

This handout is designed to provide samples of a contractor's policies and procedures used to adhere to contract requirements. This is not an all-encompassing policy and procedure manual, but rather, a guide for developing policies and procedures related to your organization.

PROVIDING PHYSICAL SAFEGUARDS FOR CUSTOMER INFORMATION

All customer information is considered confidential. Customer records are kept in a locked cabinet in a locked room, where there is maximum protection against fire, water damage, theft, and other hazards. Customer records remain at Provider headquarters.

PROVIDING AUTHORIZED ACCESS FOR CUSTOMER INFORMATION

Only authorized Provider staff and sub-contractors may have access to customer records when it is in the course of providing services to the individual. Confidential information may only be released with customer's written consent or where required by law. Information may be released to authorized TWS-VRS staff, if the customer is served under a TWC contract, or the customer's legal guardian. Customers are made aware of the limits of confidentiality during the intake process.

REPORTING A BREACH OF CONFIDENTIAL CUSTOMER INFORMATION

If a breach of confidentiality is discovered, it will be reported immediately to the Director. If the customer is a TWS-VRS referral, the breach must be reported to the assigned VR counselor or ILS-OIB worker or TWC contract manager.

MANAGING CUSTOMER EXPECTATIONS AND RESPONSIBILITIES

Upon agreement to receive services from the Provider, each customer will have the opportunity to discuss their expectations of the provider and staff. The provider will discuss the service the customer is to be provided and the customer's responsibilities.

MANAGING CUSTOMER GRIEVANCES, COMPLAINTS OR COMPLIMENTS

A copy of the grievance procedure and a notice of the availability of Client Assistance Program is provided to all TWS-VRS referrals at intake. Each TWS-VRS customer is provided with the TWS-VRS toll-free telephone number 1-800-628-5115 for use when reporting complaints or compliments about the Provider.

USING DATA ENCRYPTION

Any electronic data or information about customers will be stored on encrypted systems, to ensure customer confidentiality. Electronic messages to customers or funding agents, about customers, will be sent through secure systems, including FIPS 140-2 encrypted email or fax.

As text messages are not encrypted, Provider staff and sub-contractors will not utilize text messages to transmit confidential information.

PROMOTING EMPLOYMENT OF QUALIFIED INDIVIDUALS WITH DISABILITIES

All Provider's business practices promote the employment of qualified individuals with disabilities into competitive, integrated employment. Provider values and seeks a diverse workforce and therefore encourages other entities to do the same. It is the policy of Provider not to discriminate on the basis of race, color, religion, sex, age, national origin, disability, or disabled veteran status, in employment policies and service delivery practices. This policy is consistent with the Rehabilitation Act of 1973 as amended, the Title VI Civil Rights Act of 1964, Americans with Disability Act, Article 522 I K, Texas Commission on Human Rights Act (1983) and Title 8, Texas Human Resources Code.

Employment Discrimination:

It is the policy of Provider not to illegally discriminate in any aspect of employment, including, but not limited to:

- Hiring and firing
- Compensation
- Assignment or classification of employees' transfer
- Promotion
- Job advertisements, recruitment, testing
- Use of facilities
- Training and apprenticeship programs

MAINTAINING PROFESSIONALISM

All Provider staff and sub-contractors will conduct themselves with the utmost professionalism. Staff and sub-contractors will dress in a professional manner, consisting of business casual clothing that is appropriate for the work activity and work place. Additionally, staff and sub-contractors will maintain confidentiality of customer information, maintain appropriate relationships and engage in activities promoting the well-being of each customer. Provider staff and sub-contractors will not knowingly obtain or request any confidential customer information, from a state employee, for the benefit of the Provider. All communications will be professional and confidential.

Provider staff and sub-contractors will:

- comply with the Standards of Conduct and Codes of Ethics required by licensing or credentialing board held by individual staff or sub-contractor.
- maintain confidential customer information in full compliance of state and federal law. A release of information will be obtained from the customer before information is shared.
- represent themselves to the public and customers consistent with the staff or sub-contractor title and relationship to the provider. Staff may not represent themselves as a State of Texas employee or the provider as a State of Texas agency.
- report the abuse or neglect of any customer or customer's family member with 24 hours consistent with state law.
- use professional judgement when providing services to a customer, including:
 - Maintaining a professional relationship with customer. Personal friendships with customers are forbidden. Any activities or relationships that may be misconstrued by the customer will be avoided.
 - Avoiding relationships with customer's or VRS staff that may impair the provider's objectivity in performing duties or compromise confidentiality.
 - Consideration of negative impact of action or inaction on the health, safety, or welfare of the customer or customer's family members.
 - Allowing a third party to be present when meeting with a customer in the home or workplace, unless the written release has been obtained.

