



COMMISSIONER  
Jon Weizenbaum

January 22, 2015

To: Consumer Directed Services Employers in the Medically Dependent Children Program  
Financial Management Services Agencies

Subject: Information Letter No. 15-08  
Service Backup Plan Requirements

The purpose of this information letter is to inform Consumer Directed Services (CDS) employers in the Medically Dependent Children Program (MDCP) and Financial Management Services Agencies (FMSAs) about changes to the MDCP and CDS rules related to service backup plans. Effective September 1, 2014, as required by 40, Texas Administrative Code (TAC), Chapter 51, Subchapter D, Section 51.441, CDS Backup Plans, an individual who uses the CDS option must develop a service backup plan in accordance with 40, TAC, Chapter 41, Subchapter B, Section 41.217, Employer Responsibilities Regarding Service Backup Plan.

All MDCP CDS employers who do not currently have an approved service backup plan are required to develop a service backup plan for respite or flexible family support services, and submit to the Department of Aging and Disability Services (DADS) MDCP case manager, by **March 1, 2015**. For individuals choosing and initiating the CDS option, the MDCP CDS employer must send the backup plan to the DADS MDCP case manager before implementation of backup services.

MDCP CDS employers who do not submit a service backup plan by March 1, 2015, will be notified to submit the service plan within 30 days of receiving the notification. If the DADS MDCP case manager does not receive the service backup plan by the specified date on the notice, the MDCP CDS employer will be placed on a corrective action plan in accordance with 40, TAC, Chapter 41, Subchapter B, Section 41.221, Corrective Action Plans.

An MDCP CDS employer or Designated Representative (DR) must develop the service backup plan using DADS Form 1740, Service Backup Plan, found on the DADS website: <http://www.dads.state.tx.us/forms/1740/1740.pdf>. The actions listed in a service backup plan may include the use of:

- paid service providers;
- unpaid service providers, such as family members, and friends; or
- non-program services.

Paid respite and flexible family support service providers listed on the service backup plan are considered attendants and are required to have cardiopulmonary resuscitation (CPR)/first aide certification and meet all other service provider qualifications. Unpaid persons providing informal supports are not required to have CPR certification or meet any other service provider qualification.

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Before implementation by the MDCP CDS employer or DR, the DADS MDCP case manager must approve a service backup plan. An employer or DR must budget sufficient funds in the CDS option budget to implement a service backup plan. An FMSA is no longer required to approve the service backup plan. The DADS MDCP case manager will review the service backup plans annually and require the MDCP CDS employer to revise the plan if the plan was ineffective or a change occurs in the availability of service backup plan resources.

The MDCP CDS employer must send a copy of the initial and any revised service backup plan to the FMSA within five working days after the plan is approved by the DADS MDCP case manager.

If you have questions about this letter, please contact DADS at [CDS@dads.state.tx.us](mailto:CDS@dads.state.tx.us).

Sincerely,

*[signature on file]*

Donna Jessee  
Director  
Center for Policy and Innovation

*[signature on file]*

Elisa J. Garza  
Assistant Commissioner  
Access and Intake