

MEMORANDUM

Department of Aging and Disability Services Regulatory Services Policy * Survey and Certification Clarification

TO: Regulatory Services
Regional Directors and State Office Managers

FROM: Veronda L. Durden
Assistant Commissioner
Regulatory Services

SUBJECT: S&CC #08-06– Home and Community Support Services Agency Administrator and Alternate Administrator Responsibilities, Experience, and Training Requirements for the period of December 1, 2006 through April 30, 2008
(Replaces S&CC 05-17)

APPLIES TO: Home and Community Support Services Agencies

DATE: **May 13, 2008**

Administrators and alternate administrators of home and community support services agencies (HCSSAs) are required to meet requirements and conditions for experience, initial training, and continuing education. This clarification provides guidance regarding the HCSSA licensing regulations and requirements for the period of **December 1, 2006 through April 30, 2008**. New rules for HCSSA administrators and alternates were effective on May 1, 2008. The Department of Aging and Disability Services (DADS) does not intend that this document be inclusive of all the administrator and alternate administrator requirements under the HCSSA license. Applicants, license holders, and all agency staff should read and understand the regulations in their entirety.

ADMINISTRATOR RESPONSIBILITIES

The license holder must designate an individual to act as the agency administrator and an individual to act as the alternate when the administrator is unavailable. These individuals must meet all qualifications and conditions for the position before designation. The alternate administrator is fully responsible for the duties of the administrator position when the administrator is unavailable.

The agency must have a designated administrator **and** alternate administrator at all times. The administrator is responsible for applying and directing the agency's administrative policies relating to ongoing functions and service delivery.

Administrator Responsibilities <i>(all licensure categories)</i>	Be available in person or by telephone during the agency's operating hours
	Organize and direct agency functions and administratively supervise the provision of all services
	Be available to a DADS surveyor in person or by telephone, depending on the part of the survey
	Designate in writing an agency employee who may grant DADS surveyors entry to the agency when the administrator and alternate administrator are not available and the agency is closed
Note: Refer to 40 Texas Administrative Code (TAC) §§97.243(a) and (b) and 97.523	

ADMINISTRATOR QUALIFICATIONS AND CONDITIONS

DADS Review of Administrator Documentation

DADS licensing staff and regional surveyors review applications and agency documentation to determine if designated administrators and alternate administrators meet all appropriate qualifications and conditions set in 40 TAC §97.244 (relating to Administrator Qualifications and Conditions and Supervising Nurse Qualifications).

Licensure Review

Applicants for initial licensure must provide DADS licensing unit staff documentation of the administrator's and alternate administrator's ability to meet qualifications and conditions for the position with the initial application.

Checklist of Documentation Reviewed at Licensure	
Licensure Documentation <i>(all licensure categories)</i>	<input type="checkbox"/> The individual's resume or curriculum vitae
	<input type="checkbox"/> Proof of completion of the presurvey training online
	<input type="checkbox"/> Any certificates documenting administrator training (as applicable)
	<input type="checkbox"/> Criminal history check authorization
	<input type="checkbox"/> Professional licensure (if applicable)
	<input type="checkbox"/> Any transcripts documenting education

If the individual's resume does not document dates of previous employment and responsibilities in a licensed HCSSA, other documentation may be necessary. An agency's administrator and alternate administrator must meet the training requirements in effect on the date DADS issues the license. The agency must show proof of training and other conditions before DADS will issue the license.

Applicants and licensed agencies must inform the DADS licensing unit when there is a change in the administrator and submit that individual for a criminal history check using DADS Form 2022.

DADS conducts a criminal history check of the requested designated administrator and alternate administrator even if the individual holds a professional license. Applicants and licensed agencies may choose to conduct their own criminal history check of administrators and alternate administrators for their records.

Regional and Survey Review

Agencies must maintain documentation of each administrator's qualifications for review by DADS surveyors.

Checklist of Documentation Reviewed at Survey	
Licensure Documentation <i>(all licensure categories)</i>	<input type="checkbox"/> Licenses and permits
	<input type="checkbox"/> Resume and curriculum vitae
	<input type="checkbox"/> Reference checks that document verifiable dates of employment and job experience
	<input type="checkbox"/> Transcripts or diplomas of education
	<input type="checkbox"/> Certificates of training and continuing education

This space is intentionally left blank.

Administrator Qualifications and Experience Requirements

The rules at 40 TAC §97.244 clarify the administrator and alternate administrator qualifications and strengthen the experience requirements for each category. Qualifications demonstrate experience, education, and/or training in delivery of services to persons with a functional disability.

<i>If the agency is providing ...</i>	<i>Then the administrator must meet the following qualifications and experience requirements ...</i>
Licensed home health services; Licensed and certified home health services; or Hospice services	Be a licensed physician, registered nurse, licensed social worker, licensed therapist, or licensed nursing home administrator with at least one year of management or supervisory experience in a health-related setting <p style="text-align: center;">OR</p> Have a high school diploma or a general equivalency degree (GED) with at least two years of management or supervisory experience in a health-related setting
Personal assistance services (PAS) only	Meet the qualifications listed for other categories of services <p style="text-align: center;">OR</p> Have a high school diploma or a GED with at least one year of experience or training in caring for individuals with functional disabilities <p style="text-align: center;">OR</p> Have completed two years of full-time study at an accredited college or university in a health-related field
<p>Note: Refer to 40 TAC §97.244(a)</p>	

This space is intentionally left blank.

Administrator Conditions

Administrator conditions are additional requirements that demonstrate the person’s qualification to participate in management of an agency in Texas. Remember, there are other areas where the administrator’s qualifications and history may affect the agency, such as those at 40 TAC §97.11(g), which could result in DADS denying the license.

