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# Regulatory

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**A Closer Look at Services**



# Objectives

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- Overview of the Home and Community Based Services (HCS) and Texas Home Living (TxHmL) waiver programs in regulatory
- Clarifying roles/responsibilities for the family, provider, and the Department of Aging and Disability Services (DADS)
- Discussing the new Quality Assurance (QA) process and best practices to ensure consistency across the state
- Revealing trends and most commonly cited citations in the program



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# Objectives

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- Empowering individuals and providers with their rights



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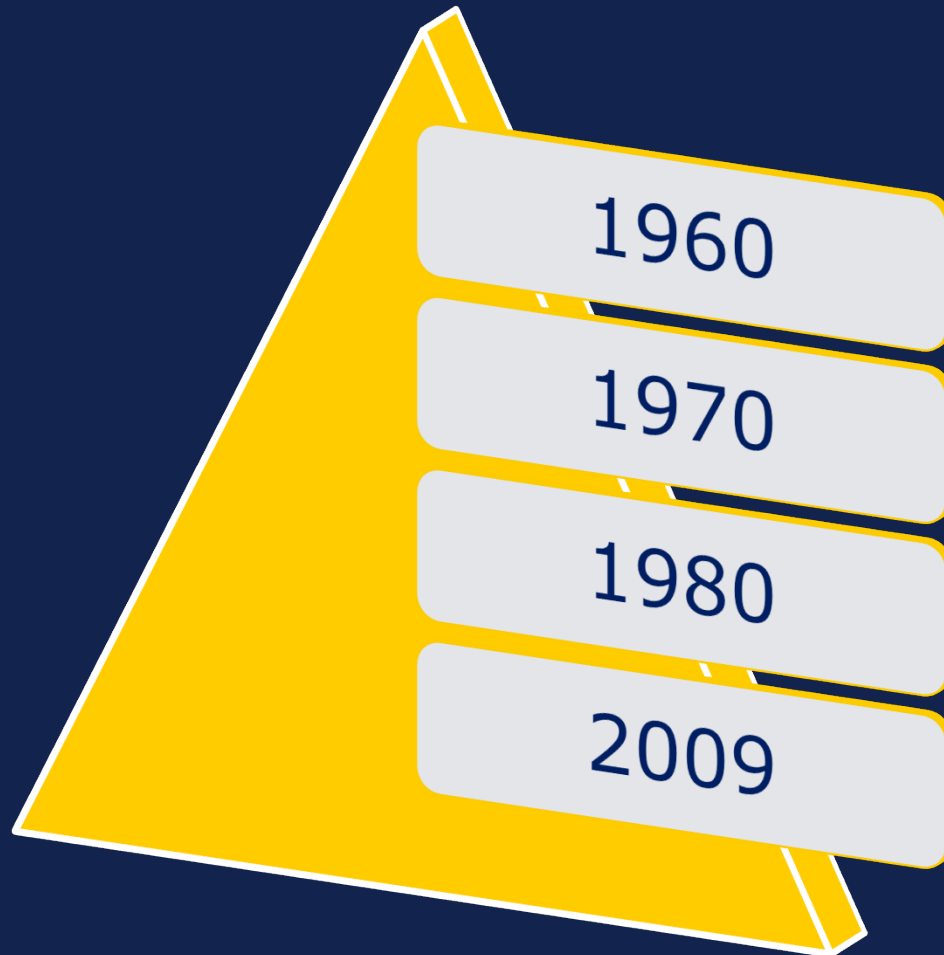
# History



