

Figure: 26 TAC §558.602(h)(2)(D)

SEVERITY LEVEL A VIOLATIONS \$100 - \$250 per violation	
Rule Cite	Subject Matter
<u>§558.210 (e)(1) and (2)</u> [§558.210(e)(1)-(2)] ; separate penalties	Providing information on how to contact the person in charge if an agency is closed during operating hours or between the hours of 8:00 a.m. and 5:00p.m., Monday through Friday.
<u>§558.212</u>	Prohibiting material alteration of a license.
<u>§558.213(a), (b)(1) and (2), and (c)(1)-(4), (d)</u> [§558.213(a), (b)(1) and (2), and (c)] ; separate penalties	Notification procedures for reporting a change in physical location.
<u>§558.214(a)(1) and (2), (b), and (c)</u> ; separate penalties	Notification procedures for reporting a change in agency contact information and agency operating hours.
<u>§558.217(h)(1)-(3)</u> [§558.217(b)(1)-(2)] ; separate penalties	Procedures for notifying HHSC of a voluntary suspension of operations.
<u>§558.218(a)(1)-(4) and (b)</u> ; separate penalties	Notification procedures for reporting a change in management personnel.
<u>§558.219(a), (b), and (d)</u> ; separate penalties	Notification procedures for adding or deleting a category of service to an agency's license.
<u>§558.220(a)</u>	Providing services only within an agency's licensed service area.
<u>§558.220(f) and (g)(2)(A) and (B)</u> [§558.220(c) and (d)(2)(A) and (B)] ; separate penalties	Notification procedures for reporting an expansion of an agency's licensed service area.
<u>§558.220(h)</u> [§558.220(e)]	Using the required HHSC form and following HHSC instructions to provide notice of an expansion or reduction of an agency's licensed service area.
<u>§558.220(j)</u> [§558.220(g)]	Providing written notification of a reduction of an agency's licensed service area.
<u>§558.220(m)(1)</u> [§558.220(j)(1)]	Not reporting an expansion of the service area as required to continue to provide services to an existing client outside the service area.
<u>§558.220(m)(5)</u> [§558.220(j)(4)]	Not documenting the start and end date for services provided to a client outside the service area.
<u>§558.220(n)(1)-(3)</u> [§558.220(k)(1)-(3)]	Information an agency must provide to a client if leaving the agency's service area.
<u>§558.242(a) and (b)</u> [§558.242(a)-(b)] ;	Preparing and maintaining a current written description of the agency's organizational structure.

separate penalties	
<u>§558.243(b)(1)(A)-(E) and (G)-(K)</u> [§558.243(b)(1)(A)-(E) and (G)-(J)]; separate penalties	Responsibilities of the administrator.
§558.243(b)(3)	Requirement that the administrator designate in writing an agency employee who must provide HHSC surveyors entry to the agency.
§558.243(d)	Adoption of a written policy for the supervision of branch offices or alternate delivery sites, if established.
§558.244(b)(1)-(5); separate penalties	Conditions of the agency administrator and alternate administrator.
<u>§558.245(a) and (b)(1)-(10)</u> [§558.245(a) (b)(1)-(10)]; separate penalties	Adoption and enforcement of written policies governing all personnel staffed by the agency.
<u>§558.246(a), (b), (c)(1)-(4), (d), (e)(1)-(7)(A)-(B) and (f)</u> [§558.246(a)(1)-(6)(A)-(B) and (b)]; separate penalties	An agency's personnel records and content of such records.
<u>§558.247(c)(2) and (h)(2)</u> [§558.247(a)(4) and (b)(4)]; separate penalties	Providing [unlicensed] employees and volunteers with written information about the <u>Search Engine for Multi-Agency Reportable Conduct (SEMARC)</u> [employee misconduct registry].
<u>§558.247(n)</u> [§558.247(e)]	Documentation of compliance with verifying the employability and use of unlicensed applicants, employees, and volunteers.
<u>§558.248(c), (c)(1), and (c)(2)</u> [§558.248(b), (b)(1), and (b)(3)]; separate penalties	The use of volunteers in an agency.
§558.249(b)	Adoption of a written policy for the <u>preventing, detecting and</u> reporting of alleged acts of abuse, neglect, and exploitation of clients.
§558.250(a)	Adoption of a written policy covering procedures for investigating known and alleged acts of abuse, neglect, and exploitation and other complaints.
§558.250(e)	Prohibiting an agency from retaliating against a person for filing a complaint, presenting a grievance, or providing, in good faith, information about the services provided by the agency.
§558.251	Adoption of a written policy for ensuring that all professional disciplines comply with their respective professional practice acts or title acts for reporting and peer review.