AVOIDING CONFLICT OF INTEREST

In order to avoid conflicts of interest, Provider staff and sub-contractors will not:

- Offer, give or agree to give TWS-VRS staff anything of value including, but not limited to, food, gift baskets, promotional items, or promise of employment;
- Request or obtain confidential information from a state employee for the benefit of the contractor, personally or professionally; or
- hire, contract with, or accept as a volunteer any former employees of TWC, VRS, or ILS-OIB sooner than 12 months after the separation date.

A current DARS3444, Conflict of Interest Certification, will be kept on file for each staff or subcontractor.

MAINTAINING CONFIDENTIALITY

Confidentiality is one of the most important aspects of services provided by Provider. Upon agreeing to Provider services, each customer meets with staff to discuss confidentiality and practices Provider engages in to ensure confidentiality.

Provider staff and sub-contractors address verbal, written and electronic communication issues, as well as provide an overview of confidentiality and disclosure, as it pertains to employers and the Americans with Disabilities Act. Provider explains the process for documenting the sharing of information and retaining a record of all communications in the customer file.

All records are maintained in a paper format. No records are stored in an electronic manner by providers of cloud services or other services that are hosted on the Internet or by another third-party that stores, manages, or processes data.

If a breach of confidentiality is discovered, the contractor reports it immediately to the Director. If the customer is a TWS-VRS referral, the breach will be report immediately to the assigned VR counselor or ILS-OIB worker or the TWC contract manager.

FOLLOWING SOUND FISCAL AND BUSINESS PRACTICES

Provider staff and sub-contractors adhere to sound fiscal and business practices, which prevent the following:

- **Abuse**—practices that are inconsistent with sound fiscal or business practices and that result in unnecessary costs, such as intentional destruction, diversion, manipulation, misapplication, or misuse of public resources in both financial or nonfinancial settings
- **Fraud**—any intentional conduct designed to deceive others, resulting in a loss to the victim and/or a gain or benefit to the actor
- **Misconduct**—intentional wrongdoing or improper behavior or activity
- **Waste**—the thoughtless or careless expenditure, consumption, mismanagement, misuse, or squander of public resources, such as incurring unnecessary costs because of inefficient or ineffective practices, systems, or controls

Provider uses generally acceptable account procedures for fiscal practices. Business practices are consistent with Better Business Bureau Code of Standard Business Practices (or other entity code related to Provider's business).

If misconduct by any staff member is expected, the Director immediately addresses the situation. Should there be a finding of misconduct, staff will be immediately removed from their position.

REPORTING ABUSE, FRAUD, MISCONDUCT, AND WASTE

It is the policy of the Provider to identify and promptly investigate and report, to the assigned TWC contract manager or Q or RPSS, any possibility of fraudulent or related dishonest activities. Additionally, allegations will be reported to the [TWC Reporting Fraud website](#).

The following information will be collected and provided to the TWC contract manager, should reporting become necessary: name of the person making the report, name of person providing information if different from reporter; detailed law enforcement report, if appropriate; names of witnesses, person or facility being reported, and detailed information of the abuse, fraud, misconduct or waste.

Reportable events may include, but are not limited to:

- Forgery or alteration of documents (checks, promissory notes, time sheets, independent contractor agreements, service authorizations, budgets, etc.).
- Misrepresentation of information on documents.
- Misappropriations of funds, securities, supplies, or any other asset.
- Theft, disappearance, or destruction of any asset.
- Improprieties in the handling or reporting of money transactions.
- Authorizing or receiving payments for goods not received or services not performed.
- Authorizing or receiving payment for hours not worked.
- Any apparent violation of Federal, State, or local laws related to dishonest activities or fraud.
- Any similar or related activity.

REFERRING CUSTOMERS TO VR

Services, goods and equipment are available for a fee. Provider accepts individuals who agree to engage the Provider, by signing the Acknowledgement and Consent for Service. Provider will refer appropriate customers to VR. As Provider is committed to services that fit the individual, referrals will be made, knowing the Provider may not be the best fit for the customer and may not receive a referral from VRS, should the individual be deemed eligible for services.

- Before referring a customer for TWS-VRS services, staff will inform the customer: TWS-VRS staff determine eligibility for services, and
- TWS-VRS staff will work with eligible customers to determine appropriate services consistent with informed choice, develop an appropriate plan to obtain the customers goal and objectives, and choose the provider of those services.

