

Figure: 40 TAC Chapter 92

Current Rules	Move to
Title 40. Social Services and Assistance	Title 26. Health and Human Services
Part 1. Department of Aging and Disability Services	Part 1. Texas Health and Human Services Commission
Chapter 92. Licensing Standards for Assisted Living Facilities	Chapter 553. Licensing Standards for Assisted Living Facilities
Subchapter A. Introduction	Subchapter A. Introduction
§92.1. Purpose and Application.	§553.1. Purpose and Application.
§92.2. Definitions.	§553.2. Definitions.
§92.3. Types of Assisted Living Facilities.	§553.3. Types of Assisted Living Facilities.
§92.4. License Fees.	§553.4. License Fees.
§92.5. Health Care Professional.	§553.5. Health Care Professional.
§92.6. General Characteristics of a Resident.	§553.6. General Characteristics of a Resident.
Subchapter B. Application Procedures	Subchapter B. Application Procedures
§92.11. Criteria for Licensing.	§553.11. Criteria for Licensing.
§92.12. General Application Requirements.	§553.12. General Application Requirements.
§92.13. Time Periods for Processing All Types of License Applications.	§553.13. Time Periods for Processing All Types of License Applications.
§92.14. Initial License Application Procedures and Requirements.	§553.14. Initial License Application Procedures and Requirements.
§92.15. Renewal Procedures and Qualifications.	§553.15. Renewal Procedures and Qualifications.
§92.16. Change of Ownership and Notice of Changes.	§553.16. Change of Ownership and Notice of Changes.
§92.17. Relocation.	§553.17. Relocation.
§92.18. Increase in Capacity.	§553.18. Increase in Capacity.
§92.19. Decrease in Capacity.	§553.19. Decrease in Capacity.
§92.20. Provisional License.	§553.20. Provisional License.
§92.21. Initial License for a Type A or Type B Facility for an Applicant in Good Standing.	§553.21. Initial License for a Type A or Type B Facility for an Applicant in Good Standing.
§92.22. Alzheimer's Certification of a Type B Facility for an Initial License Applicant in Good Standing.	§553.22. Alzheimer's Certification of a Type B Facility for an Initial License Applicant in Good Standing.
Subchapter C. Standards for Licensure	Subchapter C. Standards for Licensure
§92.41. Standards for Type A and Type B Assisted Living Facilities.	§553.41. Standards for Type A and Type B Assisted Living Facilities.
§92.42. Guardianship Record Requirements.	§553.42. Guardianship Record Requirements.
§92.43. Policy for Residents with Alzheimer's Disease or a Related Disorder.	§553.43. Policy for Residents with Alzheimer's Disease or a Related Disorder.
§92.51. Certification of a Facility or Unit for Persons with Alzheimer's Disease and Related Disorders.	§553.51. Certification of a Facility or Unit for Persons with Alzheimer's Disease and Related Disorders.
§92.53. Standards for Certified Alzheimer's Assisted Living Facilities.	§553.53. Standards for Certified Alzheimer's Assisted Living Facilities.

