



COMMISSIONER
Jon Weizenbaum

October 21, 2015

To: Home and Community Support Services Agencies (HCSSAs)

Subject: Provider Letter 15-29 – Statutory and Regulatory Changes to Investigations of Abuse, Neglect and Exploitation (ANE) (Replaces PL 07-25)

Effective September 1, 2015, Texas Department of Aging and Disability Services (DADS) surveyors no longer investigate allegations of ANE involving HCSSA clients under the age of 18. The passage of Senate Bills SB 1880 and SB 760 (84th Texas Legislature, Regular Session, 2015) granted the Texas Department of Family and Protective Services (DFPS) expanded authority under Texas Family Code, §261.404 to conduct these investigations. DFPS now investigates all ANE involving clients of licensed HCSSAs, with the exception of adults residing in an in-patient hospice facility.

DADS surveyors still investigate allegations of ANE involving adult clients of in-patient hospices. In those cases, surveyors make referrals to the Employee Misconduct Registry when appropriate. Additionally, in ANE cases that do not involve an in-patient hospice, DADS will review the incidents and may conduct surveys to determine compliance with HCSSA licensure and certification requirements. Rule changes in 40 TAC §97.501 and the repeal of 40 TAC §97.502 reflect the updated DADS survey and complaint investigation procedures.

Please note that SB 1880 and SB 760 **do not** make any changes to current self-reporting or other HCSSA requirements in the Texas Health and Safety Code, Title 2, Subtitle G, Chapter 142. In accordance with 40 TAC §97.249, HCSSAs still must report within 24 hours to **both** DADS and DFPS any known or suspected incidents of ANE of clients by agency employees, contractors or volunteers.

HCSSAs should report incidents by phone or online to:

DADS:
1-800-458-9858
<https://www.dads.state.tx.us/services/crs/incidentforms/SRI/index.cfm>

DFPS:
1-800-252-5400
<https://www.txabusehotline.org/>

Provider Letter No. 15-29

October 21, 2015

Page 2

If you have any questions about this letter or about reporting ANE, please contact the Policy, Rules and Curriculum Development Section at (512) 438-3161.

Sincerely,

[signature on file]

Mary T. Henderson
Assistant Commissioner
Regulatory Services

MTH:cg