ADHERING TO THE TERMS OF THE CONTRACT

Provider staff and sub-contractors will maintain awareness of revisions to the Vocational Rehabilitation Standards for Providers and implement changes as prescribed. An assigned staff person will review the TWC website bi-weekly, to ensure the agency stays abreast of changes to policy and procedures.

STANDARDS FOR PHYSICAL LOCATIONS

Provider has completed and retained a copy of the VR3441C: Entity Headquarters Information Part C-Locations; VR3442A: Provider Physical Locations Part A-Certification Statement; VR3442B: General Information forms for each facility being utilized to provide services to customers.

A current copy and record of occupation permit, building permit, and fire inspection report are maintained and available upon request.

1. There will be quarterly fire drills, with documentation of customer participation.
2. Fire extinguishers will be properly maintained, inspected annually and stored in a safe accessible location.
3. Hazardous or flammable materials will be appropriately identified and stored in a safe manner.
4. There will be emergency exit diagrams posted in several locations.
5. Safety equipment is utilized when a customer interacts with machinery with moving parts.

A completed ADA Checklist for Existing Facilities is available upon request.

Warning Signals

Fire detectors are located throughout the facility and are tested on a regular basis. Quarterly fire drills are conducted. Smoke detectors have visible and audible settings.

Fire Extinguishers

Fire extinguishers are located throughout the facility and inspected annually. Maps are posted showing where fire extinguishers are located.

Smoking Prohibition

Smoking is not permitted in the building or on the grounds of the facility.

HEALTH AND SAFETY PROTOCOLS

Provider will maintain Health and Safety Protocols including:

1. Requiring staff to call in when sick (coverage provided) so as not to spread illness
2. Requiring staff to complete the following trainings during orientation/on-boarding:
 - a. Winter Weather- <https://www.osha.gov/winter-weather>
 - b. COVID-19- <https://www.osha.gov/coronavirus>
 - c. First Aid- <https://www.osha.gov/medical-first-aid>
 - d. Seasonal Flu- <https://www.osha.gov/seasonal-flu>
 - e. Restroom Sanitation- <https://www.osha.gov/restrooms-sanitation>
 - f. Handwashing- <https://youtu.be/im8X1PmqtRk>
 - g. Coughing and Sneezing- https://www.cdc.gov/healthywater/hygiene/etiquette/coughing_sneezing.html

Staff will then be required to take an internal quiz and score 85/100 to pass

Provider will also maintain local, state and national awareness of general Health and Safety protocols by:

1. Signing up for CDC newsletters and updates
(<https://tools.cdc.gov/campaignproxyservice/subscriptions.aspx?>)
2. Signing up for Texas Department of State Health Services updates
(https://public.govdelivery.com/accounts/TXHHSC/subscriber/new?topic_id=TXHHSC_85)
3. Checking local county website monthly for general updates

CUSTOMER SATISFACTION SURVEYS

Provider maintains an ongoing self-evaluation system, used to assess customer satisfaction and effectiveness of services provided. At a minimum, the following data is collected from customer's, utilizing a 1-5 point Likert scale to rate their responses:

- I was treated in a friendly, caring, and respectful manner by the staff of [insert provider name].
- Services were provided in a timely manner.
- The services met my needs.
- I was satisfied with the services provided.

Each customer is provided the opportunity to complete a satisfaction survey at the conclusion of services. Provider staff and sub-contractors document when and if the customer completed the survey. Documentation will be noted in the case notes, should the customer decline to complete the survey.

Provider compiles data quarterly in November, February, May and August and summarizes the results in a final report. The report is provided to TWS-VRS, as requested. Should data indicate improvements, Provider creates an action plan to address the issues.

SERVICE DELIVERY ACHIEVEMENTS

Provider conducts a self-evaluation to measure the effectiveness of services provided. The system measures achievements against pre-established goals. Provider demonstrates validity of materials and data used in marketing. Provider will not use customer's pictures or statements for any purpose.

TERMINATING A CUSTOMER'S SERVICES

Every effort is made to inform the referring VR counselor or ILS-OIB worker before a customer is officially terminated from Provider services. The information may be discussed verbally or in writing, through encrypted means. Provider notifies customers in writing when the customer is terminated from the program.

Some of the reasons for termination are: request by customer, customer moved from Provider catchment area, behaviors dangerous to self or others, serious infraction of the Provider rules, frequent unexcused absenteeism or tardiness, and lack of cooperation on assignments.

