MEMORANDUM
Texas Department of Human Services * Long Term Care/Policy

TO: Long Term Care Services (LTCS) Regional Directors (RDs)
FROM: Becky Beechinor
Assistant Deputy Commissioner
Long Term Care-Services

SUBJECT: Employee Misconduct Registry (EMR) As It Relates to Community Care Providers - S&CC #00-06

DATE: September 12, 2000

The following is provided as a clarification regarding the Employee Misconduct Registry:

- Senate Bill 967 created the requirement of an Employee Misconduct Registry, which led to the creation of Chapter 253 - Employee Misconduct Registry, an addition to the Texas Health and Safety Code;
- In Chapter 253, "Facility" is defined as:
  A. a facility licensed by the department;
  or
  B. an adult foster care provider that contracts with the department (TDHS);
- In Chapter 253, "Employee" is defined as a person who:
  A. works at a facility;
  B. is an individual who provides personal care services, active treatment, or any other personal care services to a resident or consumer of the facility;
  C. is not licensed by an agency of the state to perform the services the employee performs at the facility; and
  D. is not a nurse aide employed by a nursing facility.
- Community Care Contract Managers, as agents of TDHS, are required to report all allegations of abuse/neglect/exploitation, to the appropriate department for investigation, that they receive and/or observe in their contacts with providers;

and

- Community Care Contract Managers, when conducting a monitoring review of an adult foster care facility, are responsible for verifying that the provider is in compliance with the Employee Misconduct Registry requirements.
For purposes of Adult Foster Care (AFC), all providers, regardless of their licensure status, are required to contact the Employee Misconduct Registry and Nurse Aide Registry prior to employing direct care staff.

For additional information/clarification, please contact Lynette Sanders, EMR Manager, Credentialing Department, at (512) 231-5810.

{Original Signature on File}

Becky Beechinor

c:  Renee Clack, Director, Credentialing, OPI
    Amy Harper, Assistant Director, Credentialing, OPI
    Lynette Sanders, EMR Manager, Credentialing Department, OPI
    Cindy Kenneally, Regional Operations
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