



Long-Term Care Regulation Provider Letter

Number: PL 2023-12 (revised)

Title: Revised Process for Reporting Abuse Neglect and Exploitation

Provider Types: Home and Community Support Services Agencies (HCSSA)

Date Issued: Revised on May 22, 2023

1.0 Subject and Purpose

The Texas Health and Human Services Commission (HHSC) is working in collaboration with the Department of Family and Protective Services (DFPS) to streamline and enhance the efficiency of the reporting and investigation process for alleged abuse, neglect and exploitation (ANE) by a HCSSA provider. This process will take place in two phases with changes occurring on July 1 and September 1, 2023.

This Provider Letter was revised to correct the website for self-reporting in 2.1.

2.0 Policy Details & Provider Responsibilities

Currently (prior to July 1, 2023), all HCSSAs¹ are required to report alleged ANE to both DFPS and HHSC. These reports resulted in two different investigations.

2.1 Reporting Alleged ANE of a Medicaid Consumer Starting July 1, 2023

Beginning July 1, 2023, HCSSAs must report all suspected ANE of a Medicaid consumer:

- To CII, if the agency has cause to believe that the alleged ANE was committed by an employee, volunteer, contractor, or

¹ Except in-patient hospices, which already receive a single investigation.

subcontractor of the HCSSA including family members employed by the HCSSA. Self-reports are submitted online at <https://txhhs.force.com/TULIP/s/>, or by emailing ciicomplaints@hhs.texas.gov or calling 1-800-458-9858; or

- To DFPS, if the agency has cause to believe that the alleged ANE was committed by someone other than HCSSA staff with an ongoing relationship with the consumer (e.g., a family member, friend, household member, etc.). DFPS reports are submitted online at txabusehotline.org or by calling 1-800-252-5400.
- To DFPS, if the agency has cause to believe that the consumer is in a state of self-neglect.

HCSSAs must revise all applicable policies and procedures relating to reporting alleged ANE of a Medicaid consumer to reflect this reporting change. An agency must also educate clients on this revised process to ensure they understand whom to contact in these situations. Consumers wishing to file a complaint can file a complaint online at <https://txhhs.force.com/complaint/s/>, email CII at ciicomplaints@hhs.texas.gov or call 1-800-458-9858.

HCSSA providers must self-report an incident of alleged ANE of a Medicaid consumer by submitting a report online at <https://txhhs.force.com/TULIP/s/> email CII at ciicomplaints@hhs.texas.gov or call 1-800-458-9858.

Until September 1, 2023, HCSSAs must continue reporting alleged ANE of **non-Medicaid** consumers using the current protocol of making reports to **both** DFPS and CII.

2.2 Reporting Alleged ANE of All Consumers Starting September 1, 2023

Beginning September 1, 2023, the reporting of all alleged ANE regardless of payor source:

- To CII if the agency has cause to believe that the alleged ANE was committed employee, volunteer, contractor or subcontractor, As of September 1, 2023, DFPS will no longer investigate allegations involving HCSSA providers;

- To DFPS, if the agency has cause to believe that the alleged ANE was committed by someone other than HCSSA staff (e.g. a family member, friend, etc.); or
- To DFPS, if the agency has cause to believe that the consumer is in a state of self-neglect.

HHSC will issue a reminder that self-reports will no longer go to DFPS later this summer.

Consumers wishing to file a complaint can file a complaint online at <https://txhhs.force.com/complaint/s/>, email CII at ciicomplaints@hhs.texas.gov or call 1-800-458-9858.

HCSSA providers must self-report an incident of alleged ANE. You can submit a report online at <https://txhhs.force.com/TULIP/s> email CII at ciicomplaints@hhs.texas.gov or call 1-800-458-9858.

3.0 Background/History

This collaborative effort between DFPS and HHSC to simplify the reporting and investigations process will eliminate duplicative efforts for investigating ANE by a HCSSA provider. In 2017, the Provider Investigations (PI) Unit transitioned from DFPS to HHSC the Regulatory Services Section. In September 2020, the PI Unit integrated into Long Term Care Regulatory. This change in reporting processes better aligns visits by combining the review of regulatory compliance along with the investigation of ANE allegations.

4.0 Resources

None.

5.0 Contact Information

If you have any questions about this letter, please contact the Policy and Rules Section by email at LTCRPolicy@hhs.texas.gov or call (512) 438-3161.