# Major Changes



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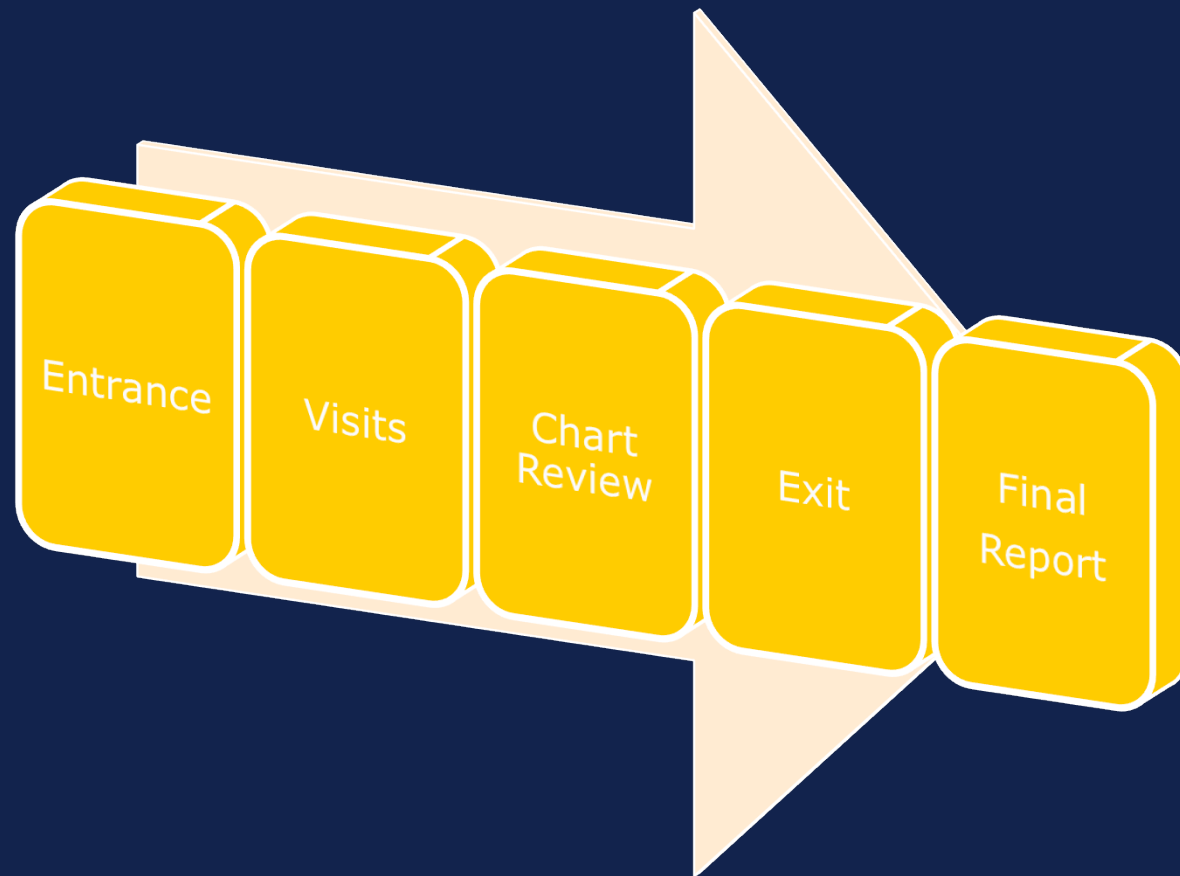


