

§ 558.527 Post-Survey Procedures

- (a) After a survey is completed, the surveyor holds an exit conference with the administrator or alternate administrator to inform the agency of the preliminary findings.
- (b) An agency may make an audio recording of the exit conference only if the agency:
 - (1) records two tapes simultaneously;
 - (2) allows the surveyor to review the tapes; and
 - (3) gives the surveyor the tape of the surveyor's choice before leaving the agency.
- (c) An agency may make a video recording of the exit conference only if the surveyor agrees to allow it and if the agency:
 - (1) records two tapes simultaneously;
 - (2) allows the surveyor to review the tapes; and
 - (3) gives the surveyor the tape of the surveyor's choice before leaving the agency.
- (d) An agency may submit additional written documentation and facts after the exit conference only if the agency describes the additional documentation and facts to the surveyor during the exit conference.
 - (1) The agency must submit the additional written documentation and facts to the designated survey office within two working days after the end of the exit conference.
 - (2) If an agency properly submits additional written documentation, the surveyor may add the documentation to the record of the survey.
- (e) If HHSC identifies additional violations or deficiencies after the exit conference, HHSC holds an additional face-to-face exit conference with the agency regarding the additional violations or deficiencies.
- (f) HHSC provides official written notification of the survey findings to the agency within 10 working days after the exit conference.
- (g) The official written notification of the survey findings includes a statement of violations, condition-level deficiencies, or both, cited by HHSC against the agency as a result of the survey, and instructions for submitting an acceptable plan of correction, and for requesting IDR.
 - (1) If the official written notification of the survey findings declares that an agency is in violation of the Statute or this chapter, an agency must follow HHSC instructions included with the statement of violations for submitting an acceptable plan of correction.
 - (2) An acceptable plan of correction includes the corrective measures and time frame with which the agency must comply to ensure correction of a violation. If an agency fails to correct each violation by the date on the plan of correction, HHSC may take enforcement action against the agency. An agency must correct a violation in accordance with the following time frames:
 - (A) A Severity Level B violation that results in serious harm to or death of a client or constitutes a serious threat to the health or safety of a client, must be addressed upon receipt of the official written notice of the violations and corrected within two days.
 - (B) A Severity Level B violation that substantially limits the agency's capacity to provide care must be corrected within seven days after receipt of the official written notice of the

violations.

(C) A Severity Level A violation that has or had minor or no health or safety significance must be corrected within 20 days after receipt of the official written notice of the violations.

(D) A violation that is not designated as Severity Level A or Severity Level B must be corrected within 60 days after the date the violation was cited.

(3) An agency must submit an acceptable plan of correction for each violation or deficiency no later than 10 days after its receipt of the official written notification of the survey findings.

(4) If HHSC finds the plan of correction unacceptable, HHSC gives the agency written notice and provides the agency one additional opportunity to submit an acceptable plan of correction. An agency must submit a revised plan of correction no later than 30 days after the agency's receipt of HHSC written notice of an unacceptable plan of correction.

(h) An acceptable plan of correction does not preclude HHSC from taking enforcement action against an agency.

(i) An agency must submit a plan of correction in response to an official written notification of survey findings that declares a violation or deficiency even if the agency disagrees with the survey findings.

(j) If an agency disagrees with the survey findings citing a violation or condition-level deficiency, the agency may request IDR to refute the violation or deficiency.

(1) HHSC does not grant an agency's request for IDR if:

(A) HHSC cited the violation or deficiency at the agency's immediately preceding survey; and

(B) HHSC cited the violation or deficiency again, with no new findings.

(2) To request IDR, an agency must:

(A) mail or fax a complete and accurate IDR request form to the address or fax number listed on the form, which must be postmarked or faxed within 10 days after the date of receipt of the official written notification of the survey findings;

(B) mail or fax a rebuttal letter and supporting documentation to the address or fax number listed on the IDR request form and ensure receipt by the HHSC Survey and Certification Enforcement Unit within seven days after the postmark or fax date of the IDR request form; and

(C) mail or fax a copy of the IDR request form, rebuttal letter, and supporting documentation to the designated survey office within the same time frames each is submitted to the HHSC Survey and Certification Enforcement Unit.

(3) An agency may not submit information after the deadlines established in paragraph (2)(A) and (B) of this subsection unless HHSC requests additional information. The agency's response to HHSC request for information must be received within three working days after the request is made.

(4) An agency waives its right to IDR if the agency fails to submit the required information to the HHSC Survey and Certification Enforcement Unit within the required time frames.

(5) An agency must present sufficient information to the HHSC Survey and Certification Enforcement Unit to support the agency's desired IDR outcome.

(6) The rebuttal letter and supporting documentation must include:

- (A) identification of the disputed deficiencies or violations;
 - (B) the reason the deficiencies or violations are disputed;
 - (C) the desired outcome for each disputed deficiency or violation; and
 - (D) copies of client records, policies and procedures, and other documentation and information that directly demonstrate that the condition-level deficiency or violation should not have been cited.
- (7) The written decision issued by HHSC after the completion of its review is the final decision from IDR.

Notes

26 Tex. Admin. Code § 558.527

The provisions of this §558.527 adopted to be effective June 1, 2006, 31 TexReg 1455; amended to be effective November 1, 2007, 32 TexReg 7495; amended to be effective January 15, 2009, 34 TexReg 254; amended to be effective October 5, 2016, 41 TexReg 7717; 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 2432, eff. 4/25/2021