§558.253	Adoption of a written policy describing whether an agency will conduct drug testing of employees that describes the method and provides a copy of the policy.
§558.254	Adoption of a written policy for ensuring that the agency submits accurate billings and insurance claims.
§558.255(a)	Adoption of a written policy to ensure compliance with the Texas Occupations Code, Chapter 102, relating to Solicitation of Patients.
§558.256(a)	Having a written emergency preparedness and response plan based on a risk assessment.
§558.256(b)(1)-(4); separate penalties	Agency personnel responsible for developing, maintaining and implementing a written emergency preparedness and response plan.
§558.256(c)(1)-(5); separate penalties	Contents of a written emergency preparedness and response plan.
§558.256(d)(1)-(4); separate penalties	Response and recovery phases of a written emergency preparedness and response plan.
<u>§558.256(e)(1) and (2)</u> [§558.256(e)(1)-(2)] ; separate penalties	Procedures to triage clients in a written emergency preparedness and response plan.
§558.256(f)	Procedures in a written emergency preparedness and response plan to identify a client who may need evacuation assistance.
§558.256(g)	Assisting a client as requested to register with 2-1-1 for evacuation assistance.
§558.256(h)(1)-(4); separate penalties	Counseling each client about emergency preparedness.
§558.256(i)	Training agency personnel in their responsibilities in a written emergency preparedness and response plan.
§558.256(j) and (k); separate penalties	Annual review and update of a written emergency preparedness and response plan and annual test of the response phase of the plan.
§558.256(l)	Good faith effort to comply with rules on emergency preparedness planning and implementation.
§558.256(n)	Reproducing client records damaged during a disaster.
<u>§558.256(o)(1) and (2) and (p)</u> [§558.256(o)(1)-(2) and (p)] ; separate penalties	Notice of temporary changes due to an emergency or disaster.

<u>§558.259(i)</u> [§558.259(g)]	Prohibiting use of the presurvey conference to meet initial training requirements for a first-time administrator and alternate administrator.
<u>§558.260(f)</u> [§558.260(d)]	Prohibiting use of the pre-survey conference to meeting continuing education requirements for an administrator and alternate administrator.
<u>§558.281(1)-(18)</u> [§558.281(1)-(16)]; separate penalties	Adoption of a written policy that specifies the agency's client care practices.
<u>§558.282(a), (b), (d)(1) and (2), (f), (g), and (h)</u> [§558.282(a) (b), (d)-(f)(1)-(8), and (g)-(h)]; separate penalties	Adoption of a written policy governing client conduct and responsibility and client rights.
<u>§558.284</u>	Adoption of a written policy for complying with the Clinical Laboratory Improvement Amendments of 1988, 42 USC, §263a, Certification of Laboratories (CLIA 1988).
<u>§558.285(a)</u> [§558.285]	Adoption of written policies addressing infection control.
<u>§558.285(1)(A)-(C), (2) and (3)(A) and (B);</u> [§558.285(1)(A)-(C) and (2);] separate penalties	Adoption and compliance with a written policy that addresses infection control.
<u>§558.285(b)(1)-(6);</u> <u>separate penalties</u>	<u>Designation and requirements of an infection control officer.</u>
<u>§558.286(a)</u>	Adoption of a written policy for safe handling and disposal of biohazardous waste and materials, if applicable.
<u>§558.288(a)</u>	Adoption of a written policy on coordination of services.
<u>§558.288(b)</u>	Documentation of coordination of services.
<u>§558.288(c)</u>	<u>Adoption and enforcement of a written policy regarding the coordination of service delivery.</u>
<u>§558.289(c)(2)</u>	Providing written information about the <u>Search Engine for Multi-Agency Reportable Conduct (SEMARC)</u> [employee misconduct registry] to an unlicensed person providing services under arrangement.
<u>§558.289(e)(1) and (2)(A)-(C)</u> [§558.289(e)(1)-(3)]; separate penalties	Documentation of personnel qualifications and for unlicensed staff that provide services under arrangement.
<u>§558.290(b)</u> [§558.290(a)]	Adoption of a written policy for ensuring that backup services are available when an agency employee or contractor is not available to deliver the services.

