

MEMORANDUM

Department of Aging and Disability Services
Regulatory Services Policy – Survey and Certification Clarification (S&CC)

TO: Regulatory Services- Regional Directors, Program Managers, Survey Staff
and Licensing and Credentialing Unit

FROM: Mary T. Henderson
Assistant Commissioner for Regulatory Services

SUBJECT: S&CC 13-05 – The Texas Department of Aging and Disability Services (DADS)
Form 2020 Notification of Readiness for Initial Survey (Replaces S&CC #06-09)

APPLIES TO: Home and Community Support Services Agencies (HCSSAs)

DATE: January 10, 2013

This memorandum provides guidance to HCSSAs regarding the DADS Form 2020 Notification of Readiness for Initial Survey.

After DADS issues an initial license to an agency, Texas Administrative Code (TAC), Title 40, Part 1, Chapter 97, §97.521(a)(2) requires the following. An agency must request an initial survey no later than six months after the effective date of an agency's initial license. An agency must submit the DADS Form 2020 to the designated regional office to request an initial licensure survey (after admitting clients and providing services) as described in 40 TAC §97.521(b). The requirement also applies to an initial license issued to an agency after a change in ownership (CHOW).

An agency is not required to request an initial licensure survey to comply with 40 TAC §97.521(a)(2) if the agency is exempt from the survey as specified in §97.503 (relating to Exemption From a Survey). With the exception of complaint investigations, an agency is exempt from additional surveys by DADS if the agency maintains accreditation status for the applicable services from the Joint Commission (JC) [formerly the Joint Commission on Accreditation of Healthcare Organization (JCAHO)] or the Community Health Accreditation Program, Inc. (CHAP). The agency must send the accreditation documentation from JC or CHAP to the DADS designated survey office no later than six months after the effective date of its license. If the agency is licensed and Medicare-certified, the DADS licensing unit must have confirmation from the Centers for Medicare & Medicaid Services (CMS) of the agency's accreditation status in addition to the agency's accreditation documentation to exempt the agency from survey.

General Questions

Question #1: What is the purpose of the DADS Form 2020 Notification of Readiness for Initial Survey?

An agency uses the DADS Form 2020 to notify the designated regional survey office, in a manner consistent with regulatory requirements, that the agency is ready for DADS to conduct an initial licensure survey.

Question #2: Does an agency have to use the DADS Form 2020 to request an initial licensure survey?

Yes. To meet the requirement at 40 TAC §97.521(c), an agency must use the DADS Form 2020 to request an initial licensure survey.

Question #3: Does a newly licensed hospice agency with an inpatient unit have to use the DADS Form 2020 to request an initial licensure survey?

Yes. After DADS issues an initial license to a new parent hospice with an inpatient unit, the hospice agency must provide both routine hospice home services to a least one client and inpatient services to a least one client before submitting the DADS Form 2020 to the designated survey office.

Question #4: How can an agency access and use the DADS Form 2020?

The DADS Form 2020 is available on the DADS Forms and Instruction website at:
<http://dadsview.dads.state.tx.us/forms/list.asp?group=0000>.

Agency staff can mail or fax the completed DADS Form 2020 to the designated regional survey office to notify the survey office that the agency is ready for the initial licensure survey.

Question #5: When does an agency need to submit the DADS Form 2020?

As required in 40 TAC §[97.521\(a\)\(2\)](#), an agency must request an initial survey no later than six months after the effective date of an agency's initial license. Before submitting the DADS Form 2020 to the designated survey office, an agency must admit clients and provide services as described in 40 TAC §[97.521\(b\)](#).

Question #6: Are there other times when an agency will need to use the DADS Form 2020?

Yes. When an agency receives an initial license after a CHOW, the agency will need to request an initial licensure survey by submitting the DADS Form 2020 to the designated survey office.

Question #7: Are there other times when a parent hospice agency with an inpatient unit will need to use the DADS Form 2020?

Yes. A parent hospice agency with an inpatient unit will need to use the DADS Form 2020 after DADS issues an initial license to the new parent hospice agency resulting from a CHOW. A parent hospice agency with an inpatient unit will also need to use the DADS Form 2020 to request an initial licensure health survey when there is a physical address change in the parent hospice agency's inpatient unit.

