Figure: 40 TAC Chapter 97

Current Rules	Move to
Title 40. Social Services and Assistance	Title 26. Health and Human Services
Part 1. Department of Aging and Disability	Part 1. Texas Health and Human Services
Services	Commission
<b>Chapter 97. Licensing Standards for Home</b>	Chapter 558. Licensing Standards for Home
and Community Support Services	and Community Support Services Agencies
Agencies	
Subchapter A. General Provisions	Subchapter A. General Provisions
§97.1. Purpose and Scope.	§558.1. Purpose and Scope.
§97.2. Definitions.	§558.2. Definitions.
§97.3. License Fees.	§558.3. License Fees.
Subchapter B. Criteria and Eligibility,	Subchapter B. Criteria and Eligibility,
Application Procedures, and Issuance of a	Application Procedures, and Issuance of a
License	License
§97.11. Criteria and Eligibility for Licensing.	§558.11. Criteria and Eligibility for Licensing.
§97.13. Application Procedures for an Initial	§558.13. Application Procedures for an Initial
License.	License.
§97.15. Issuance of an Initial License.	§558.15. Issuance of an Initial License.
§97.17. Application Procedures for a Renewal	§558.17. Application Procedures for a Renewal
License.	License.
§97.19. Issuance of a Renewal License.	§558.19. Issuance of a Renewal License.
§97.21. Denial of an Application or a License.	§558.21. Denial of an Application or a License.
§97.23. Change of Ownership.	§558.23. Change of Ownership.
§97.25. Application Procedures and	§558.25. Application Procedures and
Requirements for Change of Ownership.	Requirements for Change of Ownership.
§97.27. Application and Issuance of a Branch	§558.27. Application and Issuance of a Branch
Office License.	Office License.
§97.29. Application and Issuance of an	§558.29. Application and Issuance of an
Alternate Delivery Site License.	Alternate Delivery Site License.
§97.30. Operation of an Inpatient Unit at	§558.30. Operation of an Inpatient Unit at
Parent Agency.	Parent Agency.
§97.31. Time Frames for Processing and	§558.31. Time Frames for Processing and
Issuing a License.	Issuing a License.
Subchapter C. Minimum Standards for All	Subchapter C. Minimum Standards for All
Home and Community Support Services	Home and Community Support Services
Agencies	Agencies
Division 1. General Provisions	Division 1. General Provisions
§97.201. Applicability.	§558.201. Applicability.
§97.202. Habilitation.	§558.202. Habilitation.
Division 2. Conditions of a License	Division 2. Conditions of a License
§97.208. Reporting Changes in Application	§558.208. Reporting Changes in Application
Information and Fees.	Information and Fees.
§97.210. Agency Operating Hours.	§558.210. Agency Operating Hours.

§97.211. Display of License.	§558.211 Display of License.
§97.212. License Alteration Prohibited.	§558.212 License Alteration Prohibited.
§97.213. Agency Relocation.	§558.213 Agency Relocation.
§97.214. Notification Procedures for a	§558.214 Notification Procedures for a
Change in Agency Contact Information and	Change in Agency Contact Information and
Operating Hours.	Operating Hours.
§97.215. Notification Procedures for an	§558.215 Notification Procedures for an
Agency Name Change.	Agency Name Change.
§97.216. Change in Agency Certification	§558.216 Change in Agency Certification
Status.	Status.
§97.217. Agency Closure Procedures and	§558.217 Agency Closure Procedures and
Voluntary Suspension of Operations.	Voluntary Suspension of Operations.
§97.218. Agency Organizational Changes.	§558.218 Agency Organizational Changes.
§97.219. Procedures for Adding or Deleting a	§558.219 Procedures for Adding or Deleting a
Category to the License.	Category to the License.
§97.220. Service Areas.	§558.220 Service Areas.
§97.222. Compliance.	§558.222 Compliance.
Division 3. Agency Administration	Division 3. Agency Administration
§97.241. Management.	§558.241 Management.
§97.242. Organizational Structure and Lines	§558.242 Organizational Structure and Lines
of Authority.	of Authority.
§97.243. Administrative and Supervisory	§558.243 Administrative and Supervisory
Responsibilities.	Responsibilities.
§97.244. Administrator Qualifications and	§558.244 Administrator Qualifications and
Conditions and Supervising Nurse	Conditions and Supervising Nurse
Qualifications.	Qualifications.
§97.245. Staffing Policies.	§558.245 Staffing Policies.
§97.246. Personnel Records.	§558.246 Personnel Records.
