

Texas HHSC: Long-Term Care Regulation and Nursing Facility Update

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Trends, challenges and
solutions in Texas
skilled nursing

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Objectives

This presentation will review the following topics related to Long-term Care Regulation (LTCR), HHSC Transformation, and current trends and concerns related to COVID-19:

- LTCR Overview
- HHSC Transformation
- Policy Guidance, Emergency Rules, New World Framework
- Training and Resources
- Rapid Response/Strike Teams Efforts
- Next Steps



Regulatory Services Division, Long-Term Care Regulation

DEPARTMENT OVERVIEW

Long-Term Care Regulation

- **Policy, Rules and Training**

- PRT's main function is to develop and maintain the state licensure rules, regulatory policies and curriculum and training to ensure providers of long-term care services understand state licensing and federal certification requirements, and staff are fully trained to provide required regulatory oversight.

Long-Term Care Regulation

- **Survey Operations:**
 - Survey operations employees survey and investigate long-term care providers to ensure compliance with applicable state and federal regulations, as well as financial monitoring to ensure individuals receive high-quality services and are protected from abuse, neglect and exploitation.

Long-Term Care Regulation

- **Licensing & Certification**
 - Provider Licensure and Certification
 - Professional Credentialing
 - Data Management and Analysis

Long-Term Care Regulation

- **Provider Investigations**
 - To investigate abuse, neglect, and exploitation of individuals receiving services from certain providers.
 - State Operated Facilities
 - Contractors
 - [Other Entities](#)



HHSC Transformation

OUR CORE VALUES: *QUALITY, CONSISTENCY,
EFFICIENCY AND ACCOUNTABILITY.*

HHSC Transformation

Transformation Updates:

- Provider Investigations
- Waiver Survey and Certification
- Deputy Associate Commissioners

HHSC Transformation

Focus areas:

- Quality Assurance initiatives
- Survey Operations initiatives
- Licensing Initiatives



Policy Guidance

OVERVIEW OF POLICIES AND GUIDANCE
RELEASED SINCE MARCH 1, 2020

Long-Term Care Regulation

- Provider alerts
- Provider letters
- Emergency rules
- The COVID-19 Response Plan for NFs

Long-Term Care Regulation

Includes relevant guidance from:

- Centers for Disease Control and Prevention (CDC)
- Centers for Medicare & Medicaid Services (CMS)
- Texas Department of State Health Services (DSHS)
- Texas Division of Emergency Management (TDEM)
- Federal and State Regulation changes

Long-Term Care Regulation

38 webinars – including weekly provider webinars, area-specific webinars, and issue-specific webinars – informational and training

Long-Term Care Regulation

In addition, HHSC teams have resolved thousands of inquiries from providers, residents, and resident family members regarding COVID-19 regulations and best practices



Emergency Rules

HHSC LTCR HAS RELEASED THREE SETS OF EMERGENCY RULES RELATED TO COVID-19 FOR NURSING FACILITIES AND OTHER LONG-TERM CARE PROVIDERS

Emergency Rules

- Visitor restriction emergency rules (issued April 17) -
These rules were issued in tandem with the Governor's orders and restricted visitation to nursing facilities to only those providing essential services or critical assistance.

Emergency Rules

- COVID-19 mitigation emergency rules (issued August 6) - These rules implemented requirements for specific infection control measures, including isolation and quarantine protocols, for residents with COVID-19 or exposure to COVID-19, symptom screening requirements for residents and staff, and personal protective equipment (PPE) usage and supply requirements.

Emergency Rules

- Phase 1 visitation emergency rules (issued August 7) -
The first phase of reopening for nursing facilities, these rules set up an application process for nursing facilities that meet specific requirements to allow certain kinds of visitation – including outdoor visitation and visitation for residents with certain medical complications.



New World Framework

PLANNING FOR THE FUTURE - THE FRAMEWORK INCLUDES
MEASURES ON THE STATE LEVEL, FACILITY LEVEL, AND
RESIDENT LEVEL.