§92.54. Advertisements, Solicitations, and Promotional Material.	§553.54. Advertisements, Solicitations, and Promotional Material.
Subchapter D. Facility Construction	Subchapter D. Facility Construction
§92.61. Introduction and Application.	§553.61. Introduction and Application.
§92.62. General Requirements.	§553.62. General Requirements.
§92.63. Construction and Initial Survey of Completed Construction.	§553.63. Construction and Initial Survey of Completed Construction.
§92.64. Plans, Approvals, and Construction Procedures.	§553.64. Plans, Approvals, and Construction Procedures.
Subchapter E. Inspections, Surveys, and Visits	Subchapter E. Inspections, Surveys, and Visits
§92.81. Inspections and Surveys.	§553.81. Inspections and Surveys.
§92.82. Determinations and Actions.	§553.82. Determinations and Actions.
§92.83. Informal Dispute Resolution.	§553.83. Informal Dispute Resolution.
Subchapter F. Abuse, Neglect and Exploitation; Complaint and Incident Reports and Investigations	Subchapter F. Abuse, Neglect and Exploitation; Complaint and Incident Reports and Investigations
§92.102. Abuse, Neglect, or Exploitation Reportable to DADS.	§553.102. Abuse, Neglect, or Exploitation Reportable to DADS.
§92.103. Complaint Investigation.	§553.103. Complaint Investigation.
§92.105. Investigations of Complaints.	§553.105. Investigations of Complaints.
§92.106. General Provisions.	§553.106. General Provisions.
Subchapter G. Miscellaneous Provisions	Subchapter G. Miscellaneous Provisions
§92.123. Investigation of Facility Employees.	§553.123. Investigation of Facility Employees.
§92.124. Procedures for Inspection of Public Records.	§553.124. Procedures for Inspection of Public Records.
§92.125. Resident's Bill of Rights and Provider Bill of Rights.	§553.125. Resident's Bill of Rights and Provider Bill of Rights.
§92.126. Publication of Rules.	§553.126. Publication of Rules.
§92.127. Required Postings.	§553.127. Required Postings.
§92.128. Wheelchair Self-Release Seat Belts.	§553.128. Wheelchair Self-Release Seat Belts.
§92.129. Authorized Electronic Monitoring (AEM).	§553.129. Authorized Electronic Monitoring (AEM).
Subchapter H. Enforcement	Subchapter H. Enforcement
Division 1. General Information	Division 1. General Information
§92.151. When may DHS take an enforcement action?	§553.151. When may DHS take an enforcement action?
§92.152. What enforcement actions may DHS take?	§553.152. What enforcement actions may DHS take?
Division 2. Actions Against a License: Suspension	Division 2. Actions Against a License: Suspension
§92.201. When may DHS suspend a facility's license?	§553.201. When may DHS suspend a facility's license?
§92.202. Does DHS provide notice of a license suspension and the opportunity for a hearing to the applicant, license holder, or a controlling person?	§553.202. Does DHS provide notice of a license suspension and the opportunity for a hearing to the applicant, license holder, or a controlling person?

§92.203. May DHS suspend a license at the same time another enforcement action is occurring?	§553.203. May DHS suspend a license at the same time another enforcement action is occurring?
§92.204. How does DHS notify a license holder of a proposed suspension?	§553.204. How does DHS notify a license holder of a proposed suspension?
§92.205. What information does DHS provide the license holder concerning a proposed suspension?	§553.205. What information does DHS provide the license holder concerning a proposed suspension?
§92.206. Does the license holder have an opportunity to show compliance with all requirements for keeping the license before DHS begins proceedings to suspend a license?	§553.206. Does the license holder have an opportunity to show compliance with all requirements for keeping the license before DHS begins proceedings to suspend a license?
§92.207. How does a license holder request an opportunity to show compliance?	§553.207. How does a license holder request an opportunity to show compliance?
§92.208. How much time does a license holder have to request an opportunity to show compliance?	§553.208. How much time does a license holder have to request an opportunity to show compliance?
§92.209. What must the request for an opportunity to show compliance contain?	§553.209. What must the request for an opportunity to show compliance contain?
§92.210. How does DHS conduct the opportunity to show compliance?	§553.210. How does DHS conduct the opportunity to show compliance?
§92.211. Does DHS give the license holder a written affirmation or reversal of the proposed action?	§553.211. Does DHS give the license holder a written affirmation or reversal of the proposed action?
§92.212. How does DHS notify a license holder of its final decision to suspend a license?	§553.212. How does DHS notify a license holder of its final decision to suspend a license?
§92.213. May the facility request a formal hearing?	§553.213. May the facility request a formal hearing?
§92.214. How long does a license holder have to request a formal hearing?	§553.214. How long does a license holder have to request a formal hearing?
§92.215. If a license holder does not appeal, when does the suspension take effect?	§553.215. If a license holder does not appeal, when does the suspension take effect?
§92.216. If a license holder appeals, when does the suspension take effect?	§553.216. If a license holder appeals, when does the suspension take effect?
§92.217. May a facility operate during a suspension?	§553.217. May a facility operate during a suspension?
§92.218. How long is the suspension?	§553.218. How long is the suspension?
§92.219. How does DHS decide to remove the suspension?	§553.219. How does DHS decide to remove the suspension?
§92.220. Must the license be returned to DHS during a license suspension?	§553.220. Must the license be returned to DHS during a license suspension?
Division 3. Actions Against a License: Revocation	Division 3. Actions Against a License: Revocation
§92.251. When may DHS revoke a license?	§553.251. When may DHS revoke a license?
§92.252. Does DHS provide notice of a	§553.252. Does DHS provide notice of a

