

Department of State Health Services
Agenda Item for State Health Services Council
October 10-11, 2007

Agenda Item Title: Repeal TAC Title 25, Chapter 417, Subchapter G, §§417.301 - 417.311, 417.313 - 417.316 and new §§417.301 - 417.308, rules concerning policies and procedures for operating standards for volunteer engagement, volunteer services councils and fundraising at state hospitals.

Agenda Number: 4-a

Recommended Council Action:

For Discussion Only

For Discussion and Action by the Council

Background:

Volunteer engagement and fundraising at the state hospitals is an essential component of the Department of State Health Services (department's) functions and have been conducted at the state hospitals since before 1958. Volunteer engagement provides goods, services, and personal attention for persons served which enhances and enriches the treatment and habilitation. Volunteer Services Councils (VSCs) are 501(c)(3) organizations that exist for the purpose of improving the quality of life for persons served by department's state hospitals. Each department state hospital may have a VSC to provide services and generate resources to serve patients, to enhance existing facility operations, to recognize donors and volunteers and for education projects or new initiatives to improve the quality of life for patients. Donors and VSCs enhance the fundraising capabilities and revenue development of the department.

Examples of volunteer engagement consist of personal attention and birthday celebrations, pet therapy, landscaping services, recreational therapy, clerical services, internships, cemetery research, sorting in-kind donations, mentoring, and adopting dorms. Donations provided by the VSCs include patient clothing, personal hygiene kits, holiday gifts, tickets to sporting and cultural events, furnishings, trams to transport persons served, and permanent improvement projects.

The rules proposed for repeal describe the operating standards for volunteer engagement, volunteer services councils, and fundraising at state hospitals.

The new rules update legacy agency names, agency locations, and definitions. The new rules reflect a department-wide approach to managing donations, volunteers, VSCs, and any fundraising activities.

The rules comply with the mandatory four-year review of agency rules in Government Code, §2001.039.

Summary: The repeals will be replaced by new department volunteer and community engagement rules. Additionally, the department will create three policies 1) Volunteer and Intern Engagement, 2) Fund-Raising and Solicitation (Department wide), and 3) VSCs. These policies will further delineate responsibilities and roles of the department within the context of the new rules. The rules and policies will provide up-to-date, reorganized, and clarified processes for department wide engagement of volunteers and interns, fundraising for the benefit of department programs and clients, and working with the VSCs, private donors, and private organizations.

The new DSHS Volunteer and Community Engagement rules describe the relationship of donors to the department and employees of DSHS; relationship of private organizations (VSCs) to the department; and all individuals and groups volunteering or partnering with DSHS must abide by all applicable the department rules, policies, and procedures.

Persons and entities affected by the existing rule are all department employees who engage volunteers or interns, fund-raise, or work with a private donor or organization.

Background on the Department Policies Under Development:

The department's Volunteer Services Council policy will outline responsibilities and procedures for items the VSC is responsible for providing for their operations; items the state hospital can provide the VSC; annual review and signing of the Memorandum of Understanding (MOU); VSC responsibilities; maintaining of a petty cash fund; recognition of volunteers, visiting groups, and donors; and staff assistance with processing and receipting of donations that ensures separation of duties.

The department's Volunteer and Intern policy will outline procedures for planning and developing a volunteer program; recruitment and placement; orientation and training; supervision; reporting; and awards and recognition. Volunteers at state hospitals are required to have a criminal history clearance.

The department's Fundraising and Solicitation policy will outline the approval criteria for fund-raising and solicitation activity review and approval, which includes Chief Operating Officer or designee responsible for approval for Austin offices activities, Regional Director or designee responsible for department regional office, sub-offices, and clinics activities, and Superintendent and Community Relations Director or designee for state hospital activities; Supervisor responsible for approval of employee for participation; processing funds and donated goods; and use of department property, including coordinating with Texas Building and Procurement Commission.

Summary of Stakeholder Input to Date (including advisory committees): DSHS State Hospital Community Relations Directors, State Hospital Superintendents, State Hospital Section Director, Office of General Counsel, Regional Directors and Staff, Internal Audit, Centers, Program Area staff, Wellness Committee, Parish Nursing, Department Employee Advisory Committee, Chief Operating Officer, Office of the Chief Financial Officer as well as Texas Building and Procurement Commission were consulted.

Proposed Motion: Motion to recommend HHSC approval for publication of rules contained in agenda item # **4-a**.

Agenda Item Approved by: Kirk Cole, Director, Center for Consumer & External Affairs

Presented by: Charlmaine Ferguson **Title:** Consumer Affairs Program Specialist

Program/Division: Consumer Affairs, Center for Consumer & External Affairs (CCEA)

Contact: Charlmaine Ferguson 512/458-7404 x6605

Date Submitted
9/6/07

Title 25. HEALTH SERVICES
Part 1. DEPARTMENT OF STATE HEALTH SERVICES
Chapter 417. TDMHMR AND FACILITY RESPONSIBILITIES
Subchapter G. Community Engagement
Repeal §§417.301 - 417.311, 417.313 - 417.316
New §§417.301-417.308

Proposed Preamble

The Executive Commissioner of the Health and Human Services Commission on behalf of the Department of State Health Services (department) proposes the repeal of §§417.301- 417.311, 417.313 - 417.316 and new §§417.301 - 417.308, concerning the policies and standards for volunteer engagement and fundraising at state hospitals.

