

Figure: 26 TAC §558.602(h)(3)(E)

SEVERITY LEVEL B VIOLATIONS \$500 - \$1,000 per violation	
Rule Cite	Subject Matter
§558.11(d)	Requirement to have a separate license for each place of business.
§558.23	A license may not be sold or assigned to another person.
<u>§558.220(e)</u> [§558.220(b)]	Maintaining adequate staff to provide services and supervise the provision of services.
<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.
§558.241(a), (c), and (d); separate penalties	Management responsibilities.
§558.243(a)(1)	Designating a qualified agency administrator.
§558.243(a)(2)	Designating a qualified agency alternate administrator.
§558.243(b)(1)(A)-(I) and (2) and (3); separate penalties	Responsibilities of an agency administrator.
§558.243(c)(1)	Requirement to directly employ or contract with a qualified individual to serve as the supervising nurse.
§558.243(c)(2)	Requirement to designate a qualified alternate supervising nurse.
§558.243(c)(2)(A)(i)-(iv); separate penalties	Supervisory responsibilities of the supervising nurse or alternate supervising nurse.
§558.243(c)(2)(B)	Allowing the supervising nurse to be the administrator if the supervising nurse meets the qualifications of the administrator.
§558.243(c)(3)	Requirements for the supervision of physical, occupational, speech, or respiratory therapy; medical social services; or nutritional counseling.
<u>§558.243(c)(4)</u>	<u>Agencies that employ two or more registered nurses must have a workplace violence prevention committee, develop workplace violence prevention policies and procedures, and implement other workplace violence requirements.</u>

§558.243(d)	Enforcing a written policy for the supervision of branch offices, <u>inpatient units</u> , or alternate delivery sites, if established.
§558.244(a)(1)	Qualifications of the agency administrator and alternate administrator for agencies licensed to provide licensed home health services, licensed and certified home health services or hospice services.
§558.244(a)(2)	Additional qualifications for the agency administrator and alternate administrator for agencies licensed to provide hospice services.
§558.244(a)(3)	Qualifications of the agency administrator and alternate administrator for agencies licensed to provide only personal assistance services.
§558.244(b)(1)-(5); separate penalties	Conditions of the agency administrator and alternate administrator.
§558.244(c)(1)	Qualifications of the supervising nurse and alternate supervising nurse for agencies without the home dialysis designation.
§558.244(c)(2)	Qualifications of the supervising nurse and alternate supervising nurse for agencies with the home dialysis designation.
§558.245(a) and (b)(1)-(10); separate penalties	Enforcement of staffing policies that govern all personnel used by the agency.
<u>§558.247(b)(1)(A)-(B) and (2), (c)(1), (d), (e)(1)-(2), (f), (g)(1)-(3), (h)(1), (i), (j)(1)-(2), and (k)-(m)</u> <u>[§558.247(a)(1)-(3) and (5)(A)-(B) (6)(A)-(B) and (b)(1)-(3) and (5)(A)-(B) (6)(A)-(B)];</u> separate penalties	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(c)	Reporting alleged acts of abuse, neglect, and exploitation of clients.

<u>§558.250(b)(1)-(3), (c)(1) and (2), (d), and (e)</u> [§558.250(b)(1)-(3), (c)(1)-(2), and (d)-(e)] ; separate penalties	Enforcement of an agency's written policy for investigation of known and alleged acts of abuse, neglect, and exploitation and other complaints.
§558.251	Compliance with the agency's written policy to ensure that all professional disciplines comply with their respective professional practice acts or title acts for reporting and peer review.
§558.252(1) and (2)	An agency's financial ability to carry out its functions.
§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.
§558.256(e)(1) and (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.