license revocation and opportunity for a hearing to the applicant, license holder, or controlling person?	license revocation and opportunity for a hearing to the applicant, license holder, or controlling person?
§92.253. May DHS take more than one enforcement action at a time against a license?	§553.253. May DHS take more than one enforcement action at a time against a license?
§92.254. How will DHS notify a license holder of a proposed revocation?	§553.254. How will DHS notify a license holder of a proposed revocation?
§92.255. What information does DHS provide the license holder concerning a proposed revocation?	§553.255. What information does DHS provide the license holder concerning a proposed revocation?
§92.256. Does the license holder have an opportunity to show compliance with all requirements for keeping the license before DHS begins proceedings to revoke a license?	§553.256. Does the license holder have an opportunity to show compliance with all requirements for keeping the license before DHS begins proceedings to revoke a license?
§92.257. How does a license holder request an opportunity to show compliance?	§553.257. How does a license holder request an opportunity to show compliance?
§92.258. How much time does a license holder have to request an opportunity to show compliance?	§553.258. How much time does a license holder have to request an opportunity to show compliance?
§92.259. What must the request for the opportunity to show compliance contain?	§553.259. What must the request for the opportunity to show compliance contain?
§92.260. How does DHS conduct the opportunity to show compliance?	§553.260. How does DHS conduct the opportunity to show compliance?
§92.261. Does DHS give the license holder a written affirmation or reversal of the proposed action?	§553.261. Does DHS give the license holder a written affirmation or reversal of the proposed action?
§92.262. Does the license holder have an opportunity for a formal hearing?	§553.262. Does the license holder have an opportunity for a formal hearing?
§92.263. How long does a license holder have to request a formal hearing?	§553.263. How long does a license holder have to request a formal hearing?
§92.264. When does the revocation take effect if the license holder does not appeal?	§553.264. When does the revocation take effect if the license holder does not appeal?
§92.265. When does the revocation take effect if the license holder appeals the revocation?	§553.265. When does the revocation take effect if the license holder appeals the revocation?
§92.266. May a facility operate during a revocation?	§553.266. May a facility operate during a revocation?
§92.267. What happens to a license if it is revoked?	§553.267. What happens to a license if it is revoked?
Division 4. Actions Against a License: Temporary Restraining Orders and Injunctions	Division 4. Actions Against a License: Temporary Restraining Orders and Injunctions
§92.301. Why would DHS refer a facility to the Office of the Attorney General or local prosecuting authority for a temporary restraining order or an injunction?	§553.301. Why would DHS refer a facility to the Office of the Attorney General or local prosecuting authority for a temporary restraining order or an injunction?
§92.302. To whom does DHS refer a facility that is operating without a license?	§553.302. To whom does DHS refer a facility that is operating without a license?

Division 5. Actions Against a License: Emergency License Suspension and Closing Order	Division 5. Actions Against a License: Emergency License Suspension and Closing Order
§92.351. When may DHS suspend a license or order an immediate closing of all or part of a facility?	§553.351. When may DHS suspend a license or order an immediate closing of all or part of a facility?
§92.352. How does DHS notify a facility of a license suspension or immediate closing of all or part of a facility?	§553.352. How does DHS notify a facility of a license suspension or immediate closing of all or part of a facility?
§92.353. When does an order suspending a license or closing all or part of a facility go into effect?	§553.353. When does an order suspending a license or closing all or part of a facility go into effect?
§92.354. How long is an order suspending a license or closing all or part of a facility valid?	§553.354. How long is an order suspending a license or closing all or part of a facility valid?
§92.355. May a license holder request a hearing?	§553.355. May a license holder request a hearing?
§92.356. Where can a license holder find information about administrative hearings?	§553.356. Where can a license holder find information about administrative hearings?
§92.357. Does a request for an administrative hearing suspend the effectiveness of the order?	§553.357. Does a request for an administrative hearing suspend the effectiveness of the order?
§92.358. Does anything happen to a resident's rights or freedom of choice during an emergency relocation?	§553.358. Does anything happen to a resident's rights or freedom of choice during an emergency relocation?
§92.359. Who does DHS notify if all or part of a facility is closed?	§553.359. Who does DHS notify if all or part of a facility is closed?
§92.360. Who must a facility notify if all or part of the facility is closed?	§553.360. Who must a facility notify if all or part of the facility is closed?
§92.361. Who decides where to relocate a resident?	§553.361. Who decides where to relocate a resident?
§92.362. Who arranges the relocation?	§553.362. Who arranges the relocation?
§92.363. Is a resident's preference considered?	§553.363. Is a resident's preference considered?
§92.364. What requirements must the facility a resident chooses for relocation meet?	§553.364. What requirements must the facility a resident chooses for relocation meet?
§92.365. Is a receiving facility allowed to temporarily exceed its licensed capacity?	§553.365. Is a receiving facility allowed to temporarily exceed its licensed capacity?
§92.366. Under what conditions is a receiving facility allowed to temporarily exceed its licensed capacity?	§553.366. Under what conditions is a receiving facility allowed to temporarily exceed its licensed capacity?
§92.367. What requirements must a facility meet to obtain a temporary waiver?	§553.367. What requirements must a facility meet to obtain a temporary waiver?
§92.368. How long can a facility have a temporary waiver?	§553.368. How long can a facility have a temporary waiver?
§92.369. Does DHS monitor a facility with a temporary waiver?	§553.369. Does DHS monitor a facility with a temporary waiver?
§92.370. What records, reports, and supplies are sent to the receiving facility for transferred residents?	§553.370. What records, reports, and supplies are sent to the receiving facility for transferred residents?

