



COMMISSIONER  
Jon Weizenbaum

May 15, 2013

To: Community Attendant Services Providers;  
Community Based Alternatives Providers;  
Community Living Assistance and Support Services Providers;  
Consumer Managed Personal Attendant Services Providers;  
Deaf Blind with Multiple Disabilities Providers;  
Family Care Providers;  
Home and Community Support Services Agencies;  
Medically Dependent Children Program Providers;  
Primary Home Care Providers; and  
Special Services for Persons with Disabilities Providers

Subject: **Provider Letter No. 13-20 and Information Letter No. 13-24: Documenting Delivery of Non-Delegated Tasks by Unlicensed Persons**

This letter provides direction for home and community support services agencies (HCSSAs) on documenting non-delegated tasks delivered by unlicensed persons. This policy does not apply to documenting delegated tasks delivered by unlicensed persons or documenting services provided by licensed professional staff. It also does not apply to non-HCSSA providers who may be contracted with the Department of Aging and Disability Services (DADS) to provide services in the programs listed above.

For the purpose of this letter, the terms care plan, plan of care, individualized service plan, client, and unlicensed person have the meanings as defined in the Texas Administrative Code (TAC), Title 40, Part 1, Chapter 97 at [§97.2 \(Definitions\)](#).

#### Documenting Delivery of Non-Delegated Tasks

A HCSSA using a time sheet system in an electronic format such as electronic visit verification (EVV) or in a written format such as paper time sheets may choose to use the time sheet data as documentation that non-delegated tasks were delivered as planned. A HCSSA is not required to record each non-delegated task performed during a client visit. The time in/out data captured in the time sheet system in conjunction with the client's care plan, plan of care or individualized service plan will be acceptable documentation that non-delegated tasks provided by unlicensed persons were delivered in accordance with the plan.

#### Licensing Requirements

The [40 TAC Chapter 97](#) Licensing Standards for HCSSAs do not have a specific requirement for agencies to document time in/out for unlicensed persons delivering non-delegated tasks. Therefore, if a HCSSA chooses to use an electronic or paper time sheet system to document service delivery, any

time sheet system will be acceptable for the purpose of compliance with the [40 TAC Chapter 97](#) Licensing Standards for HCSSAs.

HCSSAs must still comply with all requirements outlined in [40 TAC Chapter 97](#) Licensing Standards for HCSSAs.

#### Contract Requirements

HCSSAs that participate in a DADS program listed in this letter must additionally comply with the requirements specified in this section. [40 TAC Chapter 68](#) standards related to Electronic Visit Verification require that certain HCSSAs use the EVV system specified by DADS to document when service delivery begins and when service delivery ends. HCSSAs subject to EVV requirements do not have an option to use paper based documentation of service delivery time in/out.

Documentation requirements outlined in program or contract rules or contracts that are not expressly excluded by this policy are still required. Examples include, but are not limited to, documentation requirements related to supervision, training, critical incidents and service suspensions.

#### **Contact information:**

For questions regarding the DADS EVV system, please contact DADS via email at [CPC@dads.state.tx.us](mailto:CPC@dads.state.tx.us).

For questions regarding DADS program policy related to service delivery documentation requirements, please contact DADS via email at [PDO@dads.state.tx.us](mailto:PDO@dads.state.tx.us).

For questions regarding licensing standards and requirements, please contact a DADS Regulatory Services policy specialist at 512-438-3161.

Sincerely,

[Signature on file]

Lynn W. Blackmore  
Director  
Center for Policy and Innovation

[Signature on file]

Veronda L. Durden  
Assistant Commissioner  
Regulatory Services

[Signature on file]

Carol Y. Sloan  
Interim Assistant Commissioner  
Access and Intake

LWB/CYS/VLD:dln