§97.247. Verification of Employability and	§558.247 Verification of Employability and
Use of Unlicensed Persons.	Use of Unlicensed Persons.
§97.248. Volunteers.	§558.248 Volunteers.
§97.249. Self-Reported Incidents of Abuse,	§558.249 Self-Reported Incidents of Abuse,
Neglect, and Exploitation.	Neglect, and Exploitation.
§97.250. Agency Investigations.	§558.250 Agency Investigations.
§97.251. Peer Review.	§558.251 Peer Review.
§97.252. Financial Solvency and Business	§558.252 Financial Solvency and Business
Records.	Records.
§97.253. Disclosure of Drug Testing Policy.	§558.253 Disclosure of Drug Testing Policy.
§97.254. Billing and Insurance Claims.	§558.254 Billing and Insurance Claims.
§97.255. Prohibition of Solicitation of	§558.255 Prohibition of Solicitation of
Patients.	Patients.
§97.256. Emergency Preparedness Planning	§558.256 Emergency Preparedness Planning
and Implementation.	and Implementation.
§97.257. Medicare Certification Optional.	§558.257 Medicare Certification Optional.
377.237. Modicate Confidencial Optional.	3555.257 Modicare Continuation Optional.

§97.259. Initial Educational Training in	§558.259. Initial Educational Training in
Administration of Agencies.	Administration of Agencies.
§97.260. Continuing Education in	§558.260. Continuing Education in
Administration of Agencies.	Administration of Agencies.
Division 4. Provision and Coordination of	Division 4. Provision and Coordination of
Treatment Services	Treatment Services
§97.281. Client Care Policies.	§558.281. Client Care Policies.
§97.282. Client Conduct and Responsibility	§558.282. Client Conduct and Responsibility
and Client Rights.	and Client Rights.
§97.283. Advance Directives.	§558.283. Advance Directives.
§97.284. Laboratory Services.	§558.284. Laboratory Services.
§97.285. Infection Control.	§558.285. Infection Control.
§97.286. Disposal of Special or Medical	§558.286. Disposal of Special or Medical
Waste.	Waste.
§97.287. Quality Assessment and	§558.287. Quality Assessment and Performance
Performance Improvement.	Improvement.
§97.288. Coordination of Services.	§558.288. Coordination of Services.
§97.289. Independent Contractors and	§558.289. Independent Contractors and
Arranged Services.	Arranged Services.
§97.290. Backup Services and After Hours	§558.290. Backup Services and After Hours
Care.	Care.
§97.291. Agency Dissolution.	§558.291. Agency Dissolution.
§97.292. Agency and Client Agreement and	§558.292. Agency and Client Agreement and
Disclosure.	Disclosure.
§97.293. Client List and Services.	§558.293. Client List and Services.
§97.294. Time Frame(s) for the Initiation of	§558.294. Time Frame(s) for the Initiation of
Care or Services.	Care or Services.
§97.295. Client Transfer or Discharge	§558.295. Client Transfer or Discharge
Notification Requirements.	Notification Requirements.
§97.296. Physician Delegation and	§558.296. Physician Delegation and
Performance of Physician-Delegated Tasks.	Performance of Physician-Delegated Tasks.
§97.297. Receipt of Physician Orders.	§558.297. Receipt of Physician Orders.
§97.298. Delegation of Nursing Tasks by	§558.298. Delegation of Nursing Tasks by
Registered Professional Nurses to Unlicensed	Registered Professional Nurses to Unlicensed
Personnel and Tasks Not Requiring	Personnel and Tasks Not Requiring
Delegation.	Delegation.
§97.299. Nursing Education, Licensure and	§558.299. Nursing Education, Licensure and
Practice.	Practice.
§97.300. Medication Administration.	§558.300. Medication Administration.
§97.301. Client Records.	§558.301. Client Records.
§97.302. Pronouncement of Death.	§558.302. Pronouncement of Death.
§97.303. Standards for Possession of Sterile	§558.303. Standards for Possession of Sterile
Water or Saline, Certain Vaccines or	Water or Saline, Certain Vaccines or
Tuberculin, and Certain Dangerous Drugs.	Tuberculin, and Certain Dangerous Drugs.

<b>Division 5. Branch Offices and Alternate</b>	Division 5. Branch Offices and Alternate
<b>Delivery Sites</b>	Delivery Sites
§97.321. Standards for Branch Offices.	§558.321. Standards for Branch Offices.
§97.322. Standards for Alternate Delivery	§558.322. Standards for Alternate Delivery
Sites.	Sites.