§558.256(o)(1) and (2) and (p) [§558.256(o)(1)-(2) and (p)]; separate penalties	Notice of temporary changes due to an emergency or disaster.
§558.259(c)-(g) [§558.259(b)-(e)]; separate penalties	Initial educational training requirements for a first-time agency administrator and alternate administrator.
§558.259(h) [§558.259(f)]	Documentation requirements for initial educational training of a first-time administrator and alternate administrator.
§558.260(c) [§558.260(a)]	Annual continuing education requirements for an agency administrator and alternate administrator.
[§558.260(b)]	[Continuing education requirements for an agency administrator and alternate administrator who has not served for 180 days or more immediately preceding the date of designation.]
§558.260(e) [§558.260(e)]	Documentation requirements for continuing education of an administrator and alternate administrator.
§558.281(1)-(18) [§558.281(1)-(16)]; separate penalties	Enforcement of a written policy for client care practices.
§558.282(a)-(f)(1)-(8) and (g)-(h); separate penalties	Compliance with an agency policy on client conduct and responsibility and client rights.
§558.284	Compliance with the Clinical Laboratory Improvement Amendments of 1988.
§558.285	Compliance with written policies addressing infection control.
§558.285(1)(A)-(C), (2) and (3) [§558.285(1)(A)-(C) and (2)]; separate penalties	Enforcement and compliance with written policies on infection control.
§558.286(b)	Compliance with 25 TAC <u>Chapter 1, Subchapter K</u> [§§1.131—1.137] (relating to Definition, Treatment, and Disposition of Special Waste from Health Care-Related Facilities).
§558.287(a)(1)-(3), (b) and (c) [§558.287(a)(1)-(3) and (b)-(c)]; separate penalties	An agency's Quality Assessment and Performance Improvement Program.

<u>§558.288(a)-(c)</u> [§558.288(a)-(b)] ; separate penalties	Compliance with an agency's written policy for coordination of services and documentation requirements.
<u>§558.289(a) and (b)</u> [§558.289(a)-(b)] ; separate penalties	An agency's use of, and agreement with, independent contractors and arranged services.
<u>§558.289(c)(1) and (3)</u> ; separate penalties	Initial searches and searches at least every 12 months of the <u>medication aide registry</u> , if <u>applicable</u> , <u>nurse aide registry</u> and <u>Search Engine for Multi-Agency Reportable Conduct (SEMARC)</u> [employee misconduct registry] for unlicensed staff providing services under arrangement.
<u>§558.289(d)(1) and (2)</u> ; separate penalties	Conducting and reviewing a criminal history check for an unlicensed person that provides services under arrangement.
<u>§558.290(b)</u> [§558.290(a)]	Enforcing a written policy that backup services are available when needed.
<u>§558.290(b)(3) and (5)(A)-(B)</u> [§558.290(a)(1) and (2)]	Documentation that a client's designee agreed to provide backup services.
<u>§558.290(b)(4)(A)-(C)</u> ; separate penalties	<u>Requirements for an agency when an agency employee or contractor provides backup services.</u>
<u>§558.290(c)</u>	<u>Requirement for an agency to offer backup services if visits cannot be rescheduled in compliance with a plan of care or individual service plan.</u>
<u>§558.290(d)</u> [§558.290(b)]	<u>Enforcing a written policy that clients are educated in how to access care after hours.</u>
<u>§558.291(1) and (2)</u> ; separate penalties	Implementing a written policy for an agency's written contingency plan.
<u>§558.292(a)</u>	Complying with the terms of a written agreement for services that the agency provided to a client or a client's family.
<u>§558.295(a)(1) and (2)</u> ; separate penalties	Providing a client with written notification, and notifying a client's <u>primary care</u> [attending] physician if applicable, of transfer or discharge.
<u>§558.295(b)</u>	An agency providing written notification of a client's transfer or discharge within the required time frame.
<u>§558.295(d)(1) and (2)</u> ; separate penalties	<u>Requirements of written notice by electronic correspondence.</u>

§558.296(a)	Enforcement of an agency's policy regarding acceptance of physician delegation orders.
§558.296(b)	Information the agency must receive to accept physician delegation.
§558.297	Enforcement of a written policy describing protocols and procedures agency staff must follow when receiving <u>practitioner</u> [physician] orders, if applicable.
§558.297(1)	Countersignature of <u>practitioner</u> [physician] verbal orders.
§558.298	Enforcement of a written policy for ensuring compliance with the 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).
§558.300(b)	Enforcement of a written policy for maintaining a current medication list and a current medication administration record.
§558.300(b)(1) and (3); separate penalties	The administration of medication.
§558.303(1)-(3)(A)-(F); separate penalties	The possession and use of sterile water or saline, certain vaccines or tuberculin, and certain dangerous drugs.
§558.321(c)(2)	Maintaining adequate staff to provide and supervise services at a branch office.
§558.322(a) and (c)(1); separate penalties	Standards for hospice alternate delivery sites.
<u>§558.401(b) and (c)</u> [§558.401(b)(1)-(2)(A)-(B)]; separate penalties	Acceptance of a client for home health services and the initiation of services.
§558.401(d)	<u>Services must be based on the orders of the primary care physician.</u>
<u>§558.401(e)(1)-(7); (f)(1)-(3); separate penalties</u>	<u>Standards for writing the plan of care.</u>

