the administrator.

(b) Administrator responsibilities.

(1) An administrator must be responsible for implementing and supervising the administrative policies and operations of the agency and for administratively supervising the provision of all services to agency clients on a day-to-day basis. An administrator must:

(A) manage the daily operations of the agency;

(B) organize and direct the agency's ongoing functions;

(C) administratively supervise the provision of quality care to agency clients;

(D) supervise to ensure implementation of agency policy and procedures;

(E) ensure that the documentation of services provided is accurate and timely;

(F) employ or contract with qualified personnel;

(G) ensure adequate staff education and evaluations, according to requirements in §558.245(b) of this division (relating to Staffing Policies);

(H) ensure the accuracy of public information materials and activities;

(I) implement an effective budgeting and accounting system that promotes the health and safety of the agency's clients; and

(J) supervise and evaluate client satisfaction survey reports on all clients served.

(2) An administrator or alternate administrator must be available to agency personnel, in person or by telephone, during the agency's operating hours and in accordance with the rules in this chapter, including § 558.210 of this subchapter (relating to Agency Operating Hours), § 558.404(h)(2) of this chapter (relating to Standards Specific to Agencies Licensed to Provide Personal Assistance Services), § 558.523 of this chapter (relating to Personnel Requirements for a Survey), and § 558.527 of this chapter (relating to Post-Survey Procedures).

(3) An administrator must designate, in writing, an agency employee who must provide HHSC surveyors entry to the agency in accordance with § 558.523(e) of this chapter (relating to Personnel Requirements for a Survey), if the administrator and alternate administrator are not available.

(c) Supervision of services.

(1) Except as provided in paragraph (3) of this subsection, an agency licensed to provide licensed home health services, licensed and certified home health services, or hospice

services must directly employ or contract with an individual who meets the qualifications in §558.244 of this division to serve as the supervising nurse.

(2) An agency must designate, in writing, a similarly qualified alternate to serve as supervising nurse in the absence of the supervising nurse.

(A) The supervising nurse or alternate supervising nurse must:

- (i) always be available to agency personnel, in person or by telephone;
- (ii) participate in activities relevant to services furnished, including the development of qualifications and assignment of agency personnel;
- (iii) ensure that a client's plan of care or care plan is executed as written; and
- (iv) ensure that an appropriate health care professional performs a reassessment of a client's needs:

(I) when there is a significant health status change in the client's condition;

(II) at the physician's request; or

(III) after hospital discharge.

(B) A supervising nurse may also be the administrator of the agency, if the supervising nurse meets the qualifications and conditions of an administrator described in §558.244(a) and (b) of this division.

(3) An agency that provides only physical, occupational, speech or respiratory therapy, medical social services, or nutritional counseling is not required to employ or contract with a supervising nurse. A qualified licensed professional must supervise these services, as applicable.

(d) Supervision of branch offices and ADSs. An agency must adopt and enforce a written policy relating to the supervision of branch offices or ADSs, if established. This policy must be consistent with the following:

(1) for a branch office, § 558.27 of this chapter (relating to Application and Issuance of an Initial Branch Office License) and § 558.321 of this chapter (relating to Standards for Branch Offices); or

(2) for an ADS, § 558.29 of this chapter (relating to Application and Issuance of an Alternate Delivery Site License) and § 558.322 of this chapter (relating to Standards for Alternate Delivery Sites).

Notes

26 Tex. Admin. Code § 558.243

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