

Consumer Directed Services
Rules Acknowledgement

The Consumer Directed Services (CDS) option is regulated by rules in the Texas Administrative Code (TAC). Rules specific to the overall CDS option are located at Title 40, Part 1, in Chapter 41, Consumer Directed Services (CDS) Option, of the TAC. The requirements for the CDS option in a specific program will vary depending upon the individual's community services program. These differences are noted in the CDS forms and also can be located in the program rules in the TAC, Title 40, Part 1.

When a requirement is not in the TAC, the Texas Department of Aging and Disability Services (DADS) will post a policy; a policy clarification; a procedure; or an interpretation related to the requirement on its website. Updates and clarifications will also be available from your case manager, service coordinator or a provider agency.

An outline of the subchapters and sections of the requirements posted in the TAC for the CDS option, effective January 1, 2007, follow:

**TEXAS ADMINISTRATIVE CODE
TITLE 40, SOCIAL SERVICES AND ASSISTANCE
PART 1, TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES
CHAPTER 41, CONSUMER DIRECTED SERVICES (CDS) OPTION**

Subchapter A

Introduction

- §41.101 Introduction
- §41.103 Definitions
- §41.105 Application
- §41.107 Overview of the CDS Option
- §41.109 Enrollment in the CDS Option
- §41.111 Service Planning in the CDS Option

Subchapter B

Responsibilities of Employers and Designated Representatives

- §41.201 Employer Responsibilities
- §41.203 Registration of an Employer
- §41.205 Employer Appointment of a Designated Representative
- §41.207 Initial Orientation of an Employer
- §41.209 Employer-Agent Registration
- §41.211 Financial Management Services
- §41.213 Employer Support Services
- §41.215 Employer Role in the Service Planning Process
- §41.217 Service Backup Plan
- §41.219 CDSA Reports
- §41.221 Corrective Action Plans
- §41.223 Liability Acknowledgement and Workers' Compensation
- §41.225 Criminal Conviction History Checks
- §41.227 Required Registry Checks
- §41.229 Licensure and Certification Verification
- §41.231 Verification of Eligibility of an Employee or Contractor
- §41.233 Management of Service Providers
- §41.235 Verification of Eligibility for Vendors
- §41.237 Service Provider Agreements and Acknowledgements
- §41.239 Documentation of Services Delivered
- §41.241 Payment of Services
- §41.243 Record Retention

Subchapter C

Enrollment and Responsibilities of Consumer Directed Services Agencies

- §41.301 Contracting as a Consumer Directed Services Agency
- §41.303 Employer Registration
- §41.305 Appointment of a Designated Representative
- §41.307 Initial Orientation of an Employer
- §41.309 Financial Management Services and Employer-Agent Responsibilities
- §41.311 Employer Support Services and Support Consultation Services
- §41.313 Individual Service Planning Process
- §41.315 Service Backup Plan
- §41.317 CDSA Reports
- §41.319 Corrective Action Plans

Subchapter C Enrollment and Responsibilities of Consumer Directed Services Agencies (Continued)

- §41.321 Liability Acknowledgement and Workers' Compensation
- §41.323 Criminal Conviction History Check
- §41.325 Required Registry Checks
- §41.327 Verification of Applicants for Employees, Contractors, and Vendors
- §41.329 Continued Eligibility of an Employee, Contractor, or Vendor
- §41.331 Evaluation of Job Performance and Satisfaction
- §41.333 Service Agreements
- §41.335 Documentation of Services Delivered
- §41.337 Payment of Services
- §41.339 Record Retention

Subchapter D Enrollment, Transfer, Suspension, and Termination

- §41.401 Enrollment Process
- §41.403 Transfer Process
- §41.405 Suspension of Participation in the CDS Option
- §41.407 Termination of Participation in the CDS Option
- §41.409 Re-enrollment for Participation the CDS Option

Subchapter E CDS Budgets

- §41.501 Budget Development
- §41.503 Financial Management Services
- §41.505 Payroll Budgeting
- §41.507 Employer Support Services Budgeting
- §41.509 Budget Approval
- §41.511 Budget Revisions and Approval

Subchapter F Support Consultation Services and Support Advisor Responsibilities

- §41.601 Support Consultation Services
- §41.603 Support Advisor Qualifications
- §41.605 Support Advisor Responsibilities

Subchapter G Reporting Allegations

- §41.701 Reporting Allegations

Subchapter H Oversight

- §41.801 Oversight

Employer Acknowledgement and Agreement

I, _____, the employer, acknowledge that I have been informed of the requirements, rules, and employer responsibilities of the CDS option. I have received a copy of Chapter 41 from my Consumer Directed Services Agency (CDSA). I also agree by choice to voluntarily participate in the CDS option and to fulfill the requirements of an employer in the CDS option. I also acknowledge participation in the CDS option may be terminated if I do not meet the employer responsibilities as required in Chapter 41.

Texas Administrative Code rules are located at:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=3&ti=40&pt=1](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=3&ti=40&pt=1)

Policy clarifications and information letters can be found at

<http://www.dads.state.tx.us/business/communitycare/index.cfm>

Employer:

- Individual
- Individual's Legally Authorized Representative (LAR)

Consumer Directed Services Agency:

CDSA Name

Employer Printed Name

CDSA Representative Printed Name

Employer Signature

CDSA Representative Signature

Date

Date