



Date: September 30, 2021

To: Financial Management Services Agencies (FMSAs)

Subject: Information Letter 2021-46  
COVID-19 Guidance for FMSAs and Consumer Directed Services (CDS)  
Employers **(Replaces IL 2021-41)**

This revision to Information Letter 2021-17, originally published on February 26, 2021, provides an updated timeline for the suspension of in-person CDS employer orientations.

The purpose of this information letter is to provide guidance regarding COVID-19 (coronavirus) for FMSAs, CDS employers, and Designated Representatives (DRs). FMSAs are required to share the information contained in this letter with CDS employers and DRs.

FMSAs, CDS employers and DRs are required to comply with state and federal laws, rules, regulations, and letters regarding their Medicaid services. Due to the escalating situation of COVID-19, the Texas Health and Human Services Commission (HHSC) allows FMSAs to suspend face to face CDS employer orientations and reminds CDS employers and DRs that a service backup plan is required and should be in place.

## **CDS Employer Orientations**

**Suspension of in-person CDS employer orientations is extended through October 31, 2021 unless the public health emergency ends sooner. HHSC will provide updated information if there are any changes.**

FMSAs should provide employer orientations that are scheduled through that date virtually or by telephone.

Following this suspension, FMSAs will be required to provide in-person visits for the CDS employers whose initial orientation was conducted virtually or by telephone.

## Service Backup Plan

The Texas Administrative Code (TAC) requires the service planning team for an individual receiving services through the CDS option to ensure a service back-up plan is in place if:

- It is required by the individual's program; or
- The service planning team determines that a service is critical to the individual's health and safety.<sup>1</sup>

State and federal guidance indicate that COVID-19 presents a health and safety risk to individuals receiving Medicaid services through the CDS option. Therefore, all CDS employers should ensure they have a backup plan in place, and they can work with their service coordinator or case manager to develop one.<sup>2</sup>

Service backup plans must be completed using [Form 1740](#) and be approved by the individual's service coordinator or case manager. A service backup plan may include the use of unpaid supports, the purchase of backup hours from a provider agency, or respite.

## Preventing the Spread of COVID-19

### Limited Entry of Non-Essential Persons

CDS employers are advised to limit the number of people entering the home of the individual receiving services. Persons should be denied entry if they:

- have symptoms of a respiratory infection, such as fever, cough, shortness of breath, or sore throat;
- in the last 14 days, have had contact with someone with a confirmed diagnosis of COVID-19 or are under investigation for COVID-19;
- in the last 14 days, have traveled internationally to [countries with sustained community transmission](#).

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<sup>1</sup> See 40 TAC [§41.404\(b\)](#)

<sup>2</sup> See 40 TAC [§41.217](#)

## **Alternate Communication Methods**

During this time, HHSC encourages CDS employers and DRs to utilize alternate means of communication such as FaceTime, Skype or other video or telephone conferencing systems to promote ongoing contact between individuals and their loved ones.

## **Refrain from Meeting in Large Groups**

HHSC strongly encourages individuals to refrain from attending public events in which people are gathered. This includes refraining from receiving day habilitation services in group settings.

## **Follow State and Federal Guidance**

CDS employers, FMSAs, service coordinators and case managers must follow guidance issued by:

- The [Centers for Disease Control](#) (CDC)
- The Texas [Department of State Health Services](#) (DSHS)
- Texas [HHSC](#)
- Their local public health department

Helpful information from these sources includes a list of [Frequently Asked Questions](#) from the CDC and [Disaster Response Toolkit](#) from CMS. DSHS has also published [COVID-19: Guidance for Public Health Home Service Providers](#).

CDS employers and DRs should contact their local health department, or DSHS if there is no local health department, if:

- they have questions related to COVID-19; or
- they suspect an individual receiving services has COVID-19.

CDS employers, DRs, and employees should take precautions including, but not limited to:

- Limiting physical contact, such as handshakes and hugging;
- Reinforcing strong hygiene practices, such as proper handwashing, covering coughs and sneezes, and using hand sanitizer (this is especially important for individuals and service providers who utilize tactual modes of communication);
- Practicing social distancing;
- Using gloves when supporting individuals; and
- Regularly disinfecting all high-touch surfaces, such as counters, doorknobs, and telephones.

## **Contact Information**

If you have any questions about this letter, please contact the CDS Policy and Operations team by emailing [CDS@hhsc.state.tx.us](mailto:CDS@hhsc.state.tx.us).

Sincerely,

[signature on file]

Michelle Erwin  
Deputy Associate Commissioner  
Policy and Program  
Medicaid and CHIP Services Department