



Date: June 10, 2022

To: Adult Foster Care Providers
Community Attendant Services Providers
Day Activity and Health Services Providers
Emergency Response Services Providers
Family Care Providers
Home Delivered Meals Providers
Primary Home Care Providers
Residential Care Providers

Subject: Information Letter No. 2022-33
Records Retention and Contact Information After Contract Termination

This letter serves to remind providers of contractual requirements that continue after contract termination.

As required by 40 Texas Administrative Code (TAC), Chapter 49, [§49.601](#) (relating to HHSC Review and Contractor Requirements Related to Expiring or Terminated Contract) and the agreement between your agency and HHSC, Form 3254, Community Services Contract - Provider Agreement, if a contract expires or is terminated, the contractor must provide HHSC with the following information:

1. The location of the records related to the contract expiring or being terminated; and
2. The name, address, telephone number and email address of a person HHSC may contact to arrange access to the records (the "Contact Person Information").

If the Contact Person Information changes, you must notify HHSC at the address indicated at the end of this letter within 14 days of the change.

In accordance with 40 TAC, [§49.307](#) (relating to Record Retention and Disposition), unless you are required to retain records for a longer period by the contract or rules governing services provided under the contract, you must retain records in the form in which they were created until the latest of the following occurs:

1. Seven years after you submit a claim for the service about which the record relates;
2. Seven years after all issues that arise from any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record are resolved; or
3. The individual about whom the records relate becomes 21 years of age.

This retention obligation continues even if you or your business cease business operations.

For questions regarding the content of this letter, review the [Contact Information for Eligibility Operations Provider Contract Management](#) for the Health and Human Services Commission point of contact for your contract type.

Sincerely,

[signature on file]

Lance Duckworth
Director
Eligibility Operations Provider
Contract Management