Question #8: Can an agency be exempt from sending the DADS Form 2020 to the designated regional survey office?

An agency is not required to request an initial survey in accordance with 40 TAC §97.521(a)(2) if the agency is exempt from the survey as specified in §97.503 (relating to Exemption From a Survey). The agency must send the accreditation documentation from JC or CHAP to the DADS designated survey office no later than six months after the effective date of its license. If the agency is licensed and Medicare-certified, the DADS licensing unit must have confirmation from CMS of the agency's accreditation status, in addition to the agency's accreditation documentation to exempt the agency from survey.

Question #9: What happens if my agency becomes accredited by JC or CHAP after my agency submits the DADS Form 2020 to the designated regional survey office?

If an agency receives written notice of accreditation from JC or CHAP after the agency submits the DADS Form 2020, the agency must send the accreditation documentation to the regional office. If the agency is licensed and Medicare-certified, the DADS licensing unit must have confirmation from CMS of the agency's accreditation status in addition to the agency's accreditation documentation to exempt the agency from survey.

Question #10: My agency has chosen to seek accreditation with the Accreditation Commission for Health Care (ACHC). Do I have to submit the DADS Form 2020 for my newly licensed agency?

Yes. At this time, DADS does not recognize an ACHC accreditation as an accreditation that meets the exemption at 40 TAC §97.503. No later than six months after the effective date of an agency's initial license, an agency must submit the DADS Form 2020 to request an initial licensure survey as required in 40 TAC [§97.521\(a\)\(2\)](#).

Question #11: Can an agency complete Section 2 on the DADS Form 2020 and submit the form to the designated survey office to ask DADS to conduct an initial Medicare certification survey?

No. DADS will not conduct an initial Medicare survey for a newly licensed HCSSA unless the agency receives an approval letter and DADS receives confirmation from the CMS Regional Office (RO) for an "access-to-care" exemption to the priority assignment for an initial Medicare health survey. For additional information, refer to CMS Regional Survey and Certification Letter No. 10-01 [Processing of Potential Provider Requests for Exception to the Priority Assignment of Initial Surveys](#).

Question #12: Can an agency complete Section 2 on the DADS Form 2020 if an agency received an approval letter from the CMS RO for an "access-to-care" exemption?

Yes. If an agency receives an approval letter from the CMS RO for an "access-to-care" exemption for an initial Medicare health survey, the agency must complete Section 2 of the DADS Form 2020 to request an initial Medicare certification survey. The agency must send the CMS RO approval letter with the DADS Form 2020 to the designated survey office. Before DADS will conduct an initial survey, the DADS Licensing unit must also receive confirmation from CMS of the agency's access-to-care exemption to the priority assignment for an initial Medicare survey.

Question #13: Can a parent hospice agency with an inpatient unit complete Section 2 of the DADS Form 2020 and submit the form to the designated survey office to ask DADS to conduct an initial Medicare certification and an initial Medicare health survey of the parent hospice agency with an inpatient unit?

No. DADS will not conduct an initial Medicare survey for a newly licensed parent hospice agency with an inpatient unit unless the hospice agency receives an approval letter and DADS receives confirmation from the CMS RO for an “access-to-care” exemption to the priority assignment for an initial Medicare health survey. For additional information, refer to CMS Regional Survey and Certification Letter No.10-01 [Processing of Potential Provider Requests for Exception to the Priority Assignment of Initial Surveys.](#)

Question #14: Can a parent hospice agency with an inpatient unit complete Section 2 on the DADS Form 2020 if the agency received an approval letter from the CMS RO for an “access-to-care” exemption?

Yes. If a parent hospice agency with an inpatient unit receives an approval letter from the CMS RO for an “access-to-care” exemption for an initial Medicare certification and an initial Medicare health survey for the inpatient unit, the agency must complete Section 2 of the DADS Form 2020 to request an initial Medicare certification survey. The agency must send the CMS RO letter with the DADS Form 2020 to the designated survey office. Before DADS will conduct an initial survey, the DADS Licensing unit must also receive confirmation from CMS of the agency’s access-to-care exemption to the priority assignment for an initial Medicare survey for the hospice agency with an inpatient unit.

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