Deadline Extension – DUA and HHS SPI Due April 17 for Active Fee-For-Service Contractors

Information posted March 16, 2017

On March 2, 2017, an alert was distributed through GovDelivery for active fee-for-service contractors who contract to provide services for the Texas Health and Human Services Commission (HHSC) programs listed below. The alert requested contractors to submit a Data Use Agreement (DUA) and a Security and Privacy Initial Inquiry (SPI) by March 16, 2017. Contractors now have an additional 30 days to submit a DUA and SPI if they do not currently have a DUA and SPI on file.

- Adult Foster Care (AFC)
- Community Living Assistance and Support Services/Continued Family Services (CLASS/CFS)
- Community Living Assistance and Support Services/Case Management Services (CLASS/CMA)
- Community Living Assistance and Support Services/Direct Services Agency (CLASS/DSA)
- Community Living Assistance and Support Services/Support Family Services (CLASS/SFS)
- Consumer Directed Services-Community Living Assistance and Support Services (CDS-CLASS)
- Consumer Directed Services-Deaf Blind with Multiple Disabilities (CDS-DBMD)
- Consumer Directed Services-Home and Community Based Services (CDS-HCS)
- Consumer Directed Services-Primary Home Care (CDS-PHC)
- Consumer Directed Services-Texas Home Living (CDS-TxHmL)
- Consumer Managed Personal Attendant Services (CMPAS)
- Day Activity and Health Services (DAHS)
- Deaf Blind with Multiple Disabilities (DBMD)
- Emergency Response Services (ERS)
- Home and Community Based Services (HCS)
- Home Delivered Meals (HDM)
- Hospice
- Primary Home Care/Family Care/Community Attendant Services (PHC/FC/CAS)
- Program for all Inclusive Care for the Elderly (PACE)
- Residential Care (RC)
- Service Responsibility Option-Primary Home Care/Family Care/Community Attendant Services (SRO-PHC/FC/CAS)
- Special Services to Persons with Disabilities (SSPD)
- Texas Home Living (TxHmL)
- Transition Assistance Services (TAS)

Note: On Sept. 1, 2016, the Texas Department of Aging and Disability Services (DADS) fee-for-service contracts were transitioned to HHSC.

Complete and submit the DUA and Security and Privacy Initial Inquiry (SPI) to the address below no later than April 17, 2017. Failure to comply with this request could result in adverse action against your contract, up to and including termination.
If you do not have a DUA and SPI on file, submit the requested forms to the following address:

HHS Access and Eligibility Services
Contracted Community Services
Attn: DUA & SPI
Mail Code W-357
PO Box 149030
Austin, TX 78714-9030

**Note: you are only required to submit one DUA and SPI per legal entity.**

When completing the DUA:

- Enter your legal entity name in both ("CONTRACTOR") fields on page 1.
- HHS staff will provide Exhibit B, which will include all active contracts associated with your Tax Identification Number (TIN).
- On page 11, please sign the 'By:' field and enter all requested information in the CONTRACTOR portion.
- If you do not use a subcontractor, Attachment 1 is not required.
- If you use a subcontractor, Attachment 1 must be completed.
- Sign the ‘By:’ field and enter all requested information in the CONTRACTOR portion and have your subcontractor sign and complete the SUBCONTRACTOR portion. If you use more than one subcontractor, additional Attachment 1s will need to be submitted.
- **Note: original signatures are required.**

The purpose of the DUA is to establish a clear and consistent process for safeguarding confidential information and for reporting and correcting any unauthorized use or disclosure of the confidential information. The DUA incorporates a variety of regulatory requirements under state and federal laws and is not limited to requirements for securing protected health information under the Health Insurance Portability and Accountability Act. It is meant to be broader and include protection for all types of non-public information that HHS’s contractors access in the performance of their contractual obligations.

Under the terms of the DUA, contractors are required to identify Privacy and Security Officers to insure compliance with data protection and security. You should direct your questions to your designated officials. The federal Department of Health and Human Services offers resources and information online. The HHS SPI will enable HHS Information Security personnel to assess whether you have sufficient safeguards in place to protect HHS confidential information. Please be sure to review the instructions for completing the SPI online.

Be advised that failure to implement all required protections within the applicable timelines may result in a vendor payment hold or termination.

If you are unsure whether you have a DUA and SPI on file, contact HHSC via email at Community.ServicesContracts@dads.state.tx.us. All other questions about this alert can also be sent to Community.ServicesContracts@dads.state.tx.us. Please provide the legal entity name and contract number(s).