



COMMISSIONER
Chris Traylor

March 26, 2012

To: Adult Day Care Facilities (ADCs), Assisted Living Facilities (ALFs), Home and Community Support Services Agencies (HCSSAs), licensed Intermediate Care Facilities for Persons with an Intellectual Disability (ICFs/ID) and Nursing Facilities (NFs)

Subject: **Provider Letter 12-18** – Identifying Information Required on Licensure Applications
(Replaces Provider Letter 07-10 issued May 1, 2007)

The purpose of this letter is to remind providers that, since June 1, 2007, all applicants, controlling parties, and affiliates have been required to provide their dates of birth (DOB) on applications for facility and agency licenses. Such applications have also asked them to voluntarily provide their Social Security numbers (SSNs). A DOB and SSN helps the Texas Department of Aging and Disability Services (DADS) conduct criminal history checks.

Licensing rules for each type of provider state that an applicant for a license may have his or her application denied or refused if the applicant or person who is required to submit background information is subject to denial or refusal based on a criminal conviction (as described in Texas Administrative Code, Title 40, Part 1, [Chapter 99](#), Denial or Refusal of License). The licensing rules in reference are at:

- 40 TAC §[19.201](#)(e), 40 TAC §19.201(h)(2), and 40 TAC §[19.214](#)(a)(1) for NFs;
- 40 TAC §[90.11](#)(d)(1)(2) and 40 TAC §[90.17](#)(a)(1) for ICFs/ID;
- 40 TAC §[92.11](#)(c) and 40 TAC §92.11(h)(9) for ALFs;
- 40 TAC §[97.11](#)(g) and 40 TAC §97.11(h)(1)(A) for HCSSAs; and
- 40 TAC §[98.11](#)(e) and 40 TAC §[98.19](#)(a)(1) for ADCs.

Therefore, DADS performs a nationwide criminal history search on all owners, applicants, controlling parties, and affiliates prior to issuance of a license.

DADS has found that an accurate criminal history search requires a DOB and SSN, in addition to the name and address of the applicant, controlling party, or affiliate. If the information required to conduct a successful background check is not provided, DADS will send a written request for the information with notice that DADS cannot process the application unless the applicant provides the requested information by a specified date. DADS will also inform the applicant that **disclosure of an SSN is voluntary**; however, if DADS is unable to conduct a successful search, the application may be denied. Please be assured that DADS keeps all applications and submitted information in secure locations and respects the confidentiality of the requested information to the extent authorized under the Texas Public Information Act.

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For questions regarding the content of this letter, please contact the manager for the Provider Licensing Enforcement Unit at (512) 438-2537. For questions regarding license issuance, contact the manager for Professional and Technical Review at (512) 438-2348.

Sincerely,

[signature on file]

Veronda L. Durden
Assistant Commissioner
Regulatory Services

VLD:dlm