

MEMORANDUM

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

TO: Regulatory Services
Regional Directors, State Office Managers

FROM: Mary T. Henderson
Assistant Commissioner, Regulatory Services

SUBJECT: **S&CC 15-01 - Complaint and Incident Intake Functions**
(Replaces S&CC Memo 03-08)

APPLIES TO: Regional Survey Staff

DATE: April 12, 2015

The purpose of this memorandum is to provide guidance to Regional Survey staff regarding the handling of complaints, incidents, requests to withdraw complaints, and the importance of accurate and timely reporting.

The Department of Aging and Disability Services (DADS) reports the number of complaints received and the actions taken for each complaint to the Texas Legislature. To ensure that we provide accurate reports, it is important that you adhere to the following policy clarification.

Complaints About Providers and Incidents Reported by Providers

The following types of complaints and incidents are referred to DADS Consumer Rights and Services in State Office, regardless of where they are first received:

- Complaints about providers
 - Incidents reported by providers
 - Requests to withdraw a complaint
- (Note: DADS will not withdraw complaints alleging abuse, neglect or exploitation)

Regional Responsibilities:

When a regional office receives a complaint or incident listed in the preceding paragraph, regional staff will:

1. Inform the caller that intakes of this nature are accepted by DADS Consumer Rights and Services in State Office at 1-800-458-9858 and transfer the caller to the toll-free number, when possible.
2. Accept a **complaint about a provider** or a **request to withdraw a complaint**:
 - when the person calling is a legislative representative or someone from the representative's office (unless the legislative representative or someone from the representative's office prefers to speak to someone in State Office); and
 - when the person calling is unwilling to call or be transferred to the Consumer Rights

and Services hotline.

3. If a regional office receives a **request to withdraw a complaint** alleging abuse, neglect or exploitation, regional staff **must** inform the person that DADS will not accept a request to withdraw complaints alleging abuse, neglect or exploitation because DADS is required to investigate these allegations to protect client/resident health and safety.
4. If a regional office accepts a **complaint about a provider** or a **request to withdraw a complaint**, regional staff (**with approval to withdraw the complaint from the Regional Director or Assistant Regional Director in the email thread**) will forward the information to Consumer Rights and Services via:
 - electronic mail to CRSComplaints@dads.state.tx.us; or
 - facsimile to 512-438-2724 or 512-438-2722

Consumer Rights and Services staff will data enter the information into the appropriate Regulatory Services tracking system to create an intake record. Regional staff must notify Consumer Rights and Services of any change that needs to be made to an intake record.

Complaints About Surveyors

Complaints about surveyors may be accepted by the Regional Director or DADS Consumer Rights and Services hotline at 1-800-458-9858. Please refer to Provider Letter (PL) [14-07 Complaints Regarding Surveyors](#) for Regional Director contact information and additional ways to submit a surveyor complaint.

General Information

For questions regarding provider complaints, self-reported incidents, or surveyor complaints, contact DADS Consumer Rights and Services hotline at 1-800-458-9858. Policy related questions may be directed to a policy specialist in the Policy, Rules and Curriculum Development unit at (512) 438-3161.

Sincerely,

[signature on file]

Mary T. Henderson
Assistant Commissioner, Regulatory Services

MTH:cg