



COMMISSIONER
Adelaide Horn

June 5, 2009

To: Consumer Directed Services Agencies (CDSAs)

Subject: Information Letter No. 09-79
Criminal History Checks for CDSAs

Effective immediately, CDSAs are no longer able to use the secure website through the Texas Department of Public Safety (DPS) to conduct criminal history checks for employment applicants or potential designated representatives on behalf of individuals using the Consumer Directed Services (CDS) option.

A licensed Home and Community Services Support Agency (HCSSA) or a Texas Department of Aging and Disability Services (DADS) contracted private provider (i.e., Home and Community-based Services (HCS) provider or a Texas Home Living (TxHmL) provider) may use the DPS secure website only to verify status for a potential or current employee of the HCSSA or DADS contracted private provider.

When an HCSSA or DADS contracted private provider is also a CDSA, the search for a criminal conviction history check on behalf of a CDS employer is conducted by the agency or DADS contracted private provider as a CDSA, not as a HCSSA or DADS contracted private provider, and must be conducted through the DPS public website.

As specified in *Texas Administrative Code (TAC), Part 40, Chapter 41, §41.225*, employers, CDSAs, or applicants must obtain the criminal conviction history check directly from the public website, DPS Criminal History Conviction Database, available at:
https://records.txdps.state.tx.us/DPS_WEB/Portal/index.aspx.

The cost for a criminal history check on this DPS public site is \$4.00 per history check. Per *Texas Administrative Code, Part 40, Chapter 41, §41.323 (g)*, the **actual cost** of a criminal conviction history check and other background checks, if budgeted, is reimbursed from the employer's CDS budget as an employer support service expenditure.

If you have any questions about this letter, please contact the CDS Policy Specialist at (512) 438-3015.

Sincerely,

[signature on file]

Tommy Ford
Interim Director
Community Services

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