Subchapter D. Additional Standards	Subchapter D. Additional Standards Specific
Specific to License Category and Specific	to License Category and Specific to Special
to Special Services	Services
§97.401. Standards Specific to Licensed	§558.401. Standards Specific to Licensed
Home Health Services.	Home Health Services.
§97.402. Standards Specific to Licensed and	§558.402. Standards Specific to Licensed and
Certified Home Health Services.	Certified Home Health Services.
§97.404. Standards Specific to Agencies	§558.404. Standards Specific to Agencies
Licensed to Provide Personal Assistance	Licensed to Provide Personal Assistance
Services.	Services.
§97.405. Standards Specific to Agencies	§558.405. Standards Specific to Agencies
Licensed to Provide Home Dialysis Services.	Licensed to Provide Home Dialysis Services.
§97.406. Standards for Agencies Providing	§558.406. Standards for Agencies Providing
Psychoactive Services.	Psychoactive Services.
§97.407. Standards for Agencies Providing	§558.407. Standards for Agencies Providing
Home Intravenous Therapy.	Home Intravenous Therapy.
Subchapter E. Licensure Surveys	Subchapter E. Licensure Surveys
Division 1. General	Division 1. General
§97.501. Survey and Investigation Frequency.	§558.501. Survey and Investigation Frequency.
§97.503. Exemption From a Survey.	§558.503. Exemption From a Survey.
§97.505. Notice of a Survey.	§558.505. Notice of a Survey.
§97.507. Agency Cooperation with a Survey.	§558.507. Agency Cooperation with a Survey.
§97.509. Survey of a Branch Office, Alternate	§558.509. Survey of a Branch Office, Alternate
Delivery Site, and Services Provided.	Delivery Site, and Services Provided.
<b>Division 2. The Survey Process</b>	Division 2. The Survey Process
§97.521. Requirements for an Initial Survey.	§558.521. Requirements for an Initial Survey.
§97.523. Personnel Requirements for a	§558.523. Personnel Requirements for a
Survey.	Survey.
§97.525. Survey Procedures.	§558.525. Survey Procedures.
§97.527. Post-Survey Procedures.	§558.527. Post-Survey Procedures.
Subchapter F. Enforcement	Subchapter F. Enforcement
§97.601. Enforcement Actions.	§558.601. Enforcement Actions.
§97.602. Administrative Penalties.	§558.602. Administrative Penalties.
§97.603. Court Action.	§558.603. Court Action.
§97.604. Surrender or Expiration of a	§558.604. Surrender or Expiration of a
License.	License.
Subchapter G. Home Health Aides	Subchapter G. Home Health Aides
§97.701. Home Health Aides.	§558.701. Home Health Aides.

Subchapter H. Standards Specific to	Subchapter H. Standards Specific to
Agencies Licensed to Provide Hospice	Agencies Licensed to Provide Hospice
Services	Services
Division 1. Hospice General Provisions	Division 1. Hospice General Provisions
§97.801. Subchapter H Applicability.	§558.801 Subchapter H Applicability.
Division 2. Initial and Comprehensive	Division 2. Initial and Comprehensive
Assessment of a Hospice	Assessment of a Hospice
§97.810. Hospice Initial Assessment.	§558.810 Hospice Initial Assessment.
§97.811. Hospice Comprehensive	§558.811 Hospice Comprehensive
Assessment.	Assessment.
§97.812. Update of the Hospice	§558.812 Update of the Hospice
Comprehensive Assessment.	Comprehensive Assessment.
§97.813. Hospice Client Outcome Measures.	§558.813 Hospice Client Outcome Measures.
Division 3. Hospice Interdisciplinary Team,	Division 3. Hospice Interdisciplinary Team,
Care Planning, and Coordination of	Care Planning, and Coordination of
Services	Services
§97.820. Hospice Interdisciplinary Team.	§558.820 Hospice Interdisciplinary Team.
§97.821. Hospice Plan of Care.	§558.821 Hospice Plan of Care.
§97.822. Review of the Hospice Plan of Care.	§558.822 Review of the Hospice Plan of Care.
§97.823. Coordination of Services by the	§558.823 Coordination of Services by the
Hospice.	Hospice.
<b>Division 4. Hospice Core Services</b>	Division 4. Hospice Core Services
§97.830. Provision of Hospice Core Services.	§558.830 Provision of Hospice Core Services.
§97.831. Hospice Physician Services.	§558.831 Hospice Physician Services.
§97.832. Hospice Nursing Services.	§558.832 Hospice Nursing Services.
