



COMMISSIONER
Chris Traylor

August 31, 2010

To: Nursing Facility Administrators

Subject: **Provider Letter #10-40** - Criminal Convictions Barring Employment or Initial License

Effective: September 1, 2010

In response to Senate Bill 806, 81st Legislature, Regular Session 2009, the Executive Commissioner of the Health and Human Services Commission, on behalf of the Department of Aging and Disability Services (DADS), adopted several rule amendments to Texas Administrative Code (TAC) Title 40, Part 1, Chapter 18, Nursing Facility Administrators. The changes include:

- The conviction of an offense listed in Health and Safety Code, §250.006 is added to the list of offenses that may bar an administrator from employment in a facility or an applicant from obtaining an initial license. {§18.41}
- A conviction of committing, in addition to attempting or conspiring to commit, an offense in §18.41(a)(2) may bar an administrator from employment in a facility or an applicant from obtaining an initial license.
- DADS is no longer required to schedule a formal hearing when an administrative penalty is proposed, because a hearing will only be scheduled if one is requested. {§18.53}

You may access the new rules starting September 1, 2010, on the DADS website at <http://www.dads.state.tx.us/handbooks/nfa/>. Please review the revision notice at <http://www.dads.state.tx.us/handbooks/nfa/revisions/index.htm> for a summary of all changes made to 40 TAC Chapter 18, effective September 1, 2010.

If you have questions regarding the content of this letter, please contact a nursing facility 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:tab