New World Framework

State Level

- Creates outbreak rapid response teams to assist facilities upon first reported case of COVID-19
- Implements strategic surveillance testing to quickly identify surge areas and allocated resources accordingly

New World Framework

Facility Level

- Adds requirements for facility infection control plans, including response to outbreaks
- Implements building code requirements for future facilities with infection control measures in mind
- Requires specific infection control training and contingency plans for facility staff

New World Framework

Resident Level

- Adds requirements for communication plans between facilities and residents and their families
- Creates measures to ensure resident rights, access to activities, and social engagement are maintained during an outbreak
- Implements visitation procedures to ensure adherence to infection control measures



Training and Resources

Resources

- [COVID-19 Response for Nursing Facilities](#)
- [Nursing Facility Emergency Rules](#)
- [Nursing Facility COVID-19 Response Emergency Rule](#)
- [Nursing Facility COVID-19 Phase 1 Visitation Emergency Rule](#)
- [HHSC COVID-19 Resources](#)
- [Nursing Facility Provider Portal](#)

Resources

Policy, Rules and Training

(512) 438-3161 or

policyrulestraining@hhsc.state.tx.us

[HHSC regional director](#) contact information

Upcoming Joint Training

What You Need to Know about COVID-19 Mitigation and Visitation (NFs/ALFs)

Friday, September 18, 2020

10:00 AM - 11:30 AM

Nursing Facility Infection Control (course description)

Friday, September 18, 2020

1:00 PM - 3:30 PM

Emergency Preparedness in Long-Term Care Facilities (course description)

Thursday, September 24, 2020

1:30 PM - 4:00 PM

Infection Control Basics Personal Protective Equipment (PPE) (course description)

Friday, September 25, 2020

3:00 PM - 4:30 PM

Joint Training

- To register for an upcoming webinar visit the HHSC [joint training website](#).

HHSC GovDelivery

- Email & Text Updates from HHSC
- <https://service.govdelivery.com/accounts/TXHHSC/subscribe/new>



Rapid Response/Strike Team Efforts

Rapid Response

- Rapid Assessment Quick Response Force
- To activate Rapid Assessment Quick Response Force assistance, contact the [LTQR Associate Commissioner](#) and [DSHS](#)

Special Infection Control Assessment (SICA)

- Beginning in June, SICA teams conducted on-site assessments in NFs to help identify infection control concerns.
- Assessments were not regulatory surveys, rather they were consultative in nature, intended to provide NFs with additional resources and assistance.
- Targeted technical assistance to NFs to strengthen infection control policies and procedures
- Conducted by contractor, BCFS
- 996 facilities assessed from June 12 – July 11

Additional Response Efforts

- Quality Monitoring Program Support
- Ongoing technical assistance to nursing facilities on infection control
- Facility monitoring, outreach, and education
- Federally Directed-Infection Control Surveys

- 3,133 on-site inspections focused on infection control in nursing facilities by HHSC Regulatory surveyors since March 9

- 2,512 Infection Control Priority 1 intakes investigated.

Facility Testing

- 2 rounds of testing
- Private Labs
- SOC, EMTF, Texas Military Dept., local health and fire departments
- Omnicare

Next Steps - Policy and Rules

- Additional emergency rules to expand reopening of NFs.
- Developing and implementing rules for the “new normal.”

Next Steps - Training

- Added infection control training for providers.



Questions & Answers

PLEASE USE THE Q&A BUTTON TO
SUBMIT YOUR QUESTIONS



IMPORTANT: How to Receive your CEU Certificate for Attending

To receive your certificate with the awarded one (1) nursing contact hour for attending this session, go to simpleltc.com/texas-ltc-symposium/ceu and click on **SESSION 7: Texas HHSC: Long-Term Care Regulation and Nursing Facility Update** to complete the required evaluation.

IMPORTANT! You will need to enroll as a CodeProU/Thinkific user before you can complete the evaluation. To enroll, click the purple “Enroll for free” button under the session title. Once you’re enrolled, follow the steps to complete the evaluation and download your certificate. Your certificate can be downloaded as soon as the evaluation is complete.

Questions? Please contact Jill Miller at codeprou@selmanholman.com or 214-550-1477 ext 4.

[Complete Session Evaluation](#)



Thanks for attending!

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