

TRANSFERRED RULES

The Government Code, §2002.058, authorizes the Secretary of State to remove or transfer rules within the Texas Administrative Code when the agency that promulgated the rules is abolished. The Secretary of State will publish notice of rule transfer or removal in this section of the *Texas Register*. The effective date of a rule transfer is the date set by the legislature, not the date of publication of notice. Proposed or emergency rules are not subject to administrative transfer.

Department of Aging and Disability Services

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, some agencies were abolished and their functions transferred to the Texas Health and Human Services Commission (HHSC). Texas Government Code, §531.0202(b), specified the Department of Aging and Disability Services (DADS) be abolished September 1, 2017, after all its functions were transferred to HHSC in accordance with Texas Government Code, §531.0201 and §531.02011. The former DADS rules in Texas Administrative Code, Title 40, Part 1, Chapter 41, Consumer Directed Services Option are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 264, Consumer Directed Services Option.

The rules will be transferred in the Texas Administrative Code effective September 1, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 41

TRD-202402836

Health and Human Services Commission

Rule Transfer

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The rules will be transferred in the Texas Administrative Code effective September 1, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 41

TRD-202402837

Figure: 40 TAC Chapter 41

Current Rules Title 40. Social Services and Assistance Part 1. Department of Aging and Disability Services Chapter 41. Consumer Directed Services Option	Move to Title 26. Health and Human Services Part 1. Health and Human Services Commission Chapter 264. Consumer Directed Services Option
Subchapter A. Introduction	Subchapter A. Introduction
§41.101. Introduction.	§264.101. Introduction.
§41.103. Definitions.	§264.103. Definitions.
§41.105. Application.	§264.105. Application.
§41.107. Overview of the CDS Option.	§264.107. Overview of the CDS Option.
§41.108. Services Available Through the CDS Option.	§264.108. Services Available Through the CDS Option.
§41.109. Enrollment in the CDS Option.	§264.109. Enrollment in the CDS Option.
§41.111. Service Planning in the CDS Option.	§264.111. Service Planning in the CDS Option.
Subchapter B. Responsibilities of Employers and Designated Representatives	Subchapter B. Responsibilities of Employers and Designated Representatives
§41.205. Employer Appointment of a Designated Representative.	§264.205. Employer Appointment of a Designated Representative.
§41.206. Proof of Guardianship for the Employer.	§264.206. Proof of Guardianship for the Employer.
§41.207. Initial Orientation of an Employer.	§264.207. Initial Orientation of an Employer.
§41.209. Employer-Agent Registration.	§264.209. Employer-Agent Registration.
§41.211. Financial Management Services.	§264.211. Financial Management Services.
§41.213. Employer Support Services.	§264.213. Employer Support Services.
§41.215. Employer Role in the Service Planning Process.	§264.215. Employer Role in the Service Planning Process.
§41.217. Employer Responsibilities Regarding Service Backup Plan.	§264.217. Employer Responsibilities Regarding Service Backup Plan.
§41.219. CDSA Reports.	§264.219. CDSA Reports.
§41.221. Corrective Action Plans.	§264.221. Corrective Action Plans.
§41.223. Liability Acknowledgment and Workers' Compensation.	§264.223. Liability Acknowledgment and Workers' Compensation.
§41.225. Criminal History Check of an Applicant for Employment and an Employee.	§264.225. Criminal History Check of an Applicant for Employment and an Employee.
§41.227. Required Registry Checks.	§264.227. Required Registry Checks.
§41.229. Licensure and Certification Verification.	§264.229. Licensure and Certification Verification.
§41.231. Verification of Eligibility of an Employee or Contractor.	§264.231. Verification of Eligibility of an Employee or Contractor.
§41.233. Training and Management of Service Providers.	§264.233. Training and Management of Service Providers.

