



COMMISSIONER
Jon Weizenbaum

June 11, 2014

To: Assisted Living Facilities (ALFs)

Subject: **Provider Letter 14-18** – Joint Investigation with Law Enforcement Agencies of Abuse, Neglect or Exploitation Allegations

The Department of Aging and Disability Services (DADS) Regulatory Services is required by Texas Health and Safety Code (HSC) §[260A.007\(c\)\(1\)](#) to notify and cooperate with local law enforcement agencies (either municipal or the county sheriff's department) in joint investigations of allegations of abuse, neglect, exploitation, or other complaints that alleges that:

- A resident's health or safety is in imminent danger;
- A resident has recently died because of conduct alleged in the report of abuse, neglect, exploitation or other complaint;
- A resident has been hospitalized or been treated in an emergency room because of conduct alleged in the report of abuse, neglect, exploitation or other complaint;
- A resident has been a victim of an act or attempted act described by Section 21.02, 21.11, 22.011 or 22.021 Penal Code; or
- A resident has suffered bodily injury, as that term is defined by Section 1.07, Penal Code, because of conduct alleged in the report of abuse, neglect, exploitation or other complaint.

ALFs are required by HSC §260A.005(b) when reporting an incident of alleged abuse, neglect, exploitation, or other complaints meeting the description listed above to report the incident to both DADS and their local law enforcement agency.

DADS notifies local law enforcement agencies about all immediate allegations of abuse, neglect, exploitation, or other complaints to provide law enforcement the opportunity to join DADS employees in conducting investigations. HSC 260A.017(b) requires law enforcement to acknowledge the report of abuse or neglect and begin a joint investigation within 24 hours of receipt of the report. HSC §260A.017(c) does not require representatives from each agency to be physically present during all phases of an investigation; nor are they required to participate equally in each activity conducted during the course of the investigation. Law enforcement agencies can exercise discretion in determining the extent of their involvement in the joint investigation.

The following link will direct you to HSC 260A:

<http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.260A.htm>

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For questions regarding this letter, please contact a policy specialist with the Policy, Rules and Curriculum Development Unit at 512-438-3161.

Sincerely,

[signature on file]

Mary T. Henderson
Assistant Commissioner
Regulatory Services

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