



COMMISSIONER
Chris Traylor

October 24, 2011

To: Home and Community Support Services Agencies (HCSSAs)

Subject: Provider Letter 11-35 – Guidance to HCSSAs when the Department of Aging and Disability Services (DADS) Internet Website is Unavailable

Effective: December 1, 2010

This letter notifies HCSSAs that they must still meet the applicable standards and requirements at Texas Administrative Code (TAC) Title 40, Part 1, Chapter 97, §97.247(a)(3) and §97.247(b)(3) pertaining to searching the nurse aide registry (NAR) and the employee misconduct registry (EMR) when the DADS Internet website (<http://www.dads.state.tx.us>) is unavailable.

To maintain compliance with 40 TAC §97.247(a)(3) and §97.247(b)(3), a HCSSA can call the toll-free telephone line (1-800-452-3934) instead of using the DADS Internet website to search the NAR and the EMR when the DADS website is unavailable.

HCSSAs are required to include documentation in the personnel record of the individual of the NAR and EMR results obtained by calling 1-800-452-3934 when the DADS website is unavailable. The documentation must verify that the unlicensed person was not listed in the NAR and EMR as unemployable (refer to 40 TAC §97.246(a)(6)(A)). There is no requirement for a HCSSA to later print out the results of the initial or annual search of the NAR and EMR when using the 1-800 number during the time period that the DADS website was unavailable. Additionally, should DADS issue an electronic notice that its Internet website is unavailable, HCSSAs may keep a dated copy of the electronic notice or a copy of the print screen of the unavailable web site for survey purposes.

If you have questions regarding the content of this letter, please contact a HCSSA policy specialist in the Policy, Rules and Curriculum Development unit at (512) 438-3161.

Sincerely,

[signature on file]

Veronda L. Durden
Assistant Commissioner
Regulatory Services

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