§92.371. May a resident return to the closed facility if it reopens within 90 calendar days?	§553.371. May a resident return to the closed facility if it reopens within 90 calendar days?
§92.372. Do the relocated residents have any special admission rights at the closed facility?	§553.372. Do the relocated residents have any special admission rights at the closed facility?
§92.373. What options does a relocated resident have?	§553.373. What options does a relocated resident have?
§92.374. Are relocated residents who return to the facility considered new admissions?	§553.374. Are relocated residents who return to the facility considered new admissions?
Division 6. Actions Against a License: Civil Penalties	Division 6. Actions Against a License: Civil Penalties
§92.401. When may DHS refer a facility to the Office of the Attorney General for assessment of civil penalties?	§553.401. When may DHS refer a facility to the Office of the Attorney General for assessment of civil penalties?
§92.402. What is the amount of the civil penalty that can be assessed for operating without a license?	§553.402. What is the amount of the civil penalty that can be assessed for operating without a license?
Division 7. Trustees: Involuntary Appointment of a Trustee	Division 7. Trustees: Involuntary Appointment of a Trustee
§92.451. When may DHS petition a court for the involuntary appointment of a trustee to operate a facility?	§553.451. When may DHS petition a court for the involuntary appointment of a trustee to operate a facility?
§92.452. When may DHS disburse emergency assistance funds?	§553.452. When may DHS disburse emergency assistance funds?
§92.453. Must a facility reimburse DHS for emergency assistance funds?	§553.453. Must a facility reimburse DHS for emergency assistance funds?
§92.454. When is reimbursement for emergency assistance funds due to DHS?	§553.454. When is reimbursement for emergency assistance funds due to DHS?
§92.455. Who is responsible for reimbursement?	§553.455. Who is responsible for reimbursement?
§92.456. What happens if a facility does not reimburse DHS in one year?	§553.456. What happens if a facility does not reimburse DHS in one year?
Division 8. Trustees: Appointment of a Trustee by Agreement	Division 8. Trustees: Appointment of a Trustee by Agreement
§92.501. May a facility request the appointment of a trustee to assume operation of a facility?	§553.501. May a facility request the appointment of a trustee to assume operation of a facility?
§92.502. Who may make the request?	§553.502. Who may make the request?
§92.503. What are the requirements for a trustee agreement?	§553.503. What are the requirements for a trustee agreement?
§92.504. When does an agreement for a trustee terminate?	§553.504. When does an agreement for a trustee terminate?
§92.505. What happens if the controlling person wants to terminate the agreement, but DHS determines termination of the agreement is not in the best interest of the residents?	§553.505. What happens if the controlling person wants to terminate the agreement, but DHS determines termination of the agreement is not in the best interest of the residents?

§92.506. When DHS appoints a trustee, is the facility always required to pay assessed civil money penalties?	§553.506. When DHS appoints a trustee, is the facility always required to pay assessed civil money penalties?
Division 9. Administrative Penalties	Division 9. Administrative Penalties
§92.551. Administrative Penalties	§553.551. Administrative Penalties
Division 10. Arbitration	Division 10. Arbitration
§92.601. Arbitration.	§553.601. Arbitration.
Subchapter I. Access to Residents and Records by the Long-Term Care Ombudsman Program	Subchapter I. Access to Residents and Records by the Long-Term Care Ombudsman Program
§92.801. Access to Residents and Records by the State Long-Term Care Ombudsman Program.	§553.801. Access to Residents and Records by the State Long-Term Care Ombudsman Program.