



MEMORANDUM FROM DEPUTY ASSOCIATE COMMISSIONER

TO: Local Intellectual and Developmental Disability Authorities

FROM: Anne McGonigle, Deputy Associate Commissioner
IDD Services & PASRR

SUBJECT: Potential Threat Responsibilities and Activities

The purpose of this memo is to outline the responsibilities of the local intellectual and developmental disability authorities (LIDDAs) after HHSC Long-term Care Regulation (LTCR) identifies a potential threat involving an individual in a Home and Community-based Services (HCS) or Texas Home Living (TxHmL) program¹.

BACKGROUND

In August 2021, regulatory oversight of the HCS and TxHmL programs transitioned from legacy Waiver Survey and Certification and integrated into the LTCR Survey Operations structure. For more information on this transition, see [PL 2021-26](#). As a result of the integration, certain Survey Operations processes were applied to the HCS and TxHmL programs for the first time, including the potential threat notification process.

A potential threat is an immediate threat of serious injury, harm, impairment to, or the death of an individual. If LTCR identifies a potential threat during the course of a survey, LTCR will report the potential threat to the appropriate provider and certain HHSC departments, including IDD Services and PASRR, for follow-up action. The potential threat notification process is a long-standing procedure within LTCR, which oversees other program types, including nursing facilities, assisted living facilities, and intermediate care facilities for individuals with an intellectual disability (ICF/IID) or related conditions.

¹ This includes potential threats identified at an Individualized Skills and Socialization provider and the individual(s) impacted are receiving HCS and TxHmL services.

LIDDA RESPONSIBILITIES

Upon official notification by LTCR of a potential threat to the health and safety of an individual in the HCS or TxHmL program, the LIDDA must respond to directions from IDD Services and PASRR as required by the LIDDA Performance Contract Statement of Work. The actions taken by the LIDDA must include seeing the individual in person. Subject to HHSC's direction, the in-person visit may take place in the individual's residence, individualized skills and socialization site, or another location. After conducting the monitoring visit, the service coordinator documents the visit and follow-up on any service coordination tasks identified during the visit.

The goal of the LIDDA monitoring visit is to ensure the health and safety of the individual(s); it is not to conduct an investigation. The service coordinator should not interfere with any ongoing LTCR survey or investigation or DFPS investigation.

CONTACT

If you have any questions regarding this letter or the LIDDA's responsibility after notification of a potential threat, please e-mail IDDMFPSupport@hhs.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne McGonigle". The signature is fluid and cursive, with the first name "Anne" and last name "McGonigle" clearly distinguishable.

Anne McGonigle, Deputy Associate Commissioner
IDD Services and PASRR
Local Access and Support
Community Services Division