

Assisted Living Information Sheet

Definition of an Assisted Living Facility

Under Texas law, an assisted living facility is an establishment that:

- (A) furnishes, in one or more facilities, food and shelter to **four or more** persons who are unrelated to the proprietor of the establishment;
- (B) provides:
 - (i) personal care services; or
 - (ii) administration of medication by a person licensed or otherwise authorized in this state to administer the medication;
- (C) may provide assistance with or supervision of the administration of medication; and
- (D) may provide skilled nursing services for the following limited purposes:
 - (i) coordination of resident care with outside home and community support services agencies and other health care professionals;
 - (ii) provision or delegation of personal care services and medication administration as described by Health and Safety Code, Chapter 247;
 - (iii) assessment of residents to determine the care required; and
 - (iv) for periods of time as established by department rule, delivery of temporary skilled nursing treatment for a minor illness, injury, or emergency.

Laws and Regulations

The state laws pertaining to assisted living facilities are contained, for the most part, in Health and Safety Code, Chapter 247. The state regulations/standards that govern ALFs are contained in the Texas Administration Code, Title 26, Part I, Chapter 553.

Types of Assisted Living Facilities

Assisted living facilities (ALFs) must be licensed to operate in Texas. The Texas Health and Human Services (HHSC) licenses assisted living facilities based on residents' physical and mental ability to evacuate the facility in an emergency and whether nighttime attendance is necessary.

- A **Type A facility** cares for residents who do not require routine attendance during sleeping hours and are capable of following directions in an emergency.
- A **Type B facility** is for residents who require staff assistance to evacuate, are not capable of following directions in an emergency and require nighttime attendance.

Additionally, HHSC classifies facilities based on size - a large ALF is 17 residents or more and a small ALF is 16 residents or fewer.

Assisted Living Information Sheet

Alzheimer's Disease and Related Disorders Certification

A Type B assisted living facility can have a memory care unit / be Alzheimer certified. Additional requirements need to be met to achieve certification and there are additional fees.

Note, a facility that advertises, markets, or otherwise promotes that the facility or a distinct unit of the facility provides specialized care for persons with Alzheimer's disease or related disorders must be certified or have the unit certified.

Licensing Process

HHSC licenses and certifies ALFs based upon compliance with state regulations. To become licensed, a location must:

- Complete the pre-survey computer-based training.
- Properly complete and submit the electronic license application.
- Upload all required documents.
- Pay the required license fee.
- Electronically submit appropriate ownership documents.
- Pass on-site Life Safety Code and Health inspections.
- Be approved by the Licensure and Certification Unit.

Licensure Fees

- The license fee is \$300, plus \$15 for each bed for which a license is sought, with a maximum of \$2,250 for a three-year license. The license fee for a two-year license issued in accordance with §553.15(b)(1) or (c)(1) of this chapter is \$200, plus \$10 for each bed for which a license is sought, with a maximum of \$1,500. The fee must be paid with an initial application, change of ownership application, or renewal application.
- Increase capacity fee: \$15.00 per bed.
- Late fee of one half the basic fee will be assessed if the renewal application is submitted less than 45 days before the license expiration date.

Time Frames

License application for an initial, renewal, CHOW and or relocation:

- Upon receipt of a license application in the HHSC Licensing and Credentialing Unit has up 30 days to review the application.
- If HHSC receives an incomplete application, the HHSC Licensing and Credentialing Unit will notify the applicant in writing of any deficient items in the application. The applicant must respond with complete and correct information within **30 days** from the date of notification. If the application is no completed timely the application will be denied.
- The applicant must provide written notice the building is in compliance with the Subchapter D of the Licensing Standards for Assisted Living Facilities and ready for a LSC survey. (Initial and Relocation applications.)

Assisted Living Information Sheet

- When the LSC survey is passed one resident but no more than three may be admitted to the building. The applicant must submit a written notification that at least one resident has been admitted and the location is ready for the health survey. (Initial and relocation applications)
- Upon receipt of a complete application and LSC and Health survey approvals, the Licensing and Credentialing Unit will issue the license within 45 days.
- If a location does not complete the application or pass LSC or health surveys the application will be denied.

Types of Applications

- **Initial** - An initial application, is a application that has never been issued a license to operate in Texas.
- **Change of Ownership** - A Change of Ownerships (CHOW) occurs when the facility changes its Tax Identification Number.
- **Renewal**- A renewal application for a current license holder must be submitted at least 45 days prior to licensure expiration date. Late fee may apply. Any application submitted after the licensure expiration date will not be accepted.
- **Relocation** - A license may not be transferred from one location to another without prior notice to HHSC. 26 TAC §553.17

Changes of Information

- **Change in the facility name (legal entity or doing business as)**- If license holder intends to change its name (legal entity or doing business as) but does not undergo a change of ownership, the change must report the name change. Another license will be issued to reflect this change.
- **Changes in telephone number** - Changes in telephone number or operating hours must be submitted in writing as soon as possible.
- **Fax number and email address**- report as soon as possible.
- **Changes in management** - report as soon as possible.
- **Changes in Controlling Person (Stock Transfers)**- Changes in controlling person, as defined in 26 TAC §553.2(b)(16), report as soon as possible.
- **Closures**- A license holder must notify HHSC in writing about the closure and return the license.

TULIP – The online licensing portal

- The following link will direct you to the TULIP information page:
<https://hhs.texas.gov/doing-business-hhs/licensing-credentialing-regulation/tulip-online-licensure-application-system>

Assisted Living Information Sheet

- The following link will direct you to the TULIP website to access the ALF application:
<https://txhhs.force.com/TULIP/s/login/?startURL=%2FTULIP%2Fs%2F&ec=302>

The following links will direct you to the licensing standards and statutes for ALFs

- Chapter 553, Licensing Standards for Assisted Living Facilities:
[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=26&pt=1&ch=553](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=26&pt=1&ch=553)
- Health and Safety Code Chapter 247- Assisted Living Facilities:
<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.247.htm>
[http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=40&pt=1&ch=90](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=1&ch=90)

Assisted Living Facility Checklists

[Form 2382, Assisted Living Facilities Checklist](#)

[Form 2383, Alzheimer's Certification Checklist](#)

[Form 2384, Life Safety Code Checklist for Type A&B Facilities - 40 TAC §92.61](#)

[Form 2385, Life Safety Code Checklist for Small Type A Facilities - 40 TAC §92.61](#)

[Form 2386, Life Safety Code Checklist for Small Type B Facilities - 40 TAC §92.61](#)

[Form 2387, Life Safety Code Checklist for Large Type A Facilities - 40 TAC §92.61](#)

[Form 2388, Life Safety Code Checklist for Large Type B Facilities - 40 TAC §92.61](#)

[Form 2389, Life Safety Code Checklist for Small Facilities - 40 TAC §92.62](#)

[Form 2390, Life Safety Code Checklist for Large Facilities - 40 TAC §92.62](#)

[Form 2391, Life Safety Code Checklist for All Initial Inspections - 40 TAC §92.63](#)

[Form 2392, Life Safety Code Checklist for Alzheimer's Certification - 40 TAC §92.53](#)

Visit the HHSC website page on How to Become an ALF Provider for more information:

<https://hhs.texas.gov/doing-business-hhs/provider-portals/long-term-care-providers/assisted-living-facilities/how-become-alf-provider>

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