



COMMISSIONER
Jon Weizenbaum

January 16, 2015

To: Nursing Facilities (NFs)

Subject: Provider Letter 15-03 - Small House Waivers with Deficient Schematic Plans

The purpose of this letter is to provide further guidance to an applicant for a small house waiver regarding the schematic plan requirement.

[Provider Letter 14-09](#), dated June 23, 2014, notified nursing facility Medicaid bed waiver applicants of the amendment to Texas Administrative Code (TAC), Title 40, Part 1, Chapter 19, [§19.2322](#). This amendment requires an applicant for a small house waiver to submit:

- schematic building plans with the waiver application; and
- final construction documents after the waiver application is approved.

As required by 40 TAC §19.2322, an applicant for a small house waiver must submit the schematic building plan with sufficient detail to demonstrate that the proposed project meets the requirements in 40 TAC [§19.345](#). The Texas Department of Aging and Disability Services (DADS) does not consider a waiver application as complete until DADS has approved the schematic building plan.

Effective the date of this letter:

- For an application submitted after the date of this letter, DADS will notify the applicant if a schematic building plan is deficient and give the applicant an opportunity to correct the deficiency during a 90-day time period. The applicant must send the correction to DADS within the time limit given in the notice. The application, including an approved schematic building plan, must be complete before the end of the 90th day.
- For an application pending with DADS on the date of this letter, DADS will notify the applicant if a schematic building plan is deficient and give the applicant an opportunity to correct the deficiency within the time frame stated in the notice. For a pending application, DADS may extend the 90-day time frame to give the applicant a reasonable opportunity to correct. If the 90-day time frame is extended, the application, including an approved schematic building plan, must be complete before the end of the extension period.

If you have questions about 40 TAC §19.345, please contact an architect in the Architectural unit at (512) 438-2371. If you have questions regarding the new procedure outlined, please contact the NF Licensure and Certification Section at (512) 438-2630, option 5. Policy related questions may

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be directed to a Life Safety Code policy specialist in the Policy, Rules and Curriculum Development unit at (512) 438-3161.

Sincerely,

[signature on file]

Mary T. Henderson
Assistant Commissioner, Regulatory Services

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