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# HCS and TxHmL



# Waiver Survey



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# Residential Survey



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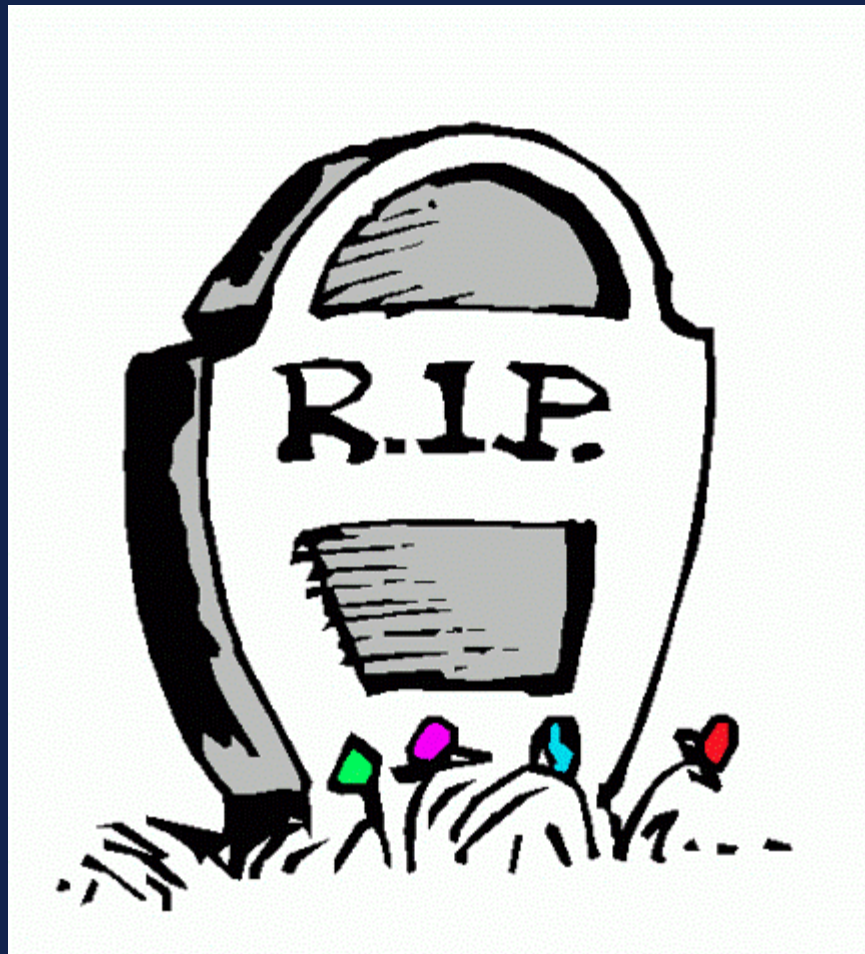




# Death Reviews



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7/18/17

Waiver, Survey, and Certification

# Abuse, Neglect, and Exploitation (ANE)

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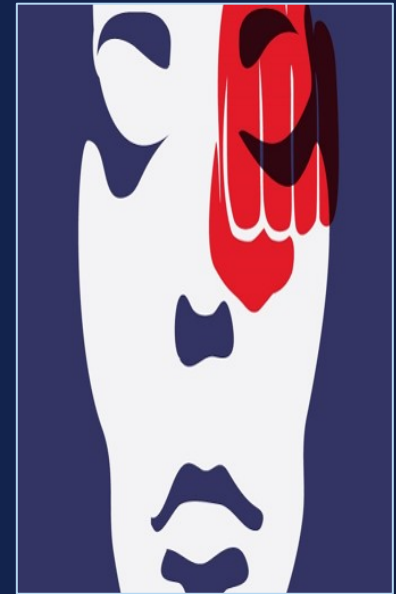


# Abuse



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Abuse is scratches, cuts, burns, broken bones, bedsores, confinement, rape, verbal, and psychological.



# Neglect



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Neglect is starvation, dehydration, over-or-under medication, unsanitary living conditions, not having heat, running water, electricity, and medical care.



# Exploitation



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Exploitation is the loss of property, money, or income; misusing the resources of an elderly or person who have intellectual or developmental disabilities for personal or monetary gain; and taking Social Security checks





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# Abuse, Neglect, and/or Exploitation (ANE)

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Department of Family and Protective  
Services

Call

1-800-647-7418



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# Complaints

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Department of Consumer Rights and  
Services

Call

1-800-458-9858 option 3



# Roles and Responsibilities



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# HCS Program Provider Responsibilities

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- Level of Need (LON)
- Individual Plan of Care (IPC)
- Implementation Plan (IP)
- Monitoring

# The Family Responsibilities

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- Availability
- Communication
- Advocacy

# Quality Assurance (QA)



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# Quality Assurance (QA)



