



COMMISSIONER
Chris Traylor

September 28, 2011

To: Assisted Living Facilities (ALFs)

Subject: **Provider Letter 11-37** – Skilled Nursing Services in an ALF

Senate Bill 7, 82nd Legislature, First Called Session, 2011, amended Section 247.002 of the Health and Safety Code (HSC) and revised the definition of an ALF to authorize an ALF to use its staff to provide skilled nursing services for the following four limited purposes:

- 1) coordination of resident care with outside home and community support services agencies and other health care professionals;
- 2) provision or delegation of personal care services and medication administration as described in HSC Section 247.002;
- 3) assessment of residents to determine the care required; and
- 4) delivery of temporary skilled nursing treatment for a minor illness, injury, or emergency for periods of time as established by department rule.

Senate Bill 7 also amended Section 247.067 of the HSC to expressly authorize a facility to employ a health care professional to provide authorized services to residents at the facility that are within the professional's scope of practice. Note: The terms "health care professional," "personal care services," and "medication administration," used above, are defined in [HSC Chapter 247](#) or Texas Administrative Code, Title 40, Part 1, Subsection 92.2, [Licensing Standards for Assisted Living Facilities](#) or both.

The provisions of Senate Bill 7 summarized above are effective September 28, 2011. The Department of Aging and Disability Services (DADS) will be establishing by department rule the periods of time when an ALF may deliver temporary skilled nursing treatment for a minor illness, injury, or emergency; DADS intends to establish the periods of time as 30 days or less in duration. ALF providers may subscribe to receive free electronic notices about future rule amendments by clicking on the "E-mail updates" tab on the DADS home page at www.dads.state.tx.us.

Please be advised that this letter does not address all the changes resulting from Senate Bill 7. Senate Bill 7 can be reviewed at <http://www.capitol.state.tx.us/>. Please continue to check the [Texas Constitution and Statutes](#) home page for amended HSC Chapter 247; that website may not reflect changes made to the law during the 82nd Legislature until 2012.

If you have questions about these changes, please contact an ALF 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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