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Changes to ANE Reporting and Investigation

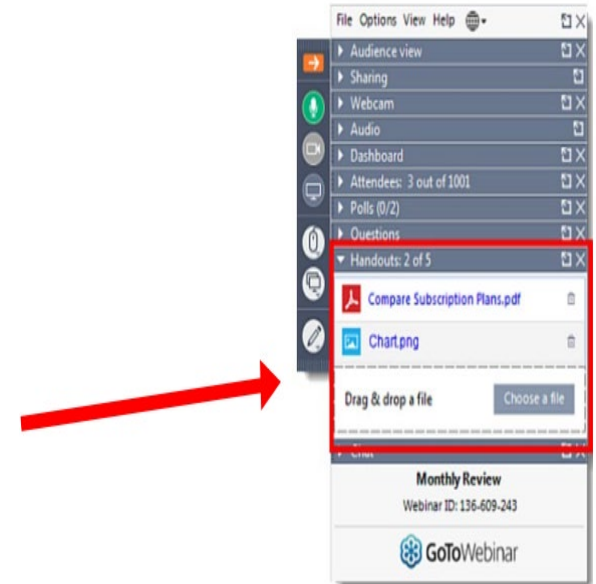
LTCR Investigations for Intermediate Care Facilities

Presentation and Handouts



A pdf version of this presentation is available in the **Handout** section of your control panel.

- Select the tab for “handouts”
- Double click on the file to open it
- Save to your computer





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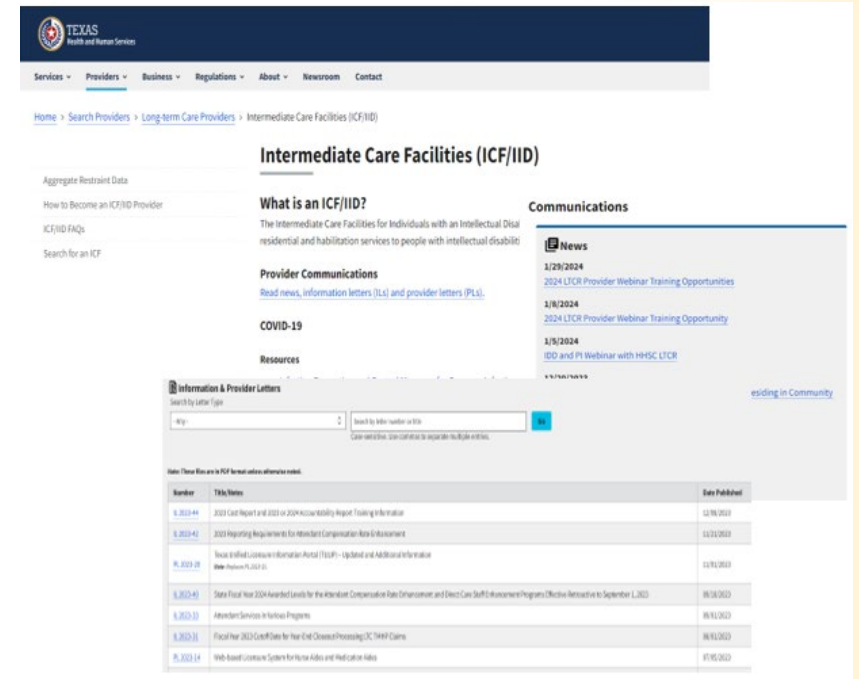
ICF Provider Portal

Sections:

- Communications; Information & Provider Letters
- Directory and Regulation Tags
- Contact Program Staff
- Forms

ICF Provider Portal

[Intermediate Care Facilities \(ICF/IID\) | Texas Health and Human Services](#)



New Reporting and Investigating Processes

A new process will streamline and enhance efficiency of reporting alleged Abuse, Neglect and Exploitation (ANE) in an ICF.

ICF providers will be required to report alleged ANE to HHSC CII.

HHSC LTCR surveyors will investigate reports of alleged ANE in ICFs.

These new processes will begin on:

March 1, 2024



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Reporting Alleged ANE

Beginning March 1, 2024, all ANE of an individual receiving services from an ICF must be reported to HHSC CII when it is learned or suspected that the ANE was committed by an employee, volunteer, contractor, or subcontractor of the facility.

