# PART A, CHAPTER 8:INCIDENT REPORTING

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part A, Chapter 8 | [Texas Family Code §261.101](https://texas.public.law/statutes/tex._fam._code_section_261.101), and[Texas Human Resources Code §48.051](https://statutes.capitol.texas.gov/SOTWDocs/HR/htm/HR.48.htm#48.051) | All TWC-VR staff | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to preventing fraud, waste, and abuse, and how to properly report it.

## DEFINITIONS

Abuse: The knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm.

Exploitation: The action or fact of treating someone unfairly in order to benefit from their work or resources.

Fraud: Wrongful or criminal deception intended to result in financial or personal gain.

Misconduct: Unacceptable or illegal behavior by a person or group, especially those in a position of authority.

Neglect: Disregard of duty resulting from carelessness, indifference, or willfulness; failure to care for properly.

Waste: The misuse of funds or resources through excessive or nonessential expenditures.

## POLICY

### General Overview

TWC-VR recognizes that fraud, waste, and abuse of Federal and State funds may happen. Fraud can occur by TWC-VR staff, customers, and vendors. TWC-VR must address prevention, detection, and deterrence, and take action when fraud occurs. TWC-VR staff must be familiar with various improprieties that might occur within their area of responsibility and should be alert for indications of fraudulent activity.

TWC-VR staff must report allegations of abuse, neglect, or exploitation immediately, as well as suspected harm to self or others.

### Texas Family Code §261.101

This Code requires an individual who believes that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any individual to immediately (within 48 hours) report the suspected abuse.

### Texas Human Resources Code §48.051

This Code requires a person to make a report if there is cause to believe that a person aged 65 or older or a person with a disability is being abused, neglected, or exploited.

### Fraud Deterrence and Compliance Monitoring Division

The TWC Fraud Deterrence and Compliance Monitoring Division (FDCM) is responsible for investigating reports of potential fraud, waste, abuse, and misconduct. FDCM includes the VR Contract Oversight and Support department. The mission of the VR Contract Oversight and Support department is to conduct remote and on-site monitoring and provide oversight of contracted TWC-VR customer services. The department also performs other services related to and in support of the monitoring function.

## PROCEDURES

### Fraud

TWC-VR staff must contact the following to report suspected fraud, waste, and abuse of government resources (including TWC-VR staff, customers and vendors) and TWC-VR staff misconduct:

* TWC Fraud Hotline: (800) 252-3642
* TWC website: [Reporting Fraud in Programs – TWC](https://www.twc.texas.gov/services/report-fraud#hotlineAndInvestigationOfFraudInPrograms)
* TWC mailing address: TWC.fraud@twc.texas.gov

**Texas Workforce Commission**

Attn: Office of Investigations

101 E. 15th St., Room 214T

Austin, Texas 78778-0001

See the TWC Personnel Manual, [Chapter 1.19 Reporting Fraud, Theft, Waste and Program Abuse (PDF)](https://twcgov.sharepoint.com/sites/BusOPS/BusOpsIntra/HR%20Personnel%20Manual/Forms/Personnel%20Manual%20SP.aspx?id=%2Fsites%2FBusOPS%2FBusOpsIntra%2FHR%20Personnel%20Manual%2FCh%2E%201%20%2D%20Laws%2C%20Policies%20and%20Work%20Rules%5F10%2E03%2E23%2Epdf&parent=%2Fsites%2FBusOPS%2FBusOpsIntra%2FHR%20Personnel%20Manual) for additional information.

### Abuse, Neglect, or Exploitation

To report allegations of abuse, neglect, or exploitation, the person who believes that abuse, neglect, or exploitation has occurred must immediately—

* Contact law enforcement if the incident is a threat to health or safety;
* Notify their supervisor, manager, or the appropriate contract manager of the allegation; and
* Report the incident to the appropriate investigatory agency, as listed in the table in Section D below.

When a supervisor, manager, or appropriate contract manager receives a report of suspected abuse, neglect, or exploitation, they must do the following:

* Consult with TWC Fraud Deterrence and Compliance Monitoring Division and/or Human Resources for next steps;
* Consult with TWC Office of General Counsel (OGC), as appropriate; and
* Complete a *Security Incident Report (RSM-312)* as soon as possible (same day) and no later than 48 hours after the date the allegation was made, and email the report to Incident Reports – RSM, and to their supervisor or manager.

### Harm to Self and/or Others

A serious incident is one that threatens or impairs the basic health, safety, or well-being of any customer receiving services. When a customer demonstrates or expresses a threat to harm themselves (including suicide and suicide attempts) or others, TWC-VR staff report it to law enforcement and the VR Supervisor and/or VR Manager immediately.

### Reporting Process

Communications between a customer and a professional, and records of the identity, diagnosis, evaluation, or treatment of a customer that are created or maintained by a professional are confidential. However, a professional may disclose confidential information to the following under these circumstances:

* Governmental agency if the disclosure is required or authorized by law;
* Medical or law enforcement personnel if the professional determines that there is a probability of imminent physical injury by the customer to the customer or others, or there is a probability of immediate mental or emotional injury to the customer;
* Other professionals and personnel under the professionals' direction who participate in the diagnosis, evaluation, or treatment of the customer; or
* Parent if the customer is a minor, or a guardian if the customer has been adjudicated as incompetent to manage their personal affairs.

If the alleged abuse, neglect, exploitation, suicide, or suicide attempt occurs in the locations outlined in the left column in the table below, the reporting process for each location is provided in the right column.

| Incident Location | Report Incident to— |
| --- | --- |
| Texas Workforce Solutions office | The TWC-VR staff member who believes abuse, neglect, exploitation, suicide, or suicide attempt has occurred reports the information to local police and/or dials 911. |
| A Texas Department of Family and Protective Services–licensed child care operation, including a residential child care operation;A state-licensed facility or community center that provides services for mental health, intellectual disabilities, or related conditions;An adult foster home (with three or fewer customers, which is not licensed by the Texas Health and Human Services Commission (HHSC));An unlicensed room-and-board facility;A school; orAn individual's own home. | Texas Department of Family and Protective Services Statewide IntakeP.O. Box 149030Austin, Texas 78714-9030Voice (800) 252-5400Fax (512) 832-2090[Texas Abuse Hotline](https://www.txabusehotline.org/Login/Default.aspx) |
| An HHSC-licensed entity, including—Assisted-living care facility;Nursing home;Adult day care;Private intermediate care facility for individuals with intellectual disabilities; orAdult foster care. | [Texas Abuse Hotline](https://www.txabusehotline.org/Login/Default.aspx) |
| A Texas Department of State Health Services licensed substance-abuse facility or program | Texas Department of State Health ServicesSubstance Abuse Compliance GroupInvestigations1100 W. 49th St.Austin, Texas 78756Mail Code 2823(800) 832-9623 |
| A Texas Department of State Health Service–licensed hospital | Texas Department of State Health ServicesFacility Licensing Group1100 W. 49th St.Austin, Texas 78756Complaint Hotline(888) 973-0022 |

## APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

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| **Date** | **Type** | **Change Description** |
| 9/3/2024 | New | VRSM Policy and Procedure Rewrite |