

# Temporary Change in HCS and TxHmL Policy for Service Providers of Respite and CFC PAS/HAB

[HCS](#) and [TxHmL](#) Billing Guidelines Section 4660(1) and [CFC Billing Guidelines](#) Section 3710(a)(1) prohibit a person from receiving respite or Community First Choice Personal Attendant Services/Habilitation from someone who lives in the same home as the person.

HHSC is lifting the prohibition on service providers of respite and CFC PAS/HAB from living in the same home as the person receiving Home and Community-based Services and Texas Home Living program services. This is to provide access to needed services for people living in their own home or family's home. An individual's spouse or the parent of a minor child is still prohibited from being a paid service provider of these services. This policy change is effective March 27 through April 30, 2020.

Program providers must complete the required background checks for all service providers. They must comply with the Texas Administrative Code, Title 40, Part 1, Subchapter D and N, HCS and TxHmL Rules, [§9.177](#) (n) and (o), [§9.579](#) (r) and (s), and [HCS](#) and [TxHmL](#) Billing Guidelines Section 3400 regarding service provider qualifications.

Contact the HCS or TxHmL program policy at [HCSPolicy@hhsc.state.tx.us](mailto:HCSPolicy@hhsc.state.tx.us) or [TxHmLPolicy@hhsc.state.tx.us](mailto:TxHmLPolicy@hhsc.state.tx.us) with your questions.