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## QA Roles

- Quality Assurance Manager
- Look-Behind Surveyor
- Compliance Reviewer

## QA Look-Behind Survey

- Survey Selection Process
- On-Site Survey Activities
- Post Survey Activities



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# Consistency Feedback

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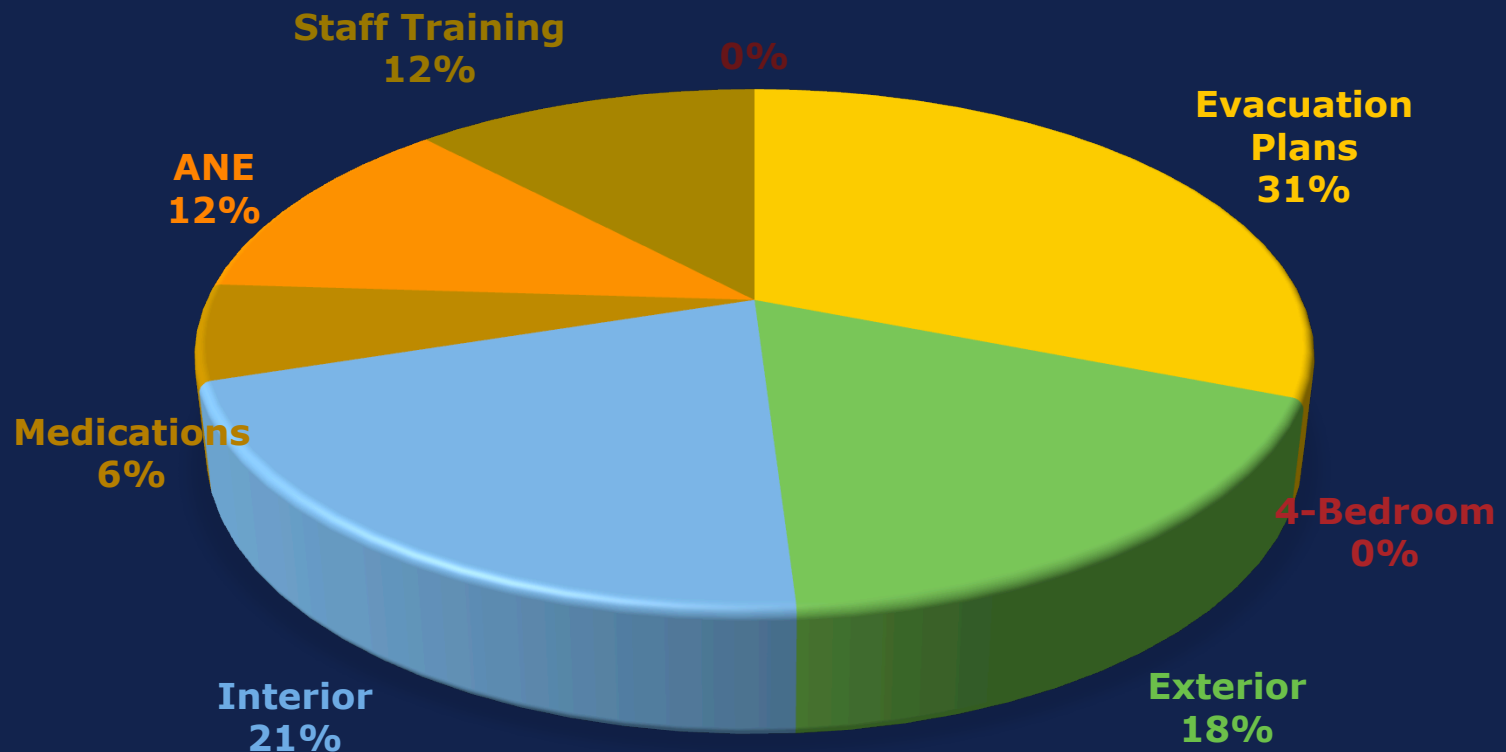
- DADS Waiver, Survey, and Certification Consistency Feedback Tool
- Contact:  
[compliance.survey@dads.state.tx.us](mailto:compliance.survey@dads.state.tx.us)

# Revealing Trends Residential Surveys



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**LOOK-BEHIND RESIDENTIAL = 49**



