Figure: 40 TAC Chapter 49

Current Rules	Move to
Title 40. Social Services and Assistance	Title 26. Health and Human Services
Part 1. Department of Aging and Disability	Part 1. Texas Health and Human Services
Services	Commission
Chapter 49. Contracting for Community Services	Chapter 52. Contracting for Community Services
	Subchapter A. Application and Definitions
Subchapter A. Application and Definitions	§52.1. Application.
§49.101. Application.	i
§49.102. Definitions.	§52.3. Definitions.
Subchapter B. Contractor Enrollment	Subchapter B. Contractor Enrollment
§49.201. Contractors Not Subject to Certain	§52.25. Contractors Not Subject to Certain
Portions of Subchapter B.	Portions of Subchapter B.
§49.202. Provisional Contract.	§52.27. Provisional Contract.
§49.203. Provisional Contract Application	§52.29. Provisional Contract Application
Process.	Process.
§49.204. Additional Provisional Contract	§52.31. Additional Provisional Contract
Application Requirements.	Application Requirements.
§49.205. License, Certification, Accreditation,	§52.33. License, Certification, Accreditation, and
and Other Requirements.	Other Requirements.
§49.206. Ineligibility Due to Criminal History.	§52.35. Ineligibility Due to Criminal History.
§49.207. Provisional Contract Application Denial.	§52.37. Provisional Contract Application Denial.
§49.208. Provisional Contract Application	§52.39. Provisional Contract Application
Approval.	Approval.
§49.209. Standard Contract.	§52.41. Standard Contract.
§49.210. Contractor Change of Ownership or	§52.43. Contractor Change of Ownership or Legal
Legal Entity.	Entity.
§49.211. Religious Organization Applicants.	§52.45. Religious Organization Applicants.
Subchapter C. Requirements of a Contractor	Subchapter C. Requirements of a Contractor
§49.301. Contractors Not Subject to Certain	§52.101. Contractors Not Subject to Certain
Portions of Subchapter C.	Portions of Subchapter C.
§49.302. General Requirements.	§52.103. General Requirements.
§49.303. Confidentiality of Information.	§52.105. Confidentiality of Information.
§49.304. Background Checks.	§52.107. Background Checks.
§49.305. Records.	§52.109. Records.
§49.306. Electronic Visit Verification System.	§52.111. Electronic Visit Verification System.
§49.307. Record Retention and Disposition.	§52.113. Record Retention and Disposition.
§49.308. Subcontracts.	§52.115. Subcontracts.
§49.309. Complaint Process.	§52.117. Complaint Process.
§49.310. Abuse, Neglect, and Exploitation	§52.119. Abuse, Neglect, and Exploitation
Allegations.	Allegations.
§49.311. Claims Payment.	§52.121. Claims Payment.
§49.312. Personal Attendants.	§52.123. Personal Attendants.
§49.313. Day Habilitation Requirements in the	§52.125. Day Habilitation Requirements in the
HCS Program, the TxHmL Program, and the	HCS Program, the TxHmL Program, and the
DBMD Program and Prevocational Services	DBMD Program and Prevocational Services
Requirements in the CLASS Program.	Requirements in the CLASS Program.
Subchapter D. Monitoring and Investigation of	Subchapter D. Monitoring and Investigation of
a Contractor	a Contractor

Division 1. Applicability of Subchapter	Division 1. Applicability of Subchapter
§49.401. Contractors Not Subject to Subchapter	§52.201. Contractors Not Subject to Subchapter
D.	D.
Division 2. Monitoring and Investigation	Division 2. Monitoring and Investigation
§49.411. Contract and Fiscal Monitoring.	§52.211. Contract and Fiscal Monitoring.
§49.413. Investigation.	§52.213. Investigation.
§49.414. Financial Review.	§52.215. Financial Review.
Subchapter E. Enforcement by HHSC,	Subchapter E. Enforcement by HHSC,
Termination by Contractor, and No Offer of	Termination by Contractor, and No Offer of
Standard Contract by HHSC	Standard Contract by HHSC
Division 1. Applicability of Subchapter	Division 1. Applicability of Subchapter
§49.501. Contractors Not Subject to Certain	§52.231. Contractors Not Subject to Certain
Portions of Subchapter E.	Portions of Subchapter E.
Division 2. Immediate Protection	Division 2. Immediate Protection
§49.511. Immediate Protection and Immediate	§52.251. Immediate Protection and Immediate
Protection Plan.	Protection Plan.
Division 3. Actions	Division 3. Actions
§49.521. Action by HHSC.	§52.271. Action by HHSC.
§49.522. Corrective Action Plan.	§52.273. Corrective Action Plan.
§49.523. Referral Hold.	§52.275. Referral Hold.
Division 4. Sanctions	Division 4. Sanctions
§49.531. Sanction by HHSC.	§52.301. Sanction by HHSC.
§49.532. Vendor Hold.	§52.311. Vendor Hold.
§49.533. Recoupment.	§52.313. Recoupment.
§49.534. Termination of Contract by HHSC.	§52.315. Termination of Contract by HHSC.
§49.535. Administrative Penalties in the HCS and	§52.317. Administrative Penalties in the HCS and
TxHmL Programs.	TxHmL Programs.
Division 5. Appeals	Division 5. Appeals
§49.541. Contractor's Right to Appeal.	§52.351. Contractor's Right to Appeal.
Division 6. Contractor Terminating Contract	Division 6. Contractor Terminating Contract
or Not Entering into Standard Contract	or Not Entering into Standard Contract
§49.551. Contractor Terminating Contract or Not	§52.371. Contractor Terminating Contract or Not
Entering into a Standard Contract.	Entering into a Standard Contract.
Division 7. HHSC Does Not Offer a Standard	Division 7. HHSC Does Not Offer a Standard
Contract	Contract
§49.561. HHSC Does Not Offer a Standard	§52.391. HHSC Does Not Offer a Standard
Contract.	Contract.
Subchapter F. Review by HHSC of Expiring or	Subchapter F. Review by HHSC of Expiring or
Terminated Contract	Terminated Contract
§49.601. HHSC Review and Contractor	§52.601. HHSC Review and Contractor
Requirements Related to Expiring or Terminated	Requirements Related to Expiring or Terminated
Contract.	Contract.
Subchapter G. Application Denial Period	Subchapter G. Application Denial Period
§49.701. Contractors Not Subject to Subchapter	§52.701. Contractors Not Subject to Subchapter
G. \$40,702 Application Daniel Danied	G. \$52,702 Application David David
§49.702. Application Denial Period.	§52.702. Application Denial Period.