Providers can report ANE to CII:

- online through the [TULIP](https://txhhs.force.com/TULIP/) (Texas Unified Licensure Information Portal) system at <https://txhhs.force.com/TULIP/> (preferred method) available 24/7;
- by calling 1-800-458-9858 (live agents are available Monday - Friday, 7 am-7 pm); or
- via email: ciicomplaints@hhs.texas.gov



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Continued Reporting Until March 1, 2024



Please Note:

Until March 1, 2024, ICFs must continue reporting alleged abuse, neglect and exploitation using the current protocol of making reports to both DFPS Statewide Intake (SWI) and CII.

Reporting Incidents to HHSC CII

- online through the [TULIP](https://txhhs.force.com/TULIP/) (Texas Unified Licensure Information Portal) system at <https://txhhs.force.com/TULIP/> (preferred method);
- by calling 1-800-458-9858 (live agents are available Monday - Friday, 7 a.m.-7 p.m.); or
- via email: ciicomplaints@hhs.texas.gov



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Texas Unified Licensure Information Portal (TULIP) is an online system for submitting long-term care

All Nursing Facility Administrators, Nurse Aides, Med Aides, NATCEP and
If you have previously registered with the system, it is not necessary to
The system will also provide the current status of your registration

Unauthorized email from HHS

HHS is aware that a 3rd party is impersonating the agency via an email requesting verification/update of info related to TULIP. This is not a legitimate request from HHSC; if you clicked the link to verify/update info, please reset your password immediately.

TULIP Registration Issues

We have identified the issues and solutions related to registration of individual licensing applicants. You are now encouraged to

Individuals who have sent emails but not received tickets numbers

The TULIP IT Help Desk system was updated for greater flexibility and visibility into your issues. We are addressing all open

TULIP Credentialing Transition Grace Period Extended

All NA certifications, MA permits, NFA licenses and NATCEP approvals active on 6/16/2023 will be extended until 4/30/2024.



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Texas Unified Licensure Information Portal (TULIP)

Log in

[Forgot your password?](#)

[Not a Member?](#)

This application works only in Google Chrome browser

[Click here for additional information about TULIP](#)

[Click here for HHSC Privacy Policies and Practices](#)

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Initial report to CII

A provider should include, in its initial report to CII, and in the Form 3613-A, Provider Investigation Report, as much information that is known.

Details to include:

- Names of the reporter, the provider, individual(s) involved, any witnesses, and alleged perpetrators (AP);
- Facility ID #, address and name of the ICF, phone numbers of the reporter, witnesses and AP.
- Dates and times of:
 - When the reporter became aware of the reportable incident
 - When and where the incident occurred
- Demographics about Individual's involved in the incident
- A detailed narrative of the incident



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Initial report to CII

Details to include:

- Mental, physical, or psychosocial well-being of individual;
- Injuries or medical treatment;
- Systemic issues;
- Identified patterns;
- Actions taken by provider;
- Status of the Individual;
- Notifications to personnel



Submitting the 3613-A

- ❖ After making the initial report to CII providers must submit the Provider Investigation Report (PIR), Form 3613-A within 5 working days.
- ❖ Providers can access the PIR, Form 3613-A on the HHSC website
- ❖ What to include in the PIR:
 - All details from the initial report to CII
 - Any additional information since the initial report was made
- ❖ Form 3613-A can be submitted with an HHSC intake number:
 - Online via TULIP;
 - Email to ciiprovider@hhs.texas.gov;
 - Fax to 1-877-438-5827; or
 - Mail to Texas Health and Human Services Commission Regulatory Services Complaint and Incident Intake
Mail Code E-249 PO BOX 149030 Austin, TX 78714-9030



Policies and Procedures

- Update Abuse, Neglect, and Exploitation Policies and Procedures
- Educate Individuals on new process
- Post updated reporting posters in facilities



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Provider Letter

PL 2024-04 - Revised Process for Reporting and HHSC Investigations of Abuse, Neglect, and Exploitation

[Provider Letter 2024-04](#)



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ICF Rule Project

- Draft rules circulated for informal comment 12/4/23 to 12/19/23
- Rules implement H.B. 4696 and House Bill 1009 (88th Regular Session)
- Anticipate formal comment period early summer of 2024.



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New ANE Investigation Process

Effective March 1, 2024:

Entrance Conference - The surveyor uses the entrance conference to notify the administrator of the investigation and allegation, names of the alleged perpetrator and alleged victim, and purpose of the visit.

Evidence Collection - HHSC conducts interviews, gathers records, and conducts observations to reach a preponderance of the evidence as to whether the alleged abuse, neglect, or exploitation occurred.



