

Guidance for Managed Care Organizations (MCOs) and Contracted Providers: How to report abuse, neglect, and exploitation (ANE) that occurs within the delivery of managed long term services and supports^[i]:

MCOs and providers must report any allegation or suspicion of ANE to the appropriate entity. The managed care contracts include MCO and provider responsibilities related to identification and reporting of ANE. The Medicaid/CHIP Division at the Texas Health and Human Services Commission developed this document in order to assist MCOs and providers with reporting ANE. Additional state laws related to MCO and provider requirements continue to apply.

Department of Family and Protective Services (DFPS)^[iii]

Report to DFPS if the victim is one of the following:

- An adult who is elderly or has a disability, receiving services from:
 - Home and Community Support Services Agencies (HCSSAs) – also required to report any HCSSA allegation to DADS
 - Unlicensed adult foster care provider with three or fewer beds
- An adult with a disability or child residing in or receiving services from one of the following providers or their contractors:
 - Local authority, local mental health authority (LMHAs), community center, or mental health facility operated by the Department of State Health Services
- An adult with a disability receiving services through the Consumer Directed Services option

Contact DFPS:

- Call 1-800-252-5400
- Online in non-emergency situations at www.txabusehotline.org

Department of Aging and Disability Services (DADS)^[iii]

Report to DADS if the victim is an adult or child who resides in or receives services from:

- Nursing facilities;
- Assisted living facilities;
- Home and Community Support Services Agencies (HCSSAs)^[iv] – also required to report any HCSSA allegation to DFPS;
- Adult day care centers; or
- Licensed adult foster care providers

Contact DADS:

- Call 1-800-647-7418

Local Law Enforcement

- If a provider is unable to identify state agency jurisdiction but an instance of ANE appears to have occurred, report to a local law enforcement agency and/or DFPS.

Failure to Report or False Reporting

- It is a criminal offense if a person fails to report suspected ANE of a person to DFPS, DADS, or a law enforcement agency.^[v]

- It is a criminal offense to knowingly or intentionally report false information to DFPS, DADS, or a law enforcement agency regarding ANE.^[vi]
- Everyone has an obligation to report suspected ANE against a child, an adult that is elderly, or an adult with a disability to DFPS. This includes ANE committed by a family member, DFPS licensed foster parent or accredited child placing agency foster home, DFPS licensed general residential operation, or at a childcare center.

^[i] Managed long-term services and supports (MLTSS) refer to the delivery of long-term services and supports (LTSS) through managed care programs, including community-based and institutional LTSS under the State Plan and home and community based services (HCBS) under the STAR+PLUS Waiver.

^[ii] Texas Human Resources Code, Chapter 48; and Texas Family Code, Chapter 261.

^[iii] Texas Human Resources Code, Chapter 48; and Texas Health and Safety Code 260A.

^[iv] Providers are required to report to DADS and DFPS although DFPS performs the investigation for adults. DADS investigates allegations of ANE for child in HCSSA.

^[v] Texas Human Resources Code, Section 48.052; Texas Health & Safety Code, Section 260A.012; and Texas Family Code, Section 261.109.

^[vi] Texas Human Resources Code, Sec. 48.053; Texas Health & Safety Code, Section 260A.013; and Texas Family Code, Section 261.107.