



COMMISSIONER  
Chris Traylor

June 3, 2011

To: Intermediate Care Facilities for Persons with Mental Retardation or Related Conditions (ICF/MR) Program Providers

Subject: Information Letter (IL) 11-65  
Accounts containing personal funds

40 of the Texas Administrative Code (TAC) §9.256(c)(1)(B) states that a pooled account (*i.e.*, an account containing the personal funds of more than one individual residing in an ICF/MR) must be titled "Trustee (Program Provider's Name), Individuals' Trust Fund Account." In addition, 40 TAC §9.256(c)(2)(B) states that a separate account (*i.e.*, an account containing the personal funds of only one individual residing in an ICF/MR) must be titled "Trustee, (Program Provider's Name), (Individual's Name) Trust Fund Account).

The purpose of this information letter is to inform you that, effective June 1, 2011, the Department of Aging and Disability Services (DADS), will not cite an ICF/MR program provider for a rule violation if the word "trustee" is not used in the title of a pooled or separate account. DADS is not citing a rule violation under these circumstances because requiring the word "trustee" in the title of an account is inconsistent with requirements of the Social Security Administration for an account maintained by a representative payee.

40 TAC §9.256 will be proposed for amendment in the near future to reflect this change in policy. In the interim, this information letter is intended to provide guidance for titling personal funds accounts without using the term "trustee."

For accounts containing personal funds:

- the account title must show that the program provider holds the account in a fiduciary capacity on behalf of one or more individuals residing in an ICF/MR operated by the program provider; and
- an individual must not have direct access to funds in an account.

Some examples of appropriate account titles for pooled accounts, not using the term "trustee," are:

- (Name of Program Provider), Resident Trust Fund Account for (Name of Facility)

Some examples of appropriate account titles for separate accounts, not using the term "trustee," are:

- (Name of Program Provider), Representative Payee for (Name of Individual)
- (Name of Program Provider), for (Name of Individual); Trust Fund account
- (Name of Program Provider), on behalf of (Name of Individual); Trust Fund Account
- (Name of Individual) by (Name of Program Provider); Trust Fund Account
- (Name of Program Provider) for the benefit of (Name of Individual); Trust Fund Account

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If you have questions or need additional information, please contact Sandy Moore, at (512) 438-5824 or by e-mail at [icfmr.questions@dads.state.tx.us](mailto:icfmr.questions@dads.state.tx.us).

Sincerely,

*[Signature on file]*

Terri Richard  
Director, Center for Policy and Innovation