

MEMORANDUM

Department of Aging and Disability Services Regulatory Services Policy * Survey and Certification Clarification

TO: Regulatory Services
Regional Directors, Regional Program Managers, State Office Managers, Home and Community Support Services Agencies (HCSSAs)

FROM: Mary T. Henderson
Assistant Commissioner, Regulatory Services

SUBJECT: **S&CC 16-02** – Prompt Reporting of Abuse, Neglect and Exploitation (ANE)

APPLIES TO: HCSSAs

DATE: February 23, 2016

A HCSSA with a “cause to believe” that one of its clients has been abused, neglected or exploited by one of its employees, volunteers or contractors, must report the information within 24 hours to both the Department of Family and Protective Services (DFPS) and the Department of Aging and Disability Services (DADS) as described in the Texas Administrative Code (TAC), Title 40, Part 1, Chapter 97, §97.249.

On September 1, 2015, DFPS Adult Protective Services (APS) Provider Investigations program assumed responsibility for investigations of ANE allegations that involve adult Medicaid clients and all children served by HCSSAs. The APS Provider Investigations program is required by the Texas Human Resources Code, §48.253, to notify a HCSSA upon receipt of an allegation of ANE against one of the agency’s employees.

When a HCSSA is notified by APS, triggering a “cause to believe” that an incident of ANE has occurred, the HCSSA should record the APS intake identification (ID) number. However, the HCSSA is not required to report the incident again to DFPS. Documentation of the APS intake ID number will satisfy the initial reporting requirement to DFPS for that specific incident of ANE. In addition, the HCSSA, in accordance with 40 TAC §97.249, must make an initial report of the incident to DADS Consumer Rights and Services within 24 hours. The HCSSA must then proceed with its own internal investigation, in accordance with the requirements at 40 TAC §97.250. If the HCSSA is aware of any other ANE incidents, the HCSSA must report each one separately to DFPS and DADS.

If you have questions about the APS Provider program or the investigation process, please contact APS at APSPolicy@dfps.state.tx.us. If you have questions about this memorandum or about HCSSA regulatory requirements, please contact a policy specialist in the Regulatory Services Policy, Rules and Curriculum Development Section at (512) 438-3161.