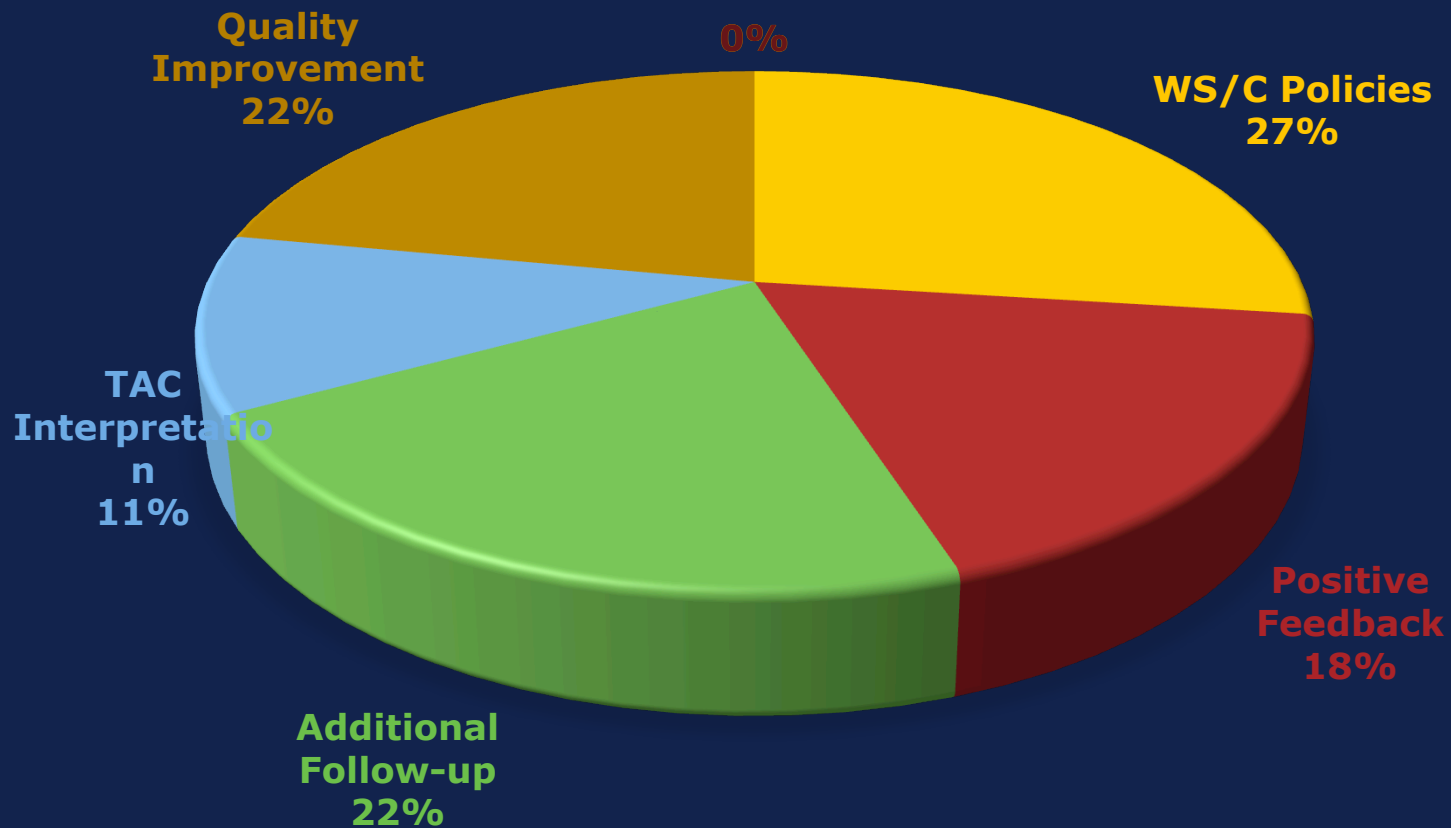


# Revealing Trends Waiver Surveys



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**LOOK-BEHIND WAIVER = 15**