<u>§558.401(g)</u>	<u>Agency staff must provide at least one home health service.</u>
<u>§558.401(h)(1)-(2); separate penalties</u>	<u>Standards for review and update of care plans.</u>
<u>§558.401(i) [§558.401(d)]</u>	<u>Requirement that qualified personnel provide and supervise all services.</u>
<u>§558.401(j) [§558.401(e)]</u>	<u>Requirement that all staff providing services, delegation, and supervision be employed by or be under contract with the agency.</u>
<u>§558.401(l)(1)-(3); separate penalties [§558.401(g)]</u>	<u>Age and competency of unlicensed persons providing licensed home health services.</u>
<u>§558.402(a)</u>	<u>Compliance with the Medicare Conditions of Participation (Social Security Act, Title 42, Code of Federal Regulations, Part 484.)</u>
<u>§558.402(c)-(e); separate penalties</u>	<u>Compliance with §558.701(f) of this chapter (relating to Home Health Aides) for an agency that implements a competency evaluation program.</u>
<u>§558.404(c)</u>	<u>Qualifications of agency staff performing personal assistance services.</u>
<u>§558.404(d)</u>	<u>Requirement that nursing and skilled nursing services must not be provided by a personal assistance services agency.</u>
<u>§558.404(e)</u>	<u>Requirement that an RN must not perform nursing tasks identified by Texas Occupations Code §301.002 under a personal assistance services category of service.</u>
<u>§558.404(f)</u>	<u>Expectation that a personal assistance services agency ensure nursing tasks are limited to assessment of the client, delegation of tasks and nursing supervision in accordance with 22 TAC Chapter 225.</u>
<u>§558.404(g)</u>	<u>Conditions of an unlicensed person performing tube feedings and medication administration through a g-tube.</u>
<u>§558.404(h) [§558.404(d)]</u>	<u>Tasks authorized under a personal assistance services license category.</u>
<u>§558.404(i)(1)-(5); separate penalties</u>	<u>Conditions of RN delegation in a personal assistance services agency.</u>

<u>§558.404(j)(1)-(6)</u>	<u>Conditions of personal assistance staff performing health maintenance activities.</u>
<u>§558.404(l)</u>	<u>Requirement that a personal assistance services agency must provide services identified in the individualized service plan.</u>
<u>§558.404(m)</u>	<u>Requirement that an agency providing personal assistance services that must engage back-up services must document the reason the services cannot be met by agency personnel.</u>
<u>§558.404(o) [§558.404(g)]</u>	<u>Enforcement of a written policy that addresses the supervision of agency personnel with input from the client or family on the frequency of supervision.</u>
<u>§558.404(o)(1) and (2) [§558.404(g)(1)-(2)]; separate penalties</u>	Conditions and qualifications for supervising agency personnel delivering personal assistance services.
<u>§558.404(p)(1)-(5) [§558.404(h)(1)-(5)]; separate penalties</u>	Performance of gastrostomy tube feedings and medication administration for an agency that provides personal assistance services.
<u>§558.405(a)</u>	Requirements for agencies that provide peritoneal dialysis or hemodialysis services.
<u>§558.405(c)(1) and (2) [§558.405(e)(1)-(2)]; separate penalties</u>	Qualifications and responsibilities of the medical director for an agency that provides home dialysis services.
<u>§558.405(e)(1)(A)-(C); separate penalties</u>	Provision and supervision of nursing services for an agency that provides home dialysis services.
<u>§558.405(e)(2)</u>	Provision of nutritional counseling for an agency that provides home dialysis services.
<u>§558.405(e)(3)</u>	Provision of medical social services for an agency that provides home dialysis services.
<u>§558.405(f)(1)</u>	Requirements for orientation and training of personnel providing direct care to clients receiving home dialysis services.
<u>§558.405(f)(2)(A); separate penalties</u>	Requirement for an orientation and skills education period for licensed nurses.
<u>§558.405(i)</u>	Requirement that an agency coordinate the exchange of medical and other important information when transferring a home dialysis client to a health-care facility for treatment.

