



Long-Term Care Regulation Provider Letter

Number: PL 2024-16
Title: New Rules Implementing House Bill (H.B.) 1009 and Senate Bill (S.B.) 240 – 88th Legislature, Regular Session, 2023
Provider Type: Nursing Facilities (NF)
Date Issued: October 4, 2024

1.0 Subject and Purpose

This letter provides guidance for new and revised rules in Texas Administrative Code, Title 26 (26 TAC), [Chapter 554](#), Nursing Facility Requirements for Licensure and Medication Certification, effective September 18, 2024. The new rules implement bills from the 88th Legislature, Regular Session, 2023: [H.B. 1009](#), relating to employment suspension for nursing facility employees found to have engaged in reportable conduct; and [S.B. 240](#), relating to employee workplace violence prevention.

The amendments also clarify requirements related to the use of physical restraints by consolidating the requirements in one section of rule and make non-substantive edits to update references.

2.0 Policy Details & Provider Responsibilities

The following sections provide information about the changes in rule.

2.1 Employment Suspension: Reportable Conduct

The new rule requires a NF to suspend the employment of an employee who engaged in reportable conduct, such as abuse, neglect or exploitation. ^(OBJ)

HHSC will notify the NF of the determination an employee has engaged in reportable conduct. Upon receiving notice from HHSC Credentialing and Registry Enforcement that HHSC has found the employee engaged

in reportable conduct, a NF must suspend the employment of an employee and must not reinstate the employee's employment or contract while the employee exhausts applicable appeals.

A provider can have policies and procedures about suspension of an employee before official notification from HHSC is received but is not required to do so.

2.2 Workplace Violence Prevention

The new rule requires a NF to have an employee workplace violence prevention committee that addresses workplace violence prevention and develops workplace violence prevention policies and procedures in accordance with Texas Health and Safety Code, [Chapter 331](#).¹

The composition of the committee must include:

1. A registered nurse who provides direct care to residents of the NF.
2. A physician licensed to practice medicine in Texas who provides direct care to residents of the NF.
3. A facility employee who provides security services for the NF.

Note: if a NF does not have an employee that provides security services, or it is not feasible for the NF to include them, a NF is not required to include them on the committee. Also, a NF is not required to hire or employ an employee to provide security services.

2.3 Use of Physical Restraints

The revised rule clarifies requirements about the use of physical restraints.² This is not a new requirement; language was consolidated in one section of rule.

A resident, or the resident's legally authorized representative, must agree to the use of a physical restraint. Use of a physical restraint must be ordered by a physician, and the order must include why the restraint is necessary to treat the resident's medical condition and the

¹ 26 TAC [§554.1920\(g\)](#), Operating Policies and Procedures

² 26 TAC [§554.402](#), Exercise of Rights

26 TAC [§554.406](#), Free Choice

26 TAC [§554.601\(d\)](#), Freedom from Abuse, Neglect, and Exploitation

specified timeframe for re-evaluation of the order. A NF must document the use of restraints and their release in the resident's clinical record and in the resident's care plan.³ Chemical restraint requirements can be found in 26 TAC §554.601(d).

3.0 Background/History

HHSC is issuing this letter to notify nursing facilities of new and amended rules effective September 18, 2024.

4.0 Resources

- Nursing Facility Requirements for Licensure and Medicaid Certification, 26 TAC [Chapter 554](#)
- [H.B. 1009](#)
- [S.B. 240](#)
- Texas Health and Safety Code, [Chapter 331](#)

5.0 Contact Information

If you have any questions about this letter, please contact the Policy and Rules Section by email at LTCRPolicy@hhs.texas.gov or call (512) 438-3161.

³ 26 TAC [§554.802](#), Comprehensive Person-Centered Care Planning