Administrator Conditions <i>(all licensure categories)</i>	Attested ability to read, write, and understand English
	Training in the administration of a HCSSA, depending on previous experience
	Positive agency management history for the previous 12 months before designation (for example, no history of certain enforcement actions)
	No previous conviction of a barred crime, offense, or misdemeanor
Note: Refer to 40 TAC §§97.11(g), 97.244(b), and 97.241	

ADMINISTRATOR TRAINING

40 TAC §97.259 requires initial training and continuing education for the administrator and alternate administrator. The regulation is divided into three basic parts, as illustrated below:

Administrator Requirements		40 TAC Citation
1. Administrators designated for the first time	Apply to an individual who was designated as an administrator of an agency in Texas for the first time on or after December 1, 2006	§97.259(b)-(g)
2. Continuing education	Apply to all administrators	§97.259(h)
3. Previously designated administrators with a break in designation	Apply to an individual who was designated as an administrator of an agency in Texas on or before November 30, 2006 with a break in designation of 180 days or more	§97.259(h)-(j)

First-time Administrators On or After December 1, 2006

A first time administrator must complete a total of 24 hours of initial training in the administration of agencies before the end of the first year as an administrator. The new administrator must complete eight hours of training, including the topics listed in the rule, before assuming the duties and responsibilities of the position. Then, within the first 12 months after designation, the new administrator must complete an additional 16 hours of training. These 16 hours of training must cover

only the topics listed in the rule. Refer to the table below, which illustrates the first year of training for first-time administrators.

First Year Training Equation			
Hours	Requirement	All Inclusive	When
8	Licensing standards, specified statutes, and Occupational Safety and Health Administration requirements 40 TAC 97.259(c)	No. Other topics that relate to the duties of a HCSSA administrator may be added for a total of eight hours.	Before designation as an administrator
+ 16	Required topics 40 TAC 97.259(e)(1)-(8) and (9) or (10) as applicable	Yes. Only the topics listed in the rule may equal 16 hours.	After designation as an administrator
= 24	Total clock hours for first year as a newly designated administrator or alternate administrator		

Continuing Education

Each administrator must complete 12 clock hours of continuing education each year. For newly designated administrators, as described above, the first year of training substitutes for continuing education. Any training entity may provide continuing education that covers the required topics. The agency may add additional topics as desired or required by the agency's policies and procedures. We have listed the required topics below.

Continuing Education During Second and Subsequent Years for Administrators and Alternate Administrators Designated for the First Time On or After December 1, 2006		
Clock Hours	Subjects	
2 (At least two topics in any combination as applicable)	Address at least two of the topics listed (in alphabetical order):	
	1. Abuse, neglect, and exploitation	12. Infection control
	2. Agency responsibilities	13. Legal issues regarding advance directives
	3. Basic principles of management in a licensed health-related setting	14. Marketing
	4. Client rights, including the right to confidentiality	15. Nutrition (for agencies licensed to provide inpatient hospice services)
	5. Community resources	16. Quality improvement
	6. Complaint investigation and	17. Risk assessment and

Continuing Education During Second and Subsequent Years for Administrators and Alternate Administrators Designated for the First Time On or After December 1, 2006		
Clock Hours	Subjects	
	resolution 7. Development and interpretation of agency policies 8. Disaster preparedness planning 9. Ethics 10. Financial management 11. Fraud and abuse detection and prevention	management 18. Skills for working with clients, families, and other professional service providers 19. The Outcome and Assessment Information Set (OASIS) (for agencies licensed to provide licensed and certified home health services)
Any number	Additional training as desired or required by the agency's policies and procedures	
≥ 12	Total clock hours for: • Second and subsequent years of designation for newly designated administrators	

Previously Designated Administrators

Administrators and alternate administrators designated to the position before December 1, 2006, when the new rule became effective, are exempt from the initial training requirement. Previously designated administrators are required under 40 TAC 97.259(h) to complete 12 clock hours within each 12-month cycle from the date of designation in at least two topics listed in the following chart. Experience as an administrator of an agency in another state or as a manager of another health care provider type in Texas does not qualify an individual to be exempt from the initial training requirements in the licensing standards. Refer to 40 TAC §97.2 for general definitions in the licensing standards.

Continuing Education for Previously Designated Administrators and Alternate Administrators Who Were Designated Prior to the Effective Date of December 1, 2006		
Clock Hours	Subjects	
	Address at least two of the topics listed (in alphabetical order):	
≥ 12 (At least two topics in any combination as applicable)	1. One of the training subjects listed in the previous chart 2. Development and interpretation of agency policies 3. Basic principles of management in a licensed health-related setting	6. Risk assessment and management 7. Financial management 8. Skills for working with clients, families, and other professional service providers 9. Community resources

Continuing Education for Previously Designated Administrators and Alternate Administrators Who Were Designated Prior to the Effective Date of December 1, 2006		
Clock Hours	Subjects	
	4. Ethics 5. Quality improvement	10. Marketing

Administrators With a 180-day Break in Designation

An administrator or alternate administrator who has a break in designation to the position for 180 days or more must meet additional requirements for continuing education. In addition to two of the topics listed in §97.256(h), this administrator or alternate administrator must complete eight hours of training in the initial training topics listed at §97.259(c). As with all continuing education, this individual would have 12 months to complete this requirement.

For additional information, a list of known training providers, and a list of questions and answers, refer to the DADS HCSSA website at:

<http://www.dads.state.tx.us/providers/HCSSA/training.html>

You may also contact a HCSSA policy specialist in the Policy, Rules, and Curriculum Development unit at 512-438-3161.