<u>§558.290(b)(1) and (2); separate penalties</u> <u>[§558.290(a)(1)-(2)]</u>	<u>Requirement that an agency's policy must outline the process for and attempts to provide backup services.</u> <u>[Documentation that a client's designee agreed to provide backup services.]</u>
<u>§558.290(b)(4)(A)-(C); separate penalties</u>	<u>Requirements for an agency when an agency employee or contractor provides backup services.</u>
<u>§558.290(b)(6)</u> <u>[§558.290(a)(3)]</u>	<u>Not coercing a client to accept backup services.</u>
<u>§558.290(d)</u> <u>[§558.290(b)]</u>	Adoption of a written policy for ensuring that clients are educated in how to access care from the agency or another health care provider after regular business hours.
§558.291	Adoption of a written policy for an agency's written contingency plan.
§558.292(a)	Providing a client or a client's family with a written agreement for services and ensuring appropriate content of the agreement.
§558.292(b)	Obtaining acknowledgment that the client received an appropriate written agreement for services and ensuring that the acknowledgment is in the client's record.
§558.293	Maintaining a current list of clients for each category of service licensed.
§558.294	Adoption of a written policy for establishing a time frame for the initiation of care or services.
<u>§558.295(c), (d), (e), (f) and (g)</u> <u>[§558.295(c), (d), and (f)]</u> ; separate penalties	Delivery of written notice and documentation requirements pertaining to an agency's transfer or discharge of a client.
§558.296(a)	Adoption of a written policy that states whether physician delegation will be honored by the agency.
§558.296(b)	Information the agency must receive to accept physician delegation.
§558.297	Adoption of a written policy describing protocols and procedures agency staff must follow when receiving <u>practitioner</u> <u>[physician]</u> orders, if applicable.
§558.297(2)	<u>Practitioner</u> <u>[Physician]</u> orders received by fax.

§558.298	Adoption of a written policy for ensuring compliance with rules adopted by the Texas Board of Nursing in 22 TAC Chapter 224 (relating to Delegation of Nursing Tasks by Registered Professional Nurses to Unlicensed Personnel for Clients with Acute Conditions or in Acute Care Environments) and 22 TAC Chapter 225 (relating to RN Delegation to Unlicensed Personnel and Tasks Not Requiring Delegation in Independent Living Environments for Clients with Stable and Predictable Conditions).
§558.299	Adoption of a written policy for ensuring compliance with rules of the Texas Board of Nursing adopted at 22 TAC Chapters 211-226 (relating to Nursing Continuing Education, Licensure, and Practice in the State of Texas).
§558.300(b)	Adoption of a written policy for maintaining a current medication list and a current medication administration record.
<u>§558.300(b)(2)(A) and (B)</u> [§558.300(b)(2)(A)-(B)] ; separate penalties	The administration of medication.
§558.301(a)(1)-(9)(A)-(Q); separate penalties	Requirements for maintaining an agency's client records.
§558.301(b)(1)-(3); separate penalties	Adoption and enforcement of a written policy for retention of records.
§558.302	Adoption of a written policy for pronouncement of death if that function is carried out by an agency RN.
<u>§558.304(b)(1)-(8);</u> <u>separate penalties</u>	<u>Requirements if an agency chooses to maintain records electronically.</u>
§558.321(a)	Branch office compliance with the regulations of its parent agency.
§558.321(c)(1)	Providing services only within a branch office licensed service area.
§558.321(c)(3)	Providing a written notification of an expansion of a branch office service area.
§558.321(c)(4)	Providing written notification of a reduction of a branch office licensed service area.
<u>§558.321(d)(1)-(4)</u> [§558.321(d)(1)-(3)] ; separate penalties	Requirements for branch offices.
§558.321(f)	Requirement prohibiting branch offices from providing services not offered by the parent agency.
<u>§558.322(a) and (c)(1) and (2)</u> [§558.322(a) and (c)(1)-(2)] ;	Standards for hospice alternate delivery sites.

separate penalties	
<u>§558.323</u>	<u>Standards for Administrative Support Sites</u>
<u>§558.401(k) [§558.401(f)]</u>	<u>The use of home health aides.</u>
<u>§558.402(b)</u>	Requirement for implementing a home health aide training and competency program.
<u>§558.404(k) [§558.404(e)]</u>	Requirement that an agency develops operational policies that are considerate of the principles of individual and family choice and control, functional need, and accessible and flexible services.
<u>§558.404(n)(1)-(3) [§558.404(f)(1)-(3)];</u> separate penalties	Additional requirements for maintaining client records in an agency that provides personal assistance services.
<u>§558.404(o) [§558.404(g)]</u>	Adoption of a written policy that addresses the supervision of agency personnel with input from the client or family on the frequency of supervision.
<u>§558.404(o)(1) and (2) [§558.404(g)(1)-(2)];</u> separate penalties	Conditions and qualifications for supervision of agency personnel delivering personal assistance services.
<u>§558.404(m)</u>	<u>Requirement that an agency providing personal assistance services must engage back-up services and document the reason the services cannot be met by agency personnel.</u>
<u>§558.405(d)</u>	Requirement for individual personnel files on all physicians.
<u>§558.405(g)</u>	A written transfer agreement with a local hospital for an agency that provides home dialysis services.
<u>§558.405(h)</u>	An agreement with a licensed end stage renal disease facility to provide backup outpatient dialysis services.
<u>§558.405(j)</u>	Ensuring that names of clients awaiting a donor transplant are entered in the recipient registry program.
<u>§558.405(s)(1) and (4)-(7);</u> separate penalties	Additional requirements for maintaining client records in an agency that provides home dialysis services.
<u>§558.405(v)</u>	Development of a written preventive maintenance program for home dialysis equipment.
<u>§558.405(v)(1)(B)</u>	Maintaining written evidence of preventive maintenance and equipment repairs.
<u>§558.405(z)</u>	Adoption of policies and procedures for medical emergencies and emergencies resulting from a disaster required of an agency that provides home dialysis services.

