



COMMISSIONER
Jon Weizenbaum

May 8, 2014

To: Nursing Facilities (NFs)
Subject: **Provider Letter 14-10** – Joint Investigation With Law Enforcement Agencies of Nursing Home Abuse and Neglect Allegations (**Replaces and Updates Provider Letter 10-14**)

The purpose of this letter is to update the Health and Safety Code (HSC) References formerly found in Provider Letter 10-14.

DADS Regulatory Services is required by HSC §[260A.007\(l\)](#) to notify and cooperate with local law enforcement agencies (either municipal or the county sheriff's department) in joint investigations of immediate (Priority 1 - begin the investigation within 24 hours) allegations of abuse, neglect, exploitation, or other complaints that are described in HSC §260A.007(c)(1). Nursing facilities are required by HSC §260A.005(b), when reporting an incident of alleged abuse, neglect, exploitation, or other complaints meeting the description in HSC §260A.007(c)(1), to report the incident to both DADS and their local law enforcement agency, described by Section 260A.017(a). The DADS Nursing Facility Requirements for Licensure and Medicaid Certification at 40 TAC §[19.602\(e\)](#) and 40 TAC §[19.2008\(d\)](#) contain these reporting requirements.

DADS notifies local law enforcement agencies about all immediate allegations of abuse, neglect, exploitation, or other complaints to provide law enforcement the opportunity to join DADS employees in conducting investigations. HSC 260A.017(b) requires law enforcement to acknowledge the report of abuse or neglect and begin a joint investigation within 24 hours of receipt of the report.

HSC §260A.017(c) does not require representatives from each agency to be physically present during all phases of an investigation; nor are they required to participate equally in each activity conducted during the course of the investigation. Law enforcement agencies can exercise discretion in determining the extent of their involvement in the joint investigation.

For questions regarding this letter, please contact a nursing facility policy 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