

§ 558.259 Initial Educational Training in Administration of Agencies

(a) This section applies only to an administrator and alternate administrator designated as an administrator or alternate administrator for the first time on or after December 1, 2006.

(b) In addition to the qualifications and conditions described in §558.244 of this division (relating to Administrator Qualifications and Conditions and Supervising Nurse Qualifications), a first-time administrator and alternate administrator of an agency must each complete a total of 24 clock hours of educational training in the administration of an agency before the end of the first 12 months after designation to the position.

(c) Prior to designation, a first-time administrator or alternate administrator must complete eight clock hours of educational training in the administration of an agency. The initial eight clock hours must be completed during the 12 months immediately preceding the date of designation to the position. The initial eight clock hours must include:

- (1) information on the licensing standards for an agency; and
- (2) information on the state and federal laws applicable to an agency, including:
 - (A) Texas Health and Safety Code Chapters 142 and 250;
 - (B) Texas Human Resources Code Chapter 102, Rights of the Elderly;
 - (C) the Americans with Disabilities Act;
 - (D) the Civil Rights Act of 1991;
 - (E) the Rehabilitation Act of 1993;
 - (F) the Family and Medical Leave Act of 1993; and
 - (G) the Occupational Safety and Health Administration requirements.

(d) A first-time administrator and alternate administrator must complete an additional 16 clock hours of educational training before the end of the first 12 months after designation to the position. Any of the additional 16 clock hours may be completed prior to designation, if completed during the 12 months immediately preceding the date of designation to the position. The additional 16 clock hours must include the following subjects and may include other topics related to the duties of an administrator:

- (1) information regarding fraud and abuse detection and prevention;
- (2) legal issues regarding advance directives;
- (3) client rights, including the right to confidentiality;
- (4) agency responsibilities;
- (5) complaint investigation and resolution;
- (6) emergency preparedness planning and implementation;
- (7) abuse, neglect, and exploitation;
- (8) infection control;
- (9) nutrition (for agencies licensed to provide inpatient hospice services); and
- (10) the Outcome and Assessment Information Set (OASIS) (for agencies licensed to provide licensed and certified home health services).

(e) The 24-hour educational training requirement described in subsection (b) of this section

must be met through structured, formalized classes, correspondence courses, competency-based computer courses, training videos, distance learning programs, or off-site training courses. Subject matter that deals with the internal affairs of an organization does not qualify for credit.

(1) The training must be provided or produced by:

(A) an academic institution;

(B) a recognized state or national organization or association;

(C) an independent contractor who consults with agencies; or

(D) an agency.

(2) If an agency or independent contractor provides or produces the training, the training must be approved by HHSC or recognized by a state or national organization or association. The agency must maintain documentation of this approval or recognition for review by HHSC surveyors.

(3) A first-time administrator and alternate administrator may apply joint training provided by HHSC toward the 24 hours of educational training required by this section if the joint training meets the educational training requirements described in subsections (c) and (d) of this section.

(f) Documentation of administrator and alternate administrator training must:

(1) be on file at the agency; and

(2) contain the name of the class or workshop, the course content (such as the curriculum), the hours and dates of the training, and the name and contact information of the entity and trainer who provided the training.

(g) A first-time administrator and alternate administrator must not apply the HHSC Presurvey Training toward the 24 hours of educational training required in this section.

(h) After completing the 24 hours of initial educational training prior to or during the first 12 months after designation as a first-time administrator and alternate administrator, an administrator and alternate administrator must complete the continuing education requirements as specified in §558.260 of this division (relating to Continuing Education in Administration of Agencies) in each subsequent 12-month period after designation.

Notes

26 Tex. Admin. Code § 558.259

The provisions of this §558.259 adopted to be effective May 1, 2008, 33 TexReg 1136; 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