



COMMISSIONER  
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August 30, 2013

To: Home and Community-based Services Providers  
Texas Home Living Providers  
Local Authorities

Subject: Information Letter No. 13-57  
Service Backup Plan Requirements

The purpose of this information letter is to inform Home and Community-based Services (HCS) Providers, Texas Home Living (TxHmL) providers, and local authorities of new service backup plan requirements effective September 3, 2013.

The Centers for Medicare and Medicaid Services requires the Department of Aging and Disability Services (DADS) to ensure that individuals receiving waiver services while living in their own residences or in foster/companion care settings have a service backup plan for each waiver service determined to be critical to meet the needs to ensure the individual's health and safety.

The service planning team is responsible for determining whether an individual's waiver service is a critical service. This determination must be documented, by the service coordinator, in the Person Directed Plan (PDP).

To ensure the individual's health and safety is protected, a program provider must develop a written service backup plan for each critical waiver service identified on the PDP. A service backup plan must:

- contain the name of the critical service;
- specify the allowable amount of time an interruption may occur before the individual's health and safety are affected; and
- describe the actions the program provider will take to ensure the individual's health and safety in the event of an interruption to the critical service.

If the action in the service backup plan is securing the support of an unpaid person, the program provider must ensure the unpaid person receives pertinent information about the individual's needs and is able to protect the individual's health and safety.

If the person identified in the service backup plan will be paid to provide the waiver service, the program provider must also ensure that the person meets qualifications, as described in Title 40 of the Texas Administrative Code, Chapter 9, Subchapter D or N, and has had the appropriate background checks prior to providing the service.

Because HCS program providers must ensure trained and qualified staff are available at all times for the provision of residential support and supervised living, a service backup plan is not needed for these services. Service backup plans for foster/companion care must be documented or included in the service agreement between the foster/companion care provider and the HCS program provider.

For waiver services identified on the PDP as critical to protecting an individual's health and safety, HCS and TxHmL providers may use Form 1742, Service Backup Plan for HCS and TxHmL, to develop a service backup plan or may use their own documentation that includes the required elements of a service backup plan. Form 1742 is available under the forms sections of the HCS and TxHmL program provider homepages: <http://www.dads.state.tx.us/providers/HCS> and <http://www.dads.state.tx.us/providers/TxHmL/index.cfm>.

If a service backup plan is implemented, the program provider must document whether or not the plan was effective. In order to determine whether or not the plan was effective, the provider would discuss the implementation of the plan with the individual and those individuals who are identified as back-up service providers. Based on the information obtained, the provider would determine if the implementation of the plan was successful. If the program provider determines the plan was ineffective, the program provider must revise the plan.

As part of its certification reviews, DADS Waiver Certification and Survey staff will determine whether program providers have complied with the requirements described in this letter.

If you have any questions regarding the information contained in this letter, please contact the HCS program at [hcs@dads.state.tx.us](mailto:hcs@dads.state.tx.us) or the TxHmL program at [txhtml@dads.state.tx.us](mailto:txhtml@dads.state.tx.us).

Sincerely,

*[Signature on file]*

Lynn W. Blackmore  
Director  
Center for Policy and Innovation