



COMMISSIONER
Jon Weizenbaum

May 29, 2013

To: All Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Condition (ICFs/IID)

Subject: **Provider Letter 13-07** – Elimination of the Time Limited Agreement (TLA) and the Automatic Cancellation Clause (ACC)

The Texas Department of Aging and Disability Services (DADS) is issuing this letter to clarify the Centers for Medicare & Medicaid Services (CMS) Survey & Clarification Letter [13-11-ICF/IID No Longer Certified Under Time-Limited Agreements](#), issued on February 8, 2013.

CMS eliminated the requirement for TLAs on May 16, 2012. Since the ACC was tied to the TLA, the ACC has also been eliminated. DADS will survey an ICF/IID on an average of every 12 months and at least every 15 months. The provider agreement will not have a termination date and will remain in effect as long as the ICF/IID complies with the terms of the agreement, including remaining in substantial compliance with the conditions of participation (COPs).

If DADS determines that an ICF/IID is not in substantial compliance with the standards of participation, DADS may continue to certify the ICF/IID as long as:

- the ICF/IID's deficiencies do not constitute an immediate jeopardy or seriously limit the ICF/IID's capacity to provide adequate care; *and*
- the ICF/IID submits an acceptable plan of correction to DADS.

DADS may conduct a revisit to ensure that the conditions for continued certification are maintained.

DADS may terminate an ICF/IID's certification in accordance with [Chapter 3](#), Section 3012 of the State Operations Manual. An ICF/IID will be decertified if it fails to correct an immediate jeopardy situation within 23 days or if it fails to achieve compliance with the COPs within 90 days.

CMS may make technical changes to 42 Code of Federal Regulations §442.105 and §442.110 to resolve inconsistencies resulting from the elimination of the TLA.

If you have questions about this letter, please contact an ICF/IID policy specialist in the Policy, Rules and Curriculum Development unit at 512-438-3161.

Sincerely,

[signature on file]

Veronda L. Durden
Assistant Commissioner
Regulatory Services

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