



COMMISSIONER
Jon Weizenbaum

May 31, 2016

To: Home and Community-based Services (HCS) Program Providers
Texas Home Living (TxHmL) Program Providers

Subject: Information Letter No. 16-21 (Replaces IL 10-19)
Local Intellectual and Developmental Disability Authority's (LIDDA) Role When
an HCS or TxHmL Program Provider's Contract is Terminated

The purpose of this information letter is to explain procedures in offering individuals the option to transfer from an HCS or TxHmL program provider when the provider's contract is being terminated.

After the Texas Department of Aging and Disability Services (DADS) sends a notification letter to an HCS or TxHmL program provider that termination of the contract has been initiated, DADS also informs the LIDDAs responsible for the service area(s) in which the contractor serves individuals.

This policy is in effect regardless of whether the HCS/TxHmL program provider intends on appealing an involuntary termination. An HCS/TxHmL program provider cannot attempt to stop DADS or LIDDA staff from notifying individuals of their right to choose a new provider regardless of the pending status of an appeal.

An HCS/TxHmL program provider whose contract is being terminated may not disclose confidential information of an individual receiving services without the consent of the individual or the individual's LAR. Another HCS/TxHmL program provider must not initiate contact with an individual (or the individual's LAR) being served by the provider whose contract is being terminated. HCS/TxHmL program providers must not give inaccurate information to the individual or LAR about the individual's right to transfer to another program provider or the intended contract termination.

If an individual decides to transfer to a new HCS/TxHmL program provider, the LIDDA service coordinator is responsible for managing the transfer process in accordance with [Section 8000 of the HCS Handbook](#). The transfer process is the same for both HCS and TxHmL. The HCS/TxHmL program provider whose contract is being terminated must comply with the transferring requirements as described in [Section 8000 of the HCS Handbook](#). The program provider must, within 24 hours, notify the individual's service coordinator of such information.

In those cases where the residential location of the individual will change, the program provider whose contract is terminating must coordinate with the receiving program provider to transport the individual and his or her personal possessions to the new location.

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Please contact DADS Access and Intake Division at 512-438-5055 with any questions about transfers. If you have questions about contract issues, you may contact DADS Community Services Contracts via unit voicemail at 512-438-3550, or via email at communityservicescontracts@dads.state.tx.us.

Sincerely,

[signature on file]

William Campbell
Director
Community Services Contracts

[signature on file]

Anthony V. Jalomo
Director
Local Authorities Section