



COMMISSIONER  
Jon Weizenbaum

August 29, 2014

To: Assisted Living Facilities (ALFs) and Nursing Facilities (NFs)

Subject: Provider Letter 14-26 – Documentation of Guardianship Status in Resident Records

The purpose of this letter is to provide guidance to ALFs and NFs about obtaining documentation regarding the guardianship status of a resident admitted to an ALF or NF. This guidance is for all ALFs and NFs and includes facilities with an Alzheimer's certification.

A NF must conduct initial and periodic comprehensive, accurate, standardized, reproducible assessments of each resident's functional capacity as required by 40 TAC §[19.801](#). An ALF must conduct a resident initial comprehensive assessment and update the resident's service plan annually or upon a change in condition as required by 40 TAC §[92.41\(c\)](#). If a resident's functional status has led to the appointment of a guardian, the assessment process should lead the facility to identify this fact. If during an assessment, a facility discovers a resident's has a guardianship order, the facility should update the resident's records with this information.

A resident's guardianship status and a facility's documentation of a resident's guardianship status may be considered during a complaint investigation or licensure or certification inspection. Therefore, when a resident has a legal guardian, it is advisable for a facility to obtain documentation of the resident's guardianship status and the extent to which the resident is able to make decisions regarding his or her daily needs, care, and safety.

If you have any questions, please contact a policy specialist in the Regulatory Services Policy, Rules and Curriculum Development unit at 512-438-3161.

Sincerely,

*[signature on file]*

Mary T. Henderson  
Assistant Commissioner, Regulatory Services

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