§558.405(k)	Requirement for routine hepatitis testing of home dialysis clients and agency employees providing dialysis care.
§558.405(k)(1)(A)-(C); separate penalties	Requirements for hepatitis B screening and vaccinations for staff.
§558.405(k)(2)(A)-(E); separate penalties	Requirements for hepatitis B screening and vaccinations for clients.
§558.405(l)	Requirements for employees providing direct care to clients to have a current CPR certification.
§558.405(m)	Requirement for initial admission assessment of a client for home dialysis services.
§558.405(n)	Requirement for development of a long-term program for a client receiving home dialysis services.
<u>§558.405(o)</u> [§558.405(a)]	Requirement that the agency conducts a history and physical of a home dialysis client at admission and annually.
§558.405(p)(1) and (2); separate penalties	Requirement for physician orders for home self-assisted dialysis treatment.
§558.405(q)(1)-(7); separate penalties	Requirements for development and implementation of a care plan for a home dialysis client.
§558.405(r)	Requirement for medication administration by licensed personnel for an agency that provides home dialysis services.
§558.405(s)(2) and (3); separate penalties	Additional requirements for maintaining client records in an agency that provides home dialysis services.
§558.405(t)(1)-(4); separate penalties	Requirements for use of water in the home dialysis setting.
§558.405(u)	Adoption and enforcement of a policy to test dialysis equipment prior to each treatment.
§558.405(v)	Enforcing the agency's written preventive maintenance program for home dialysis equipment.
§558.405(v)(1), (1)(A), (1)(C)-(D), and (2); separate penalties	Implementing requirements for a written preventive maintenance program for home dialysis equipment.
§558.405(w)(1)-(6); separate penalties	Reuse of disposable medical devices in the home dialysis setting.
§558.405(x)(1) and (2)	Provision of laboratory services.

§558.405(x)(3) and (4); separate penalties	Provision of laboratory services.
§558.405(y)(1) and (2); separate penalties	Supplies for home dialysis services.
§558.405(z)(1)-(7); separate penalties	Compliance with policies and procedures for medical emergencies and emergencies resulting from a disaster required of an agency that provides home dialysis services.
§558.406(2)-(5); separate penalties	Provision of psychoactive services.
§558.407(1)-(11); separate penalties	Provision of intravenous therapy services.
§558.523(e)	Requirement to grant the <u>HHSC representative</u> [surveyor] entry to the agency if closed when the <u>HHSC representative</u> [surveyor] arrives during regular business hours.
§558.701(a)-(f)(1)-(7); separate penalties	Home health aides.
§558.801(a)	Adoption or enforcement of written policies relating to the standards for providing hospice services <u>and an agency licensed with the hospice services category with an inpatient unit.</u>
§558.801(d)	Compliance with the Medicare Conditions of Participation in 42, CFR, Part 418, Hospice care.
§558.810(a) and (b); separate penalties	Time requirements for completing a hospice initial assessment and using it to initiate hospice services.
§558.811(a)(1)-(4), (b), and (c)(1)-(8); separate penalties	Requirements for the hospice comprehensive assessment.
<u>§558.812(a) and (c)(1)-(3)</u> [§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(a)	Approach to service delivery by the hospice interdisciplinary team.
§558.820(a), (b)(1)-(4), (c) and (d); separate penalties	Requirements for a hospice interdisciplinary team.