§97.833. Hospice Medical Social Services.	§558.833 Hospice Medical Social Services.
§97.834. Hospice Counseling Services.	§558.834 Hospice Counseling Services.
<b>Division 5. Hospice Non-Core Services</b>	Division 5. Hospice Non-Core Services
§97.840. Provision of Hospice Non-Core	§558.840 Provision of Hospice Non-Core
Services.	Services.
§97.841. Physical Therapy, Occupational	§558.841 Physical Therapy, Occupational
Therapy, and Speech-Language Pathology	Therapy, and Speech-Language Pathology
Services.	Services.
§97.842. Hospice Aide Services.	§558.842 Hospice Aide Services.
§97.843. Hospice Aide Qualifications.	§558.843 Hospice Aide Qualifications.
§97.844. Hospice Homemaker Services.	§558.844 Hospice Homemaker Services.
§97.845. Hospice Homemaker Qualifications.	§558.845 Hospice Homemaker Qualifications.
§97.846. Services Provided Under a State	§558.846 Services Provided Under a State
Medicaid Personal Care Benefit.	Medicaid Personal Care Benefit.
Division 6. Hospice Organization and	Division 6. Hospice Organization and
Administration of Services	Administration of Services
§97.850. Organization and Administration of	§558.850 Organization and Administration of
Hospice Services.	Hospice Services.
§97.851. Hospice Services Provided by a	§558.851 Hospice Services Provided by a
Licensed Person.	Licensed Person.

§97.852. Hospice Governing Body and	§558.852. Hospice Governing Body and
Administrator.	Administrator.
§97.853. Hospice Infection Control Program.	§558.853. Hospice Infection Control Program.
§97.854. Hospice Professional Management	§558.854. Hospice Professional Management
Responsibility.	Responsibility.
§97.855. Criminal Background Checks.	§558.855. Criminal Background Checks.
§97.856. Hospice Alternate Delivery Sites.	§558.856. Hospice Alternate Delivery Sites.
§97.857. Hospice Staff Training.	§558.857. Hospice Staff Training.
§97.858. Hospice Medical Director.	§558.858. Hospice Medical Director.
§97.859. Hospice Discharge or Transfer of	§558.859. Hospice Discharge or Transfer of
Care.	Care.
§97.860. Provision of Drugs, Biologicals,	§558.860. Provision of Drugs, Biologicals,
Medical Supplies, and Durable Medical	Medical Supplies, and Durable Medical
Equipment by a Hospice.	Equipment by a Hospice.
§97.861. Hospice Short-term Inpatient Care.	§558.861. Hospice Short-term Inpatient Care.
0 1	0 1
<b>Division 7. Hospice Inpatient Units</b>	<b>Division 7. Hospice Inpatient Units</b>
Division 7. Hospice Inpatient Units	<b>Division 7. Hospice Inpatient Units</b>
<b>Division 7. Hospice Inpatient Units</b> §97.870. Staffing in a Hospice Inpatient Unit.	<b>Division 7. Hospice Inpatient Units</b> §558.870. Staffing in a Hospice Inpatient Unit.
<b>Division 7. Hospice Inpatient Units</b> §97.870. Staffing in a Hospice Inpatient Unit. §97.871. Physical Environment in a Hospice	<b>Division 7. Hospice Inpatient Units</b> §558.870. Staffing in a Hospice Inpatient Unit. §558.871. Physical Environment in a Hospice
<b>Division 7. Hospice Inpatient Units</b> §97.870. Staffing in a Hospice Inpatient Unit. §97.871. Physical Environment in a Hospice Inpatient Unit.	<b>Division 7. Hospice Inpatient Units</b> §558.870. Staffing in a Hospice Inpatient Unit. §558.871. Physical Environment in a Hospice Inpatient Unit.