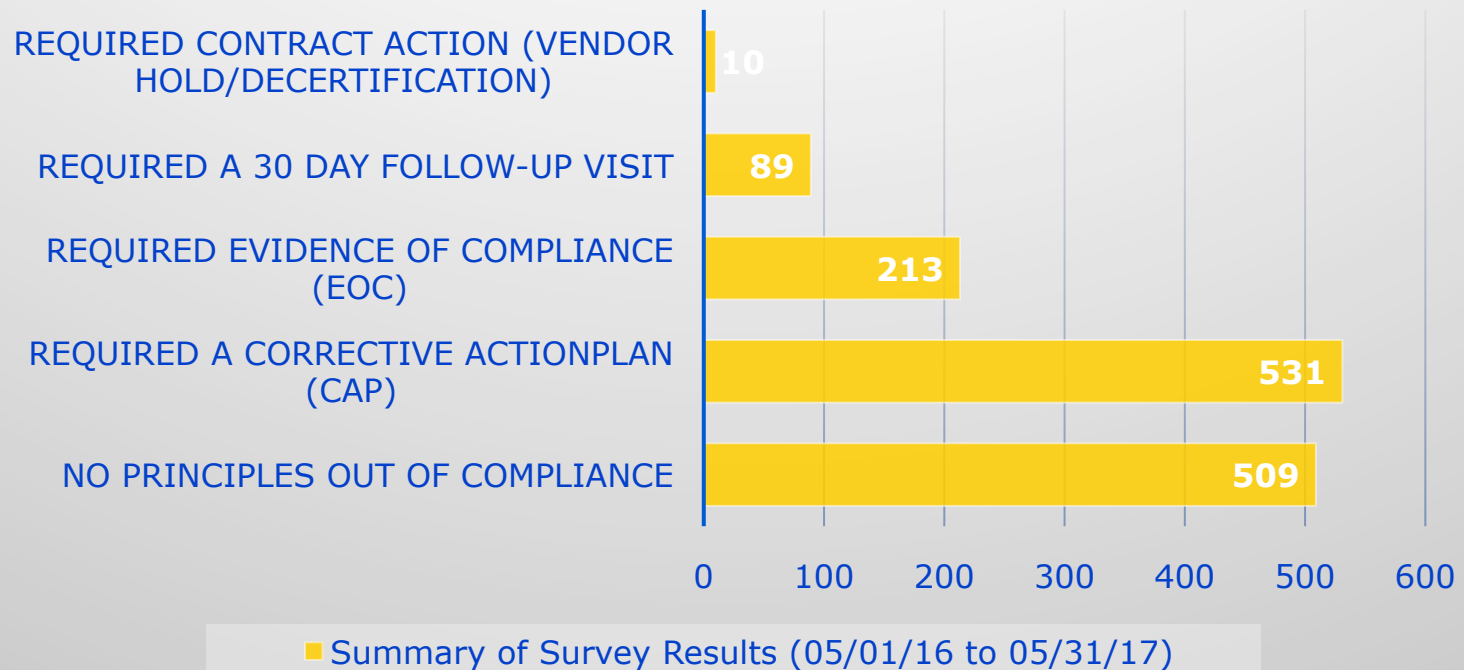


# Revealing Trends Survey Results



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## Summary of Survey Results (05/01/16 to 05/31/17) = 1352 Surveys





