

# Long-Term Care Facility Regulation

## Fact Sheet

### Texas Health and Human Services Commission

To ensure the health and safety of long-term care residents, the Texas Health and Human Services Commission (HHSC) licenses and certifies facilities, including assisted living facilities and nursing homes.

HHSC also certifies nursing homes that want to participate in Medicaid or Medicare. Staff known as surveyors ensure facilities are operating according to state and federal regulations.

#### Surveyors:

- Check that facilities meet minimum standards.
- Determine if poor practices are being followed.
- Determine if conditions endanger health and safety.
- Confirm facilities have corrected past problems.
- Investigate complaints.

#### Surveys and Licensures

To protect residents, HHSC requires companies to have a good operating history and facility workers to have no criminal history that poses a threat to residents.



Before adding new owners and operators to a license, HHSC checks their backgrounds and regularly surveys and inspects facilities to make sure care and services meet standards.

#### Regulatory visits:

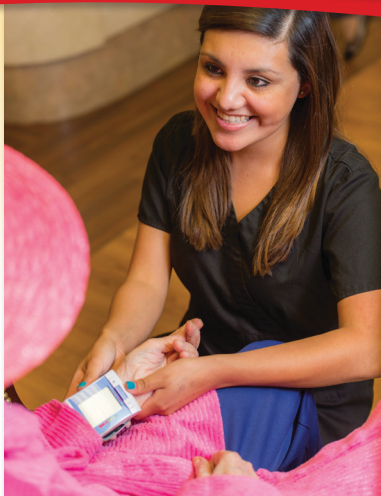
- Are unannounced.
- May take place at any time.
- Are resident directed and outcome oriented.

Standard nursing home surveys happen once a year and take about four days. Assisted living facility surveys happen every two years and take about one day.



State Long-Term Care  
Ombudsman Program

800-252-2412  
[texashhs.org/ltcombudsman](http://texashhs.org/ltcombudsman)



During the survey, the surveyors:

- Review the facility's history, note concerns and decide whether to include specialists, such as pharmacists and dietitians, on the survey team.
- Meet with the facility administrator and introduce the team members.
- Tour the facility, meet residents and staff, and note concerns.
- Observe residents and staff, including inspecting the kitchen and watching a medication pass to check for errors.
- Share observations, concerns and problems with facility staff.

Within 10 working days of completing the survey and leaving the facility, HHSC sends a list of citations to the facility management. A citation is an official notice to the facility that it's not meeting a requirement.

Residents have the right to examine survey results and proposals. Facilities must make results of surveys and inspections available to residents and the public.

## Complaint Investigations

To investigate complaints, teams conduct short surveys. Based on details in the complaint, such as specific conditions on weekends or during a specific shift, surveyors will investigate on that day of the week or time of day.

## Enforcement

If problems are recurring or serious, HHSC staff may determine the need for an enforcement action.

HHSC can take actions against a facility, including license suspension and revocation; suspension of admissions; emergency suspension and a closing order; referral to the attorney general; and penalties ranging from \$100 to \$10,000.

## Centers for Medicare and Medicaid Services

Federal Centers for Medicare and Medicaid Services (CMS) surveyors observe state surveyors as they monitor facilities and ensure the state meets federal survey policies and procedures. They make sure HHSC applies federal rules in a manner consistent with federal guidance.

States use different definitions for care provided in assisted living facilities, but no federal definition exists. States create rules to regulate care given in assisted living facilities, and CMS does not regulate them.