<b>Division 7. Hospice Inpatient Units</b> §97.870. Staffing in a Hospice Inpatient Unit. §97.871. Physical Environment in a Hospice Inpatient Unit. <b>Division 8. Hospices That Provide Hospice</b>	Staffing in a Hospice Inpatient Units §558.870. Staffing in a Hospice Inpatient Unit. §558.871. Physical Environment in a Hospice Inpatient Unit.  Division 8. Hospices That Provide Hospice
Division 7. Hospice Inpatient Units §97.870. Staffing in a Hospice Inpatient Unit. §97.871. Physical Environment in a Hospice Inpatient Unit. Division 8. Hospices That Provide Hospice Care to Residents of a Skilled Nursing Facility, Nursing Facility, or Intermediate Care Facility for Individuals with an	Division 7. Hospice Inpatient Units  §558.870. Staffing in a Hospice Inpatient Unit.  §558.871. Physical Environment in a Hospice Inpatient Unit.  Division 8. Hospices That Provide Hospice Care to Residents of a Skilled Nursing
Division 7. Hospice Inpatient Units §97.870. Staffing in a Hospice Inpatient Unit. §97.871. Physical Environment in a Hospice Inpatient Unit. Division 8. Hospices That Provide Hospice Care to Residents of a Skilled Nursing Facility, Nursing Facility, or Intermediate	Division 7. Hospice Inpatient Units §558.870. Staffing in a Hospice Inpatient Unit. §558.871. Physical Environment in a Hospice Inpatient Unit.  Division 8. Hospices That Provide Hospice Care to Residents of a Skilled Nursing Facility, Nursing Facility, or Intermediate
Division 7. Hospice Inpatient Units §97.870. Staffing in a Hospice Inpatient Unit. §97.871. Physical Environment in a Hospice Inpatient Unit. Division 8. Hospices That Provide Hospice Care to Residents of a Skilled Nursing Facility, Nursing Facility, or Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions	Division 7. Hospice Inpatient Units §558.870. Staffing in a Hospice Inpatient Unit. §558.871. Physical Environment in a Hospice Inpatient Unit.  Division 8. Hospices That Provide Hospice Care to Residents of a Skilled Nursing Facility, Nursing Facility, or Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions
Division 7. Hospice Inpatient Units §97.870. Staffing in a Hospice Inpatient Unit. §97.871. Physical Environment in a Hospice Inpatient Unit. Division 8. Hospices That Provide Hospice Care to Residents of a Skilled Nursing Facility, Nursing Facility, or Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions §97.880. Providing Hospice Care to a	Division 7. Hospice Inpatient Units §558.870. Staffing in a Hospice Inpatient Unit. §558.871. Physical Environment in a Hospice Inpatient Unit. Division 8. Hospices That Provide Hospice Care to Residents of a Skilled Nursing Facility, Nursing Facility, or Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions §558.880. Providing Hospice Care to a Resident
Division 7. Hospice Inpatient Units  §97.870. Staffing in a Hospice Inpatient Unit.  §97.871. Physical Environment in a Hospice Inpatient Unit.  Division 8. Hospices That Provide Hospice Care to Residents of a Skilled Nursing Facility, Nursing Facility, or Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions  §97.880. Providing Hospice Care to a Resident of a Skilled Nursing Facility,	Division 7. Hospice Inpatient Units  §558.870. Staffing in a Hospice Inpatient Unit.  §558.871. Physical Environment in a Hospice Inpatient Unit.  Division 8. Hospices That Provide Hospice Care to Residents of a Skilled Nursing Facility, Nursing Facility, or Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions  §558.880. Providing Hospice Care to a Resident of a Skilled Nursing Facility, Nursing Facility,
Division 7. Hospice Inpatient Units §97.870. Staffing in a Hospice Inpatient Unit. §97.871. Physical Environment in a Hospice Inpatient Unit. Division 8. Hospices That Provide Hospice Care to Residents of a Skilled Nursing Facility, Nursing Facility, or Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions §97.880. Providing Hospice Care to a Resident of a Skilled Nursing Facility, Nursing Facility, or Intermediate Care	S558.870. Staffing in a Hospice Inpatient Unit.  §558.871. Physical Environment in a Hospice Inpatient Unit.  §558.871. Physical Environment in a Hospice Inpatient Unit.  Division 8. Hospices That Provide Hospice Care to Residents of a Skilled Nursing Facility, Nursing Facility, or Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions  §558.880. Providing Hospice Care to a Resident of a Skilled Nursing Facility, Nursing Facility, or Intermediate Care Facility for Individuals
Division 7. Hospice Inpatient Units §97.870. Staffing in a Hospice Inpatient Unit. §97.871. Physical Environment in a Hospice Inpatient Unit.  Division 8. Hospices That Provide Hospice Care to Residents of a Skilled Nursing Facility, Nursing Facility, or Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions §97.880. Providing Hospice Care to a Resident of a Skilled Nursing Facility,	Division 7. Hospice Inpatient Units  §558.870. Staffing in a Hospice Inpatient Unit.  §558.871. Physical Environment in a Hospice Inpatient Unit.  Division 8. Hospices That Provide Hospice Care to Residents of a Skilled Nursing Facility, Nursing Facility, or Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions  §558.880. Providing Hospice Care to a Resident of a Skilled Nursing Facility, Nursing Facility,