



COMMISSIONER
Jon Weizenbaum

October 15, 2014

To: Assisted Living Facilities (ALFs)

Subject: Provider Letter 14-22 – Guidelines for Reporting Incidents to the Department of Aging and Disability Services (Replaces PL 03-01)

The purpose of this letter is to remind providers about reporting incidents to the Department of Aging and Disability Services (DADS). These updated guidelines supersede those dated June 1, 2003.

[Provider Letter 14-02](#) advised that abuse, neglect or exploitation (ANE) definitions were updated and ALF staff who have cause to believe that the physical or mental health or welfare of a resident has been or may be adversely affected by abuse, neglect, or exploitation caused by another person must report the abuse, neglect, or exploitation as required by Health and Safety Code (HSC) Chapter §260A. The ALF licensing standards at 40 Texas Administrative Code (TAC) §92.11 updated the ANE definitions and §92.102(a) requires any ALF staff who has reasonable cause to believe that a resident is in a state of abuse, neglect or exploitation must report the suspected/alleged ANE to DADS Consumer Rights and Services Section at (800) 458-9858.

What is an incident?

An incident is an abnormal event, including accidents or injury to staff or residents, which occurs in a facility. An occurrence in which a resident may have been subject to abuse, neglect or exploitation must be reported to DADS as an incident.

Why are abuse, neglect and exploitation reported?

HSC Chapter 260A and 40 TAC 92.102 require that a person who has cause to believe that an elderly or disabled person is in a state of abuse, neglect or exploitation shall report the information to DADS for investigation.

Are there other incidents that I must report?

Yes. In addition to abuse, neglect and exploitation, DADS requires facilities to report other incidents. See Page 3 of this letter (Other Incidents That Must Be Reported) for reporting requirements.

What is the timeframe?

The person reporting must make a report to DADS Consumer Rights and Services immediately on learning of the incident.

How do I make a report to DADS?

There are two options available to make a report to DADS:

- You may make an oral report at 1-800-458-9858.
- You can submit an electronic self-reported incident via the DADS website. To make an electronic report you can submit an electronic self-reported incident at www.dads.state.tx.us/services/crs/incidentforms/SRI/index.cfm.

Am I required to conduct an investigation?

Yes. The facility must investigate the alleged occurrence of abuse, neglect or exploitation. An investigation must also be conducted for any reportable incident.

Am I required to submit a written investigation?

[Form 3713A Provider Investigation Report](#) must be submitted no later than the fifth calendar day after the date the oral report was made to DADS State Office.

What am I required to report?

1. DEATH

If the death of a resident involves unusual circumstances that cast doubt upon the death being from natural causes, the death must be reported. Examples include, **but are not limited to:**

- death due to medication overdose, administration of wrong medication, or failure to administer a medication;
- accidental death caused by exposure to weather, being struck by a motor vehicle, drowning, strangulation (by ligature, aspiration or positional asphyxiation), burns (fire, water or chemical), electrical shock, falls;
- suicide; or
- death following a resident-to-resident altercation.

2. ABUSE

Abuse is defined at [HSC 260A.001\(1\)](#) and [40 TAC 92.2\(1\)](#)

3. NEGLECT

Neglect as defined at [HSC 260A.001\(6\)](#) and [40 TAC 92.2\(37\)](#)

4. EXPLOITATION

Exploitation as defined at HSC [260A.001\(4\)](#) and [40 TAC 92.2\(19\)](#)

5. MISSING RESIDENT

- A. When a missing resident is not located during a search of the facility, facility grounds and immediate vicinity, and there are circumstances that place the resident's health, safety, and/or welfare at risk, a report must be made. The report must be made as soon as the facility becomes aware the resident is missing and cannot be located. Examples include, **but are not limited to:**
- A resident requires medications that, if not taken as scheduled, place the resident at risk of serious illness and/or death;
 - Extreme weather conditions expose resident to potential freezing, heat prostration, drowning from flooding, etc;
 - Resident is confused or otherwise incapable of assessing potential danger; or
 - There is suspicion of foul play.
- B. Regardless of the circumstances, any resident missing for eight hours and not yet located must be reported at that time. In addition, the facility must contact the DADS Consumer Rights and Services Section every day until the resident is found.
- C. You must report any resident who has been missing and is found seriously injured or dead.

6. DRUG DIVERSIONS

A report should be made when the facility has reason to believe that drugs were stolen. The local police department should also be contacted.

7. FIRES

- A. All fires causing damage to the facility and/or equipment must be reported within 72 hours as an incident. A "Fire Report for Long Term Care Facilities" ([Form 3707](#)) must be included with the facility investigation.
- B. **Any fire causing injury or death to a resident must be reported immediately.**

8. CONDITIONS THAT POSE A THREAT TO RESIDENT HEALTH AND SAFETY

Any situation that poses a threat to residents, staff or the public must be reported, including situations for which police or the local fire authority must be notified or summoned in order to maintain safety. Examples include:

- Bomb threat
- Tornado hits building
- Flood
- Generator or emergency power failure
- Failure of the sprinkler system
- Failure of the fire alarm
- Environmental conditions that compromise the facility's structure
- Air conditioning failure when outdoor temperature is or will be 90 degrees or above
- Heating failure if outdoor temperature is 65 degrees or below

Are there incidents that occur in my facility that would not be reported to DADS?

There are incidents that occur in facilities that you are not required to report to DADS. The following incidents are examples of such incidents:

1. CRIMINAL ACTS

The local police department must be contacted when the facility believes any criminal act has been committed.

- A. Burglary – Notify local police department.
- B. Theft by unknown persons – Notify local police department.

2. MINOR ALTERCATIONS BETWEEN RESIDENTS THAT DO NOT RESULT IN INJURY

What information is needed when I report an incident?

When reporting an incident by phone, the following information is needed:

- facility name;
- facility identification number;
- reporter's name and contact information;
- resident name(s), age(s) and address(es);
- name and address of the person responsible for the care of the resident, if available;
- nature and extent of the elderly or disabled person's condition;
- time and date of incident;
- what occurred;
- basis of the reporter's knowledge;
- person(s) involved (other than resident); and
- action taken by facility to date.

What documents must I submit to DADS?

You must complete and submit a copy of [Form 3613-A](#) Provider Investigation Report (PIR). The written investigation must include statements and other relevant documentation. When a fire is reported, DADS Form 3707, "Fire Report for Long Term Care Facilities," must also be submitted.

Providers may send the PIR to Consumer Rights and Services by email to CRSProvider@dads.state.tx.us. If the Provider Investigation Report form, with statements and other relevant documentation, is 15 pages or fewer, you may prefer to fax the report package toll-free to DADS at 1-877-438-5827. Otherwise, mail the report and attachments to:

Department of Aging and Disability Services Consumer Rights and Services Section, E-249
ATTN: Intake Coordinator P.O. Box 149030
Austin, TX 78714-9030

ALWAYS INCLUDE YOUR DADS FACILITY IDENTIFICATION NUMBER ON YOUR REPORT.

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If you have questions about these guidelines, please contact a program specialist with the Policy, Rules and Curriculum Development unit at (512) 438-3161.

Sincerely,

[signature on file]

Mary T. Henderson
Assistant Commissioner
Regulatory Services

MTH:cg