

§ 558.249 Self-Reported Incidents of Abuse, Neglect, and Exploitation

(a) The following words and terms, when used in this section or §558.250 of this division (relating to Agency Investigations), have the following meanings, unless the context clearly indicates otherwise.

(1) Abuse, neglect, and exploitation--Have the meanings assigned by:

(A) Chapter 711, Subchapter A of this title (relating to Introduction), if the term is used in connection with alleged conduct against a child or an adult receiving services from certain providers, as defined in Texas Human Resources Code § 48.251, or against a child receiving services from an agency, as that term is defined in this chapter, whose employee is the alleged perpetrator; or

(B) 40 TAC Chapter 705, Subchapter A (relating to Definitions), if the term is used in connection with alleged conduct against an adult, other than as described in subparagraph (A) of this paragraph.

(2) Adult--A client who is:

(A) 18 years of age or older; or

(B) under 18 years of age who:

(i) is or has been married; or

(ii) has had the disabilities of minority removed pursuant to the Texas Family Code Chapter 31.

(3) Agent--An individual (e.g., student, volunteer), not employed by but working under the auspices of an agency.

(4) Cause to believe--An agency knows, suspects, or receives an allegation regarding abuse, neglect, or exploitation.

(5) Child--A client under 18 years of age who:

(A) is not and has not been married; or

(B) has not had the disabilities of minority removed pursuant to the Texas Family Code Chapter 31.

(6) Employee--An officer, an individual directly employed by an agency or a contractor, volunteer, or agent working under the auspices of an agency.

(b) An agency must adopt and enforce a written policy relating to the agency's procedures for reporting alleged acts of abuse, neglect, and exploitation of a client by an employee of the agency.

(c) If an agency has cause to believe that a client served by the agency has been abused, neglected, or exploited by an agency employee, the agency must report the information immediately, meaning within 24 hours, to:

(1) the Department of Family and Protective Services (DFPS) at 1-800-252-5400, or through the DFPS secure website at www.txabusehotline.org; and

(2) HHSC at 1-800-458-9858.

Notes

26 Tex. Admin. Code § 558.249

The provisions of this §558.249 adopted to be effective February 1, 2002, 26 TexReg 9159; amended to be effective November 1, 2002, 27 TexReg 9774; amended to be effective April 1, 2004, 29 TexReg 3237; amended to be effective June 1, 2006, 31 TexReg 1455; amended to be effective January 15, 2009, 34 TexReg 254; Transferred from Title 40, Chapter 97 by Texas Register, Volume 44, Number 15, April 12, 2019, TexReg 1893, eff. 5/1/2019; Amended by Texas Register, Volume 46, Number 15, April 9, 2021, TexReg 2430, eff. 4/25/2021