



COMMISSIONER
Chris Traylor

September 21, 2011

To: Assisted Living Facilities (ALFs)

Subject: **Provider Letter 11-36** – New Health and Safety Code (HSC) Chapter 260A Regarding Reporting and Investigating Abuse, Neglect and Exploitation (ANE)

Senate Bill 7 (82nd Texas Legislature, First Called Session, 2011) added Section 247.007 to the HSC. This section requires an ALF and other persons to comply with new Chapter 260A of the same code and the rules adopted under that new chapter. New HSC Chapter 260A has incorporated provisions for reporting and investigating ANE, previously established under [HSC Chapter 247](#) and the [Licensing Standards for Assisted Living Facilities](#) in Texas Administrative Code, Title 40, Part 1, Chapter 92. New provisions for reporting or investigating ANE that may be of interest to providers are outlined in the following sections of HSC Chapter 260A:

- Section 260A.001 defines “abuse,” “neglect,” “exploitation” and “facility.”
- Section 260A.002 instructs a facility to require employees to sign a statement indicating that each employee realizes that he or she may be criminally liable for a failure to report ANE.
- Section 260A.006 requires each facility to prominently and conspicuously post a sign in a public area of the facility. The sign must state: “CASES OF SUSPECTED ABUSE, NEGLECT, OR EXPLOITATION SHALL BE REPORTED TO THE TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES BY CALLING 1-800-458-9858.” Each facility is responsible for developing and posting this sign.
- Section 260A.012 makes the failure to report ANE a Class A misdemeanor.
- Section 260A.013 makes filing a bad faith, malicious or reckless ANE report a Class A misdemeanor.

The provisions of Senate Bill 7 that are summarized above are effective September 28, 2011. Senate Bill 7 can be reviewed at <http://www.capitol.state.tx.us/>. Please continue to check the [Texas Constitution and Statutes](#) home page for new HSC 260A and amended HSC 247. Note: That home page might not reflect changes made to the law during the 82nd Legislature until 2012.

If you have questions about these changes, please contact an ALF policy specialist in the Policy, Rules and Curriculum Development unit at (512) 438-3161.

Sincerely,

[signature on file]

Veronda L. Durden
Assistant Commissioner
Regulatory Services

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