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.