



COMMISSIONER
Jon Weizenbaum

July 17, 2014

To: Deaf Blind with Multiple Disabilities Providers
Financial Management Services Agencies

Subject: Information Letter 14-39
Restrictions on the Provision of Services by a Legally Responsible Person

The purpose of this information letter (IL) is to inform Deaf Blind with Multiple Disabilities (DBMD) providers and Financial Management Services Agencies (FMSAs) of restrictions regarding the provision of services by a legally responsible person. FMSAs must inform Consumer Directed Services (CDS) employers about the information provided in this letter.

The Centers for Medicare and Medicaid Services (CMS) identifies a legally responsible person as a parent of a child under the age of 18 (natural or adopted) or the spouse (regardless of age) of an individual receiving services through the DBMD program. For purposes of this IL, a legally responsible person does not include the parent of an adult (18 years of age or older) or a legal guardian of an adult receiving services.

As outlined in the DBMD waiver application, a legally responsible person is prohibited from providing any services in the DBMD program. DBMD providers and FMSAs must ensure a legally responsible person is not a service provider of residential habilitation, intervener services, or any other DBMD service.

By August 1, 2014, DBMD providers and FMSAs must determine whether any individual is receiving DBMD services provided by a legally responsible person, discontinue allowing the legally responsible person from providing the service, and identify an alternate service provider to deliver the necessary services. FMSAs must notify the CDS employer of the employee's ineligibility to deliver services. The CDS employer must find an alternate service provider.

If you have any questions regarding this IL, please contact the DBMD mailbox at dbmd@dads.state.tx.us.

Sincerely,

[signature on file]

Donna Jessee
Director
Center for Policy and Innovation