

§ 558.507 Agency Cooperation with a Survey

- (a) By applying for or holding a license, an agency consents to entry and survey by a HHSC representative to verify compliance with the Statute or this chapter.
- (b) An agency must provide the surveyor access to all agency records required by HHSC to be maintained by or on behalf of the agency.
- (c) If a surveyor requests an agency record that is stored at a location other than the survey site, the agency must provide the record to the surveyor within eight working hours after the request.
- (d) An agency must provide the surveyor with copies of agency records upon request.
- (e) During a survey, agency staff must not:
 - (1) make a false statement of a material fact about a matter under investigation by HHSC that a person knows, or should know, is false;
 - (2) willfully interfere with the work of a HHSC representative;
 - (3) willfully interfere with a HHSC representative in preserving evidence of a violation; or
 - (4) refuse to allow a HHSC representative to inspect a book, record, or file required to be maintained by or on behalf of an agency.
- (f) An agency must provide a HHSC representative with a reasonable and safe workspace, free from hazards, at which to conduct a survey at a parent office, branch office, or ADS.
- (g) If there is a disagreement between the agency and a HHSC representative, the program manager or designee in the designated survey office determines what is reasonable and safe. After consulting with the program manager or designee and obtaining the program manager's agreement, the HHSC representative will notify the agency administrator or designee if the requirement in subsection (f) of this section is not met. Within two working hours of this notice the agency must:
 - (1) provide a HHSC representative with a different workspace at the agency that meets the requirement in subsection (f) of this section; or
 - (2) correct the unmet requirement in such a way as to allow the representative to reasonably and safely conduct the survey.
- (h) If an agency willfully refuses to comply with subsection (g) of this section, thereby interfering with the work of the HHSC representative, the representative will terminate the survey and recommend enforcement action as described in subsection (i) of this section.
- (i) HHSC may assess an administrative penalty without an opportunity to correct for a violation of provisions in this section, or may take other enforcement action to deny, revoke, or suspend a license, if an agency does not cooperate with a survey.

Notes

26 Tex. Admin. Code § 558.507

The provisions of this §558.507 adopted to be effective June 1, 2006, 31 TexReg 1455; amended to be effective January 15, 2009, 34 TexReg 254; 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 2431, eff. 4/25/2021