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New ANE Investigation Process



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Findings – The surveyor will review the evidence to determine whether the finding is substantiated or unsubstantiated. **HHSC substantiates or unsubstantiates findings of abuse, neglect, and exploitation involving the alleged perpetrator.** They may also cite provider non-compliance regarding federal or state regulations during an investigation of ANE. If ANE is substantiated for an employee, the surveyor will make the appropriate referrals.

New ANE Investigation Process

Exit Conference – The surveyor will provide the facility administrator the following:

- HHSC Form 3701, Preliminary Findings Based on Survey, Inspection, or Investigation. This form will include:
 - Federal citations listed by condition of participation cited;
 - State citations listed as state violations cited;
 - Results of ANE investigation(s) (separate finding(s) for each allegation, the name of the alleged perpetrator(s) and intake number(s) will be listed) and;
 - Results of non-ANE investigation(s) (separate finding(s) for each allegation will be listed)
- A copy of the core sample list and HIPAA list
- A letter explaining how to report survey/surveyor inconsistencies.



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New ANE Investigation Process

Post Exit- The facility will receive a 3724/2567 documenting the investigation findings for each visit. If there are deficiencies/violations cited, the facility will have 10 calendar days from receipt of the 2567 and 10 business days from the receipt of the 3724 to submit an acceptable plan of correction.



New Process Benefits

The benefits of this updated process will have positive outcomes such as:

- ✓ One investigation
- ✓ One investigator
- ✓ One investigation document



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What to Self-Report

**Examples of Alleged Abuse, Neglect, and
Exploitation**

Alleged Abuse

- The nurse tells the individual, “You’re too fat and need to lose weight” causing the Individual to starve herself. (verbal abuse)
- Direct Care Staff kicks an individual as he walked by. (physical abuse)



Alleged Neglect

- The nurse fails to assess the individual's sprained ankle after he told her that he fell off his bike.
- The Direct Care Staff fails to follow the dietician's prescribed diet for an individual that requires pureed meals resulting in the individual choking and emergency services had to be called.



Alleged Exploitation

- Direct Care Staff buying themselves food with the Individual's money when going to a restaurant or grocery shopping.
- Direct Care Staff traded a pack of cigarettes to an Individual in exchange for the new iPad the Individual got for Christmas.



ICF Joint Training Opportunities

Reporting Abuse, Neglect, and Exploitation Changes and Self-Reporting Incidents for Intermediate Care Facilities– 1.5 Hour Webinar

The webinars will be held on the following dates:

❖ **Tuesday, March 5 @ 10-11:30 a.m.**

❖ **Thursday, March 21 @ 2-3:30 p.m.**

- **ICF Joint Training Webpage:**
- <https://apps.hhs.texas.gov/providers/training/jointtraining.cfm>





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Questions & Answers

Sign-up for Gov Delivery

Go to: <https://service.govdelivery.com/accounts/TXHHS/C/subscriber/new>

☐ Provider Alerts

- ☐ Aging and Disability Resource Centers (ADRCs)
- ☒ Assisted Living Facilities (ALF) Resources
- ☐ Assisted Living and Residential Care (ALRC) Resources
- ☐ Community Attendant Services (CAS)
- ☐ Consumer Directed Services (CDS) Resources
- ☐ Community Living Assistance and Support Services (CLASS) Resources
- ☐ Consumer Managed Personal Assistance Services (CMPAS) Resources
- ☐ Day Activity and Health Services (DAHS) Resources
- ☐ Employment First
- ☒ Deaf-Blind with Multiple Disabilities (DBMD) Program Resources
- ☐ Electronic Visit Verification
- ☐ Family Care (FC) Resources
- ☒ Home and Community Support Services Agencies (HCSSAs) Resources
- ☐ Home and Community Based Services Settings (HCBS)
- ☒ Home and Community-Based Services Waiver (HCS) Resources
- ☐ Home-Delivered Meals Program Resources
- ☐ Hospice Provider Resources
- ☒ Individualized Skills and Socialization
- ☐ Information Letters
- ☒ Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Condition (ICF/IID) Program Resources



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Resources

Long-term Care Regulation Policy Mailbox

LTCRPolicy@hhs.texas.gov

LTCR Policy Main Line

(512) 438-3161

Questions about incidents?

Call the CII hotline at 800-458-9858.

Incident Submission Portal Page <https://www.hhs.texas.gov/services/your-rights/complaint-incident-intake/provider-self-reporting/incidents-submission-portal-long-term-care-providers>

Open Records Email Address (for posters) RSLTCR.RecordsMgmt@hhs.texas.gov



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Thank you!
