



COMMISSIONER
Jon Weizenbaum

Date: August 31, 2016

To: Nursing Facilities (NFs)

Subject: Provider Letter No. 16-33 — Top Non-Compliance Trends with the Preadmission Screening and Resident Review (PASRR) Requirements

The Texas Department of Aging and Disability Services (DADS) is issuing this provider letter to remind providers that individuals with mental illness (MI), an intellectual disability (ID), or a developmental disability (DD) must be identified prior to NF admission. If a NF admits an individual with MI, an ID, or a DD, the NF must also ensure the individual receives the specialized services they may require to be maintained in the NF.

DADS Regulatory Services surveys for PASRR requirements at each survey and investigates PASRR complaints from various sources. Below, DADS identified the top non-compliance trends with the PASRR requirements in the [Texas Administrative Code \(TAC\) Title 40, Part 1, Chapter 19, Subchapter BB](#) (note: in numerical order):

- **§19.2704(b)** - A nursing facility must not admit an individual who has not had a PASRR Level I screening (PL1) conducted before the individual is admitted to the facility.
- **§19.2704(c)** - If an individual's PL1 indicates the individual is not suspected of having MI, ID, or DD, a nursing facility must enter the PL1 from the referring entity into the Long Term Care (LTC) Online Portal. The nursing facility may admit the individual into the facility through the routine admission process.
- **§19.2704(d)(1)(A)-(B)(2)** - For an individual whose PL1 indicates the individual is suspected of having MI, ID, or DD, a nursing facility:
 - (1) must enter the PL1 into the LTC Online Portal if the individual's admission category is:
 - (A) expedited admission; or
 - (B) exempted hospital discharge; and
 - (2) must not enter the PL1 into the LTC Online Portal if the individual's admission category is pre-admission.
- **§19.2704(g)** - A nursing facility must check the LTC Online Portal daily for messages related to admissions and directives related to the PASRR process.
- **§19.2704(h)(2)** - Within seven calendar days after the Local Intellectual Developmental Disabilities Authority (LIDDA) or Local Mental Health Authority (LMHA) has entered a PASRR Level II evaluation (PE) or resident review into the LTC Online Portal for an individual or resident who has MI, ID, or DD, a nursing facility must:
 - (2) certify in the LTC Online Portal whether the individual's or resident's needs can be met in the nursing facility.
- **§19.2704(i)(1)-(2)** - After an individual or resident who is determined to have MI, ID, or DD from a PE or resident review has been admitted into a nursing facility, the facility must:
 - (1) contact the LIDDA or LMHA after the individual's admission or, for a resident after the LTC Online Portal generated an automated notification to the LIDDA or LMHA, to schedule an IDT meeting to discuss nursing facility specialized services, LIDDA
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- specialized services, and LMHA specialized services; and
- (2) convene the IDT as defined by 40 TAC §19.2703(14) meeting within 14 calendar days after admission or, for a resident review, within 14 calendar days after the LTC Online Portal generated an automated notification to the LIDDA or LMHA.
- **§19.2704(i)(3)(A)-(B)** - After an individual or resident who is determined to have MI, ID, or DD from a PE or resident review has been admitted into a nursing facility, the facility must participate in the IDT meeting to:
 - (A) identify which of the nursing facility specialized services, LIDDA specialized services, and LMHA specialized services recommended for the resident that the resident, or LAR on the resident's behalf, wants to receive; and
 - (B) determine whether the resident is best served in a facility or community setting.
 - **§19.2704(i)(5)(A)-(D)** - After an individual or resident who is determined to have MI, ID, or DD from a PE or resident review has been admitted into a nursing facility, the facility must enter into the LTC Online Portal within 3 business days after the IDT meeting for a resident the following information:
 - (A) the date of the IDT meeting;
 - (B) the name of the persons who participated in the IDT meeting;
 - (C) the nursing facility specialized services, LIDDA specialized services, LMHA specialized that were agreed to in the IDT meeting; and
 - (D) the determination of whether the resident is best served in a facility or community setting.
 - **§19.2704(i)(7)(A)(B)** - After an individual or resident who is determined to have MI, ID, or DD from a PE or resident review has been admitted into a nursing facility, the facility must, if Medicaid or other funding is available:
 - (A) initiate nursing facility specialized services within 30 days after the date that the services are agreed to in the IDT meeting; and
 - (B) provide nursing facility specialized services agreed to in the IDT meeting to the resident.
 - **§19.2709(1)(2)** - In addition to reporting incidents and complaints, including abuse and neglect, to DADS as required by §19.602 of this chapter (relating to Incidents of Abuse and Neglect Reportable to the Texas Department of Aging and Disability Services (DADS) and Law Enforcement Agencies by Facilities) and §19.2006 of this chapter (relating to Reporting Incidents and Complaints), a nursing facility must report the information by making a telephone report immediately after learning of the incident or complaint:
 - (1) to the service coordinator, if it involves a designated resident; and
 - (2) to the LMHA representative, if it involves a resident with MI receiving LMHA specialized services.

As a reminder, a nursing facility must complete a new PL1 per 40 TAC §19.2704(a)(1) when there is a change of ownership (CHOW) or NF-to-NF transfer. In the case of a NF-to-NF transfer, the referring facility must provide the receiving facility with a paper copy of the current PL1.

DADS is providing the information above to alert providers of the areas that need attention. Please remember, if the PASRR Unit, LIDDA, or LMHA identifies possible non-compliance with the requirements in Title 40, Part 1, Chapter 19, [Subchapter BB](#) such non-compliance may be referred to DADS' Consumer Rights and Services to be handled as a possible complaint.

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If you are in need of technical assistance regarding PASRR, please contact the PASRR Unit at 1-855-435-7180, local 512-438-3028, or email at pasrr@dads.state.tx.us. If you have questions about this letter, please contact a policy specialist in the Policy, Rules and Curriculum Development section at (512) 438-3161.

Sincerely,

[signature on file]

Mary T. Henderson
Assistant Commissioner
Regulatory Services

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