§558.406(1)	Adoption of a written policy for the provision of psychoactive treatments, if applicable.
§558.523(a)	Staff availability for the initial survey.
§558.523(b)	Staff availability for survey other than the initial survey.
§558.523(e)	Providing <u>HHSC representative</u> [surveyor] entry to the agency during regular business hours and within two hours of the surveyor's arrival at the agency.
§558.525(c)	Having documentation of accreditation available at the time of a survey.
§558.529(b) [§558.527(b)]	Providing surveyor with audio recording of the exit conference if made by the agency.
§558.529(c)(1)-(3) [§558.527(c)]	Providing surveyor with video recording of the exit conference if made by the agency.
§558.529(g)(3) [§558.527(g)(1)-(2)(A)-(D)]	Submitting an acceptable plan of correction and correcting a violation within the required time frame.
§558.801(a)	Adoption of written policies relating to the standards for providing hospice services.
§558.801(e)	Restriction on use of the word "hospice" if not licensed to provide hospice services.
§558.801(f)	<u>Requirements that the hospice election statement must be in the client's record and that start of care occurs on the listed effective date.</u>
§558.811(c)(1)-(8); separate penalties	Factors to consider in the hospice comprehensive assessment.
§558.812(a) and (c)(1)-(3); [§558.812(a) and (b)(1)-(3)]; separate penalties	Requirements for updating the hospice comprehensive assessment.
§558.813(a) and (b)(1)-(5); separate penalties	Including data elements in the hospice comprehensive assessment to measure outcomes.
§558.820(d)	Designating an interdisciplinary team responsible for establishing the policies governing the provision of hospice services.
§558.821(d)(1)-(5); separate penalties	The content of a hospice plan of care.
§558.821(d)(6)	Documenting client understanding, involvement, and agreement with the hospice plan of care.
§558.844(b) and (c); separate penalties	Requirements for hospice homemaker services.
§558.845(a) and (b)(1) and (2) [§558.845(a) and (b)(1)-	Using a qualified hospice homemaker to provide hospice homemaker services.

{2}]; separate penalties	
§558.846(a) and (b); separate penalties	A hospice agency's use of and coordination with services provided under a state Medicaid personal care benefit.
§558.850(a)(1) and (2); separate penalties	Organization and administration of hospice services.
§558.851(b)(1) and (2); separate penalties	Hospice services provided by a licensed person.
§558.853(d)	Hospice providing infection control education.
§558.854(a) and (b)(1)-(3); separate penalties	Hospice professional management responsibility for contracted services.
§558.855(a) and (b); separate penalties	Additional hospice requirements for criminal background checks.
§558.856(d)	Including a hospice alternate delivery site in the written and actual organizational structure of the parent agency.
<u>§558.857(1)-(5)</u> [§558.857(1)-(2) and (4)-(5)] ; separate penalties	Hospice staff training.
§558.858(a)-(c); separate penalties	Hospice medical director.
§558.859(a)-(g) separate penalties	Hospice discharge or transfer of care.
§558.861 (e), (g), (i)(1)-(4), (j)(1) & (3); separate penalties	Hospice management of drugs and biologicals in client's home or community setting
§558.861 (k)-(t) [{all new language}] ; separate penalties	Disposal of controlled substance prescription drugs in client's home or community setting by hospice
<u>§558.862 (c)(1) and (2)</u> [§558.862 (c)(1)-(2)] , (f); separate penalties	Management of drugs and biologicals and disposal of controlled substance prescription drugs in inpatient hospice unit
§558.863 (e)(1)-(8); separate penalties	Written contract for providing hospice short-term inpatient care.
[§558.871(a)(2)(A)-(G), (d)(1)-(4), (e)(1)-(5), (f), (g)(1), (l)(16), (m)(4), and (n)(4); separate penalties]	[Physical environment in a hospice inpatient unit.]
§558.880(a), (b)(1)-(11), (c)(2), (e) and (f); separate penalties	Providing hospice care to residents of a skilled nursing facility, nursing facility, or an intermediate care facility for individuals with an intellectual disability or related conditions.

<u>§558.914(a), (b)(1)(A)-(H), (2)(A)-(E), (3)(A)-(E), (4)(A)-(H), (5)(A)-(O), (6)(A) and (B), (7)(A)-(E); separate penalties</u>	<u>Safety management for the physical environment in an inpatient unit.</u>
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