



COMMISSIONER
Chris Traylor

March 22, 2010

To: Licensed Type E Assisted Living Facilities (ALFs)

Subject: **Provider Letter 10-01** – Type E No Longer a Licensing Option Effective September 1, 2010

Effective September 1, 2010, the 81st Legislature, through House Bill 216, repeals Section 247.030, Health and Safety Code. Section 247.030 originally required licensure of ALFs that provided supervision of medication administration and general supervision of a resident's welfare but did not provide substantial assistance with the activities of daily living (or personal care services). These types of ALFs were commonly known as "Type E" facilities.

As a result of the repeal of Section 247.030, Type E will no longer be a licensing option for ALFs. The Department of Aging and Disability Services (DADS) will continue to mail licensing renewal packets to Type E facilities until May 1, 2010. License applications will continue to be processed and licenses issued will be valid until **August 31, 2010**.

The 81st Legislature also revised the definition of "assisted living facility." Section 247.002(1) defines an ALF as an establishment that:

- furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment;
- provides:
 - personal care services; or
 - administration of medication by a person licensed or otherwise authorized in this state to administer the medication; and
- may provide assistance with or supervision of the administration of medication.

Section 247.002(5) defines "personal care services" as:

- assistance with feeding, dressing, moving, bathing, or other personal needs or maintenance; or
- general supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence in an assisted living facility or who needs assistance to manage the person's personal life, regardless of whether a guardian has been appointed for the person.

If a facility provides food and shelter to four or more persons unrelated to the proprietor of the facility, and provides personal care services or medication administration, or both types of services, it must be licensed as an ALF. DADS recommends that each Type E ALF owner evaluate its business plan to determine if another type of ALF license is needed to meet its obligations to its residents or for reimbursement requirements. Type E ALF owners who decide to change their ALF license type to a Type A or Type B license may review the Licensing Standards for ALFs at <http://www.dads.state.tx.us/handbooks/ls-alf>. The licensing standards address the building requirements, policies and procedures, staffing, and other requirements for Type A and Type B facilities.

House Bill 216 can be reviewed at <http://www.capitol.state.tx.us/>. Health and Safety Code Chapter 247 can be reviewed at <http://www.statutes.legis.state.tx.us/>. If you experience problems opening any of these links, you may copy and paste the link into the address bar of your web browser.

If you have questions about the ALF building requirements, contact your regional office and ask to speak to the Life Safety Code unit, or you may call the state office Architectural unit at 512-438-2371.

If you have questions about the license application process or the status of your license application, contact the Professional and Technical Review unit at 512-438-2630.

If you have questions regarding the content of this letter, please contact a 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

VLD:dIm