

MEMORANDUM

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

TO: Regulatory Services
Regional Directors, Regional Enforcement Coordinators, Regional Program Managers,
and State Office Managers

FROM: Veronda L. Durden
Assistant Commissioner
Regulatory Services

SUBJECT: Unacceptable Plan of Correction (PoC) Procedures – **S&CC 08-02**
(Replaces S&CC 07-12)

APPLIES TO: Assisted Living Facilities (ALFs)

DATE: February 1, 2008

This memorandum provides procedures to assist facilities in forwarding acceptable PoCs to Department of Aging and Disability Services (DADS) regional offices in a timely manner.

A facility is required to submit an acceptable PoC by the 10th calendar day after receiving notice via an official statement of violations. If the facility fails to submit a PoC, the DADS regional office contacts the facility by telephone to determine why the facility did not submit the PoC. If the region determines that the facility's reason for failing to submit a PoC is unacceptable, the region follows the below procedure for unacceptable PoCs.

An acceptable PoC must address the following areas:

- How corrective action will be accomplished for those residents affected by the violation(s)
- How the facility will identify other residents with the potential to be affected by the same violation(s)
- The measures that will be put into place or systemic changes made to ensure the violation(s) will not recur
- How the facility will monitor its corrective actions to ensure that the violation(s) is being corrected and will not recur; and
- Dates when corrective action will be completed

If a facility submits an unacceptable PoC, the DADS regional office contacts the facility by telephone and/or in writing and conveys the following:

- Why the PoC was unacceptable and
- A time frame by which to submit the revised PoC

If time is of the essence due to an enforcement action, the DADS regional office should contact the facility by telephone to expedite the facility's opportunity to correct the unacceptable PoC. This contact may be followed by a letter.

If the revised PoC is unacceptable, the DADS regional office contacts State Office Provider Licensing Enforcement (PLE) with the name and facility identification number of the facility and why the PoC is unacceptable. PLE sends the facility a notice of enforcement action. 40 TAC §92.152 states the enforcement actions that are available to DADS.

Computer-based training is available to assist facilities with writing acceptable PoCs. It includes information on PoC time frames. The training is available on the DADS Web site at <http://www.dads.state.tx.us/business/cbt/>.

For questions concerning this memorandum, please contact an ALF policy specialist in the Policy, Rules, and Curriculum Development Unit at (512) 438-3161.