§558.821(a)-(d)(1)-(6) and (e); separate penalties	Requirements for a hospice plan of care for a client.
§558.822(a) and (b); separate penalties	Review and revision of a hospice plan of care.
§558.823(1)	Interdisciplinary team responsibilities for coordinating hospice services.
§558.830(a)(1)-(4) and (c); separate penalties	Requirements for the provision of hospice core services.
§558.832(a)-(d); separate penalties	Providing and supervising hospice physician services.
§558.832(a) and (b); separate penalties	Providing hospice nursing services.
§558.833(a), (c), and (d); separate penalties	Social worker qualifications and providing hospice medical social services.
§558.834(a), (b)(1)(A)-(D), (b)(2) and (b)(3)(A)-(C); separate penalties	Requirements for hospice counseling services.
§558.840(a)(1)-(5) and (b); separate penalties	Providing hospice non-core services.
§558.841	Providing hospice therapy services.
§558.842(b)(1)-(4), (c)(1)-(6), (d)(1)-(2), and (e)(1)-(5); separate penalties	Requirements for hospice aide services.
§558.843(a)-(c)(1)-(3), (d)(1)-(6), (e)(1)-(3), and (f); separate penalties	Using a qualified hospice aide to provide hospice aide services.
§558.844(b)-(d); separate penalties	Requirements for hospice homemaker services.
<u>§558.845(a) and (b)(1) and (2);</u> [§558.845(a) and (b)(1)-(2);] separate penalties	Using a qualified hospice homemaker to provide hospice homemaker services.
§558.846(a) and (b); separate penalties	A hospice agency's use and coordination with services provided under a state Medicaid personal care benefit.
<u>§558.850(a)(1) and (2), (c)(1)-(9), (d)(1)-(3), (e)(1)-(7), and (f)</u> [§558.850(a)(1)-(2), (c)(1)-	Requirements for the organization and administration of hospice services.

(9), (d)(1)-(3), (e)(1)-(7), and (f)]; separate penalties	
<u>§558.851(a) and (b)(1) and (2)</u> [§558.851(a) and (b)(1)-(2)]; separate penalties	Hospice services provided by a licensed person.
<u>§558.852(a) and (b)(1) and (2)</u> [§558.852(a) and (b)(1)-(2)]; separate penalties	Responsibilities of a hospice governing body and administrator.
<u>§558.853(a)-(c)(1) and (2) and (d)</u> [§558.853(a)-(c)(1)-(2) and (d)]; separate penalties	Hospice infection control program.
§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(c)-(e); separate penalties	Hospice alternate delivery sites.
§558.857(1)-(5); separate penalties	Hospice staff training.
§558.858(a)-(g); separate penalties	Hospice medical director.
§558.859(a)-(g); separate penalties	Hospice discharge or transfer of care.
§558.860 (a)-(d); separate penalties	Provision of medical supplies and durable medical equipment by a hospice
<u>§558.861 (a)-(c), (d)(1) and (2), (e), (f), (g), (i)(1)-(4), (j)(1)-(3)</u> [§558.861 (a)-(e), (d)(1)-(2), (e)-(f), (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); separate penalties	Disposal of controlled substance prescription drugs in client's home or community setting by hospice

§558.862 (a), (b), (c)(1) and (2), (d), (e)(1) and (2), (f); [§558.862 (a) (b), (c)(1) (2), (d), (e)(1) (2), (f);] separate penalties	Management of drugs and biologicals and disposal of controlled substance prescription drugs in inpatient hospice unit
§558.863 (a)-(d), (e)(1)-(8); separate penalties	Hospice short-term inpatient care.
§558.870(a) and (b)(1) and (2) [§558.870(a) and (b)(1) (3)]; separate penalties	Staffing in <u>an</u> [a hospice] inpatient unit.
[§558.871(a)(1) (2)(A) (G), (b)(1) (4), (c)(1) and (4)(A) (D), (d)(1) (4), (e)(1) (5), (f), (g)(1) (2), (h) (k)(1) (3), (l)(1) (16), (m)(1) (4), (n)(1)(A) (C) and (2) (4); separate penalties]	[Physical environment in a hospice inpatient unit.]
§558.880(a), (b)(1)-(11), (c)(1)-(3), (d)(1)-(3), (e) and (f); separate penalties	Providing hospice services 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)-(c)(1)(A)-(H); (2)(A)-(E); (3)(A)-(E); (4)(A)-(H); (5)(A)-(O); (6)(A) and (B); (7)(A)-(E);</u> separate penalties	<u>Safety management for the physical environment in an inpatient unit.</u>