ORIENTATION ON THE REPORTING OF ALLEGATIONS OR INCIDENTS OF ABUSE, EXPLOITATION, OR NEGLECT

Each customer, upon agreement to Provider services, will be provided orientation to Provider services, expectations, and policies. Among this information is policy related to Abuse, Exploitation, and Neglect.

Abuse, Exploitation, or Neglect

The following definitions apply:

Abuse—the negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain; or sexual abuse, including any involuntary or nonconsensual sexual conduct that would constitute the offenses of indecent exposure or assault, committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.

Exploitation—the illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with a person with a disability, using the resources of the disabled person for monetary or personal benefit, profit, or gain without the informed consent of the individual with a disability.

Neglect—the failure to provide for oneself the goods or services, including medical services, that are necessary to avoid physical or emotional harm or pain, or the failure of a caretaker to provide those goods or services.

In compliance with Texas law, allegations or incidents of abuse, exploitation, or neglect of persons with disabilities is immediately reported to the appropriate investigatory agency, or, if taking place in other than a residential situation, the local law enforcement agency. If a licensed professional is involved, a report to the appropriate professional licensure agency and the local law enforcement agency is made. When allegations or incidents consistent with the definitions above are recognized, Provider staff and sub-contractors will report allegations to the appropriate agency, as listed below, and to the Director. If the customer is a TWS-VRS referral a report will be made to the appropriate VR counselor or ILS-OIB worker, Q or RPSS, and the appropriate TWC contract manager. Additionally, staff will document each agency contacted in the customer's case file. Provider will ensure cooperation with investigations conducted by TWS-VRS.

If the alleged abuse, exploitation, or neglect occurs in residential situations such as those listed below, a report is made to the VR counselor, ILS-OIB worker, Q or RPSS, if the consumer is a TWS-VRS referral and, as appropriate, —

- A Texas Department of Aging and Disability Services (DADS) licensed assisted living care facility, nursing home, adult day care, private ICF/MR, or adult foster care Texas Department of Aging and Disability Services, Complaints Management & Investigations, P.O. Box 149030, Mail Code E-340, Austin, Texas 78714-9030 1-800-458-9858
- A substance abuse facility or program licensed by Texas Department of State Health Services Texas Department of State Health Services, Substance Abuse Compliance Group, Investigations, 1100 West 49th Street, Austin, Texas 78756 Mail Code 2823 1-800-832-9623
- A hospital licensed by the Texas Department of State Health Services Texas Department of State Health Services, Facility Licensing Group, 1100 West 49th Street, Austin, TX 78756, Complaint Hotline 1-888- 973-0022
- State facilities and community centers that provide mental health and mental retardation services, the person's own home, Adult foster homes (with 3 or fewer customers; not licensed by DADS), an unlicensed room and board facility, a child care residential facility or foster home, to the Texas Department of Family and Protective Services Statewide Intake, P.O. Box 149030, Austin, Texas 78714-9030, Voice 1-800-252-5400 Fax (512) 832-2090

OBSERVATIONS OR EVIDENCE THAT A CUSTOMER IS USING ALCOHOL OR DRUGS

Any observation or other evidence of the use of alcohol or drugs by a TWS-VRS customer with a disability of substance abuse will be reported immediately to the VR counselor or ILS-OIB worker. Provider staff and sub-contractors maintain documentation that TWS staff was informed of any observation or other evidence of the use of alcohol or drugs by a VRS customer.

OBTAINING EMERGENCY MEDICAL SERVICES FOR CUSTOMERS

It is the policy of the Provider to have the following plan, to ensure continuing attention to the safety and health of staff, customers, and visiting public.

Provider reviews, with the customer, policies and procedures regarding emergency medical services. Should an incident occur, 9-1-1 will be contacted immediately. Provider staff or sub-contractor will remain with the customer throughout the incident.

The following incidents involving a customer are reported to the Director. If the Customer is a TWS-VRS referral, the referring counselor and Q or RPSS by close of business of the next working day:

- a. Emergency Medical Services
- b. Emergency room treatment
- c. Hospitalization
- d. Death

All fires will be reported to the Q or RPSS within one working day.

Customer Instructions

Provider disseminates a flyer/brochure to customers with instructions on what to do in the event of an emergency.

INCIDENT REPORTING INVOLVING TWS-VRS CUSTOMERS

Provider maintains documentation of any incident, and steps taken to report the incident, including: date, time, place of incident; nature of incident; names of individuals involved; name of staff reporting incident; description of incident; action taken and planned by the Provider, including reporting to appropriate TWS and TWC staff.

Incidents will be reported by close of business the next day to the VR counselor or ILS-OIB worker, TWC contract manager, and Q or RPSS.