§41.235. Verification of Eligibility for Vendors.	§264.235. Verification of Eligibility for Vendors.
§41.237. Service Provider Agreements.	§264.237. Service Provider Agreements.
§41.238. Service Delivery Requirements.	§264.238. Service Delivery Requirements.
§41.239. Documentation of Services Delivered.	§264.239. Documentation of Services Delivered.
§41.241. Payment of Services.	§264.241. Payment of Services.
§41.243. Record Retention.	§264.243. Record Retention.
Subchapter C. Enrollment and Responsibilities of Financial Management Services Agencies (FMSAS)	Subchapter C. Enrollment and Responsibilities of Financial Management Services Agencies (FMSAS)
§41.301. Contracting as an FMSA.	§264.301. Contracting as an FMSA
§41.303. Obtaining and Revoking Federal and State Approval to be a Vendor Fiscal/Employer Agent.	§264.303. Obtaining and Revoking Federal and State Approval to be a Vendor Fiscal/Employer Agent
§41.305. Appointment of a Designated Representative.	§264.305. Appointment of a Designated Representative.
§41.306. Proof of Guardianship for Financial Management Services Agencies.	§264.306. Proof of Guardianship for Financial Management Services Agencies.
§41.307. Initial Orientation of an Employer.	§264.307. Initial Orientation of an Employer.
§41.309. Financial Management Services, CFC Support Management, and Vendor Fiscal/Employer Agent Responsibilities.	§264.309. Financial Management Services, CFC Support Management, and Vendor Fiscal/Employer Agent Responsibilities.
§41.311. Employer Support Services and Support Consultation Services.	§264.311. Employer Support Services and Support Consultation Services.
§41.313. Individual Service Planning Process.	§264.313. Individual Service Planning Process.
§41.315. Service Back-up Plan.	§264.315. Service Back-up Plan.
§41.317. CDSA Reports.	§264.317. CDSA Reports.
§41.319. Corrective Action Plans.	§264.319. Corrective Action Plans.
§41.321. Liability Acknowledgment and Workers' Compensation.	§264.321. Liability Acknowledgment and Workers' Compensation.
§41.323. Criminal History Check of an Applicant for Employment and to be an Employee.	§264.323. Criminal History Check of an Applicant for Employment and to be an Employee.
§41.325. Required Registry Checks of an Applicant to be an Employee.	§264.325. Required Registry Checks of an Applicant to be an Employee.
§41.327. Verification of Applicants for Employees, Contractors, and Vendors.	§264.327. Verification of Applicants for Employees, Contractors, and Vendors.
§41.329. Continued Eligibility of an Employee, Contractor, or Vendor.	§264.329. Continued Eligibility of an Employee, Contractor, or Vendor.
§41.331. Evaluation of Job Performance and Satisfaction.	§264.331. Evaluation of Job Performance and Satisfaction.
§41.333. Service Agreements.	§264.333. Service Agreements.
§41.335. Documentation of Services Delivered.	§264.335. Documentation of Services Delivered.

§41.337. Payment of Services.	§264.337. Payment of Services.
§41.339. Records.	§264.339. Records.
Subchapter D. Enrollment, Transfer, Suspension, And Termination	Subchapter D. Enrollment, Transfer, Suspension, And Termination
§41.401. Enrollment Process.	§264.401. Enrollment Process.
§41.403. Transfer Process.	§264.403. Transfer Process.
§41.404. Ensuring Development, Approval, and Review of Service Backup Plans.	§264.404. Ensuring Development, Approval, and Review of Service Backup Plans.
§41.405. Suspension of Participation in the CDS Option.	§264.405. Suspension of Participation in the CDS Option.
§41.407. Termination of Participation in the CDS Option.	§264.407. Termination of Participation in the CDS Option.
§41.409. Re-enrollment for Participation in the CDS Option.	§264.409. Re-enrollment for Participation in the CDS Option.
Subchapter E. Budgets	Subchapter E. Budgets
§41.501. Budget Development.	§264.501. Budget Development.
§41.503. Financial Management Services.	§264.503. Financial Management Services.
§41.505. Payroll Budgeting.	§264.505. Payroll Budgeting.
§41.507. Employer Support Services Budgeting.	§264.507. Employer Support Services Budgeting.
§41.509. Budget Approval.	§264.509. Budget Approval.
§41.511. Budget Revisions and Approval.	§264.511. Budget Revisions and Approval.
Subchapter F. Support Consultation Services and Support Advisory Responsibilities	Subchapter F. Support Consultation Services and Support Advisory Responsibilities
§41.601. Support Consultation Services.	§264.601. Support Consultation Services.
§41.603. Support Advisor Qualifications.	§264.603. Support Advisor Qualifications.
§41.605. Support Advisor Responsibilities.	§264.605. Support Advisor Responsibilities.
Subchapter G. Allegations of Abuse, Neglect, and Exploitation	Subchapter G. Allegations of Abuse, Neglect, and Exploitation
§41.701. Reporting Allegations of Abuse, Neglect, or Exploitation of an Individual.	§264.701. Reporting Allegations of Abuse, Neglect, or Exploitation of an Individual.
§41.702. Requirements Related to HHSC Investigations When an Alleged Perpetrator is a Service Provider.	§264.702. Requirements Related to HHSC Investigations When an Alleged Perpetrator is a Service Provider.
§41.703. Requirements Related to HHSC Investigations When an Alleged Perpetrator is a Staff Person or a Controlling Person of an FMSA.	§264.703. Requirements Related to HHSC Investigations When an Alleged Perpetrator is a Staff Person or a Controlling Person of an FMSA.
Subchapter H. Oversight	Subchapter H. Oversight
§41.801. Oversight.	§264.801. Oversight.