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# Top 10 Waiver Citations

Citation	Corrected During Visit	Corrected Prior to Visit	Requires Evidence of Compliance	Out of Compliance at Exit - Not of Serious Nature	Out of Compliance at Exit - Serious Nature	Citation Description
§9.177(d)(1)(A) Citations: 250	71	17	15	124	23	Conduct initial and periodic training that ensures: staff members and service providers are qualified to deliver services as required by the current needs and characteristics of the individuals to whom they deliver services, including the use of restraint
§9.174(a)(31)(B) Citations: 245	23	47	12	120	43	monitoring the individual's use of medications;
§9.178(y) Citations: 224	25	30	19	150	0	A program provider must enter critical incident data in the DADS data system no later than 30 calendar days after the last day of the month being reported in accordance with the HCS Provider User Guide.
§9.178(c)(2) Citations: 197	22	10	4	161	0	Ensure that the service coordinator is provided with a copy of the results of the on-site inspection within five calendar days after completing the inspection.
§9.174(a)(31)(J)(iii) Citations: 189	42	9	7	121	10	an RN doing the following: documenting information from performance of a nursing assessment;
§9.177(n) Citations: 174	9	15	5	142	3	The program provider must comply with §49.304 (relating to Background Checks).
§9.177(d)(1)(B) Citations: 154	70	6	3	73	2	Conduct initial and periodic training that ensures: staff members, service providers, and volunteers are knowledgeable about the information described in §49.310(3)(A) of this title (relating to ANE)
§9.174(a)(31)(C) Citations: 117	7	22	5	61	22	monitoring health risks, data, and information, including ensuring that an unlicensed service provider is performing only those nursing tasks identified from a nursing assessment;
§9.174(a)(3) Citations: 113	1	11	5	87	9	Provide or obtain as needed and without delay all HCS Program services and CFC services;
§9.178(g) Citations: 113	3	6	6	97	1	The program provider must make available all records, reports, and other information related to the delivery of HCS Program services and CFC services as requested by DADS, other authorized agencies, or CMS and deliver such items, as requested, to a specified location.



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# Top 10 Waiver Citations

1

- §9.177(d)(1)(A) cited: 250
- Conduct initial and periodic training that ensures: staff members and service providers are qualified to deliver services as required by the current needs and characteristics of the individuals to whom they deliver services, including the use of restraint

2

- §9.174 (a)(31)(B) cited: 245
- Monitoring the individual's use of medications



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# Top 10 Waiver Citations

3

- §9.178(y) cited: 224
- A program provider must enter critical incident data in the DADS data system no later than 30 calendar days after the last day of the month being reported in accordance with the HCS Provider User Guide.

4

- §9.178(c)(2) cited: 197
- Ensure that the service coordinator is provided with a copy of the results of the on-site inspection within five calendar days after completing the inspection.



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# Top 10 Waiver Citations

5

- §9.174(a)(31)(J)(iii) cited: 189
- An RN doing the following:  
documenting information from  
performance of a nursing assessment;

6

- §9.177(n) cited: 174
- The program provider must comply  
with §49.304 (relating to Background Checks).



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# Top 10 Waiver Citations

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- §9.177(d)(1)(B) cited: 154
- Conduct initial and periodic training that ensures: staff members, service providers, and volunteers are knowledgeable about information described in §49.10(3)(A) of this title (relating to ANE)

8

- §9.174(a)(31)(C) cited: 117
- Monitoring health, risks, data, and information, including ensuring that an unlicensed service provider is performing only those nursing tasks identified from a nursing assessment.





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# Top 10 Waiver Citations

9

- §9.174(a)(3) cited: 113
- Provide or obtain as needed and without delay all HCS Program services and CFC services;

10

- §9.178(g) cited: 113
- The program provider must make available all records, reports, and other information related to the delivery of HCS Program services and CFC services as requested by DADS, other authorized agencies, or CMS and deliver such items, as requested, to a specified location.



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# Revealing Trends and Top 10 Waiver Citations

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- Joint Provider Trainings (JPT)
- Increased and new trainings for surveyors

# Empowerment



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# Empowering Individuals





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# Empowering Individuals

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Individuals receiving HCS services have rights! They have a right to due process if rights restrictions are needed.



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# Empowering Individuals

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## Consumer Rights and Services

Anyone may report a complaint by:

- Calling 1-800-458-9858 option 3
- Online [crscomplaints@dads.state.tx.us](mailto:crscomplaints@dads.state.tx.us)
- Mail

Department of Aging and Disability Services

Consumer Rights and Services

Mail Code E-249

P. O. Box 149030

Austin, TX 787147



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# Empowering Providers

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## Program Provider's Rights:

- Supporting documentation
- Informal review request
- Administrative Hearing



# A Closer Look at Services



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- Clarified roles/responsibilities for the family, providers, and DADS
- Discussed the new QA process and best practices to ensure consistency across the state
- Revealed trends and most commonly cited citations in the waiver program
- Empowered individuals, families, and providers with their rights





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