BACKGROUND AND PURPOSE

The repeal of §§417.301 - 417.311 and 417.313 - 417.316 describe the policies and standards for volunteer engagement, fundraising and solicitation, donations, naming of donations, Volunteer Services Councils (VSCs), Volunteer Services State Council (VSSC), and auditing and reporting guidelines. VSC is defined as a 501(c)(3) non-profit organization formed for generating resources on behalf of the state hospital. The repeal will eliminate obsolete rules of the former Texas Department of Mental Health and Mental Retardation that were transferred to the department in September 2004 in compliance with Acts 2003, 78th Legislature, Regular Session, Chapter 198 (House Bill 2292).

These rules will be replaced by new department volunteer and community engagement rules and three policies (1) Volunteer and Intern Engagement, (2) Fund-Raising and Solicitation (department wide), and (3) VSCs, which provides an up-to-date, reorganized, and clarified process.

Government Code, §2001.039, requires that each state agency review and consider for readoption each rule adopted by that agency pursuant to the Government Code, Chapter 2001 (Administrative Procedure Act). Sections 417.301 - 417.311 and 417.313 - 417.316 have been reviewed and the department has determined that reasons for adopting the sections do not continue to exist except for parts of §§417.307, 417.309, 417.311, and 417.313, which have been rewritten and are being proposed as new rules.

SECTION-BY-SECTION SUMMARY

The repeal of §§417.301 – 417.311 and 417.313 - 417.316 is necessary because the internal policies will now provide standards and processes for working with the volunteers and interns; fundraising for the benefit of department programs and clients as well as internal fundraising; and working with the VSCs, private donors, and private organizations.

The new §§417.301 - 417.308 update legacy agency names, agency locations, and definitions. The new §§417.305 - 417.308 describe the relationship of donors to the department and

employees of the department; relationship of private organizations (VSCs) to the department; and all individuals and groups volunteering or partnering with the department must abide by all applicable department rules, policies, and procedures.

FISCAL NOTE

Rosamaria Murillo, Director, Consumer Affairs Unit, has determined that for each year of the first five-year period that the repeal and new sections are in effect, there will be no fiscal implications to the state or local governments as a result of enforcing and administering the sections as proposed.

SMALL AND MICRO-BUSINESS IMPACT ANALYSIS

Ms. Murillo has also determined that there are no anticipated economic costs to small businesses, micro-businesses or persons because their business practices will not be altered in order to comply with the proposed repeal and new sections. There will be no impact on local employment.

PUBLIC BENEFIT

In addition, Ms. Murillo has also determined that for each year of the first five years the repeal and new sections are in effect, the public will benefit from the adoption of the repeal and new sections. The public benefit anticipated is to eliminate possible confusion caused by outdated policies and procedures located in the rules.

REGULATORY ANALYSIS

The department has determined that this proposal is not a "major environmental rule" as defined by Government Code, §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

TAKINGS IMPACT ASSESSMENT

The department has determined that the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Government Code, §2007.043.

PUBLIC COMMENT

Comments on the proposal may be submitted to Charlmaine Ferguson, Consumer Affairs Unit, Center for Consumer and External Affairs, Department of State Health Services, 1100 West 49th Street, Austin, Texas 78756, 512/458-7404, extension 6605 or by email to

charlmaine.ferguson@dshs.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

LEGAL CERTIFICATION

The Department of State Health Services General Counsel, Lisa Hernandez, certifies that the proposed rules have been reviewed by legal counsel and found to be within the state agencies' authority to adopt.

STATUTORY AUTHORITY

The proposed repeal and new sections are authorized under Government Code, §531.0055, and Health and Safety Code, §1001.075, which authorize the Executive Commissioner of the Health and Human Services Commission to adopt rules and policies necessary for the operation and provision of health and human services by the department and for the administration of Health and Safety Code, Chapter 1001; Government Code, Chapter 2109, which governs volunteer programs in a state agency; and Government Code, Chapter 2255, concerning the relationship of a state agency to a private donor or a private organization. The review of the rules implements Government Code, §2001.039.

The proposed repeal and new sections affect the Health and Safety Code, Chapter 1001, and Government Code, Chapters 531, 2109, and 2255.

Sections for repeal.

§417.301. Purpose.

§417.302. Application.

§417.303. Definitions.

§417.304. Volunteer Programs.

§417.305. Volunteer Program Procedures.

§417.306. TDMHMR Awards and Recognition of Volunteers and Visiting Groups.

§417.307. Volunteer Services Council (VSC).

§417.308. Fundraising and Solicitation.

§417.309. Donations

§417.310. Naming of Donations

§417.311. Volunteer Services State Council (VSSC)

§417.313. Auditing and Reporting Guidelines

§417.314. Exhibits

§417.315. References.

§417.316. Distribution.

Legend: (Proposed New Rule(s))
Regular Print = Proposed new language

§417.301. Purpose.

The purpose of this subchapter is to delineate policy and establish uniform operating standards for donors and volunteer services councils at the Department of State Health Services.

§417.302. Application.

This subchapter applies to all donors, all state hospitals and the Center for Consumer and External Affairs of the Department of State Health Services.

§417.303. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

- (1) 501(c)(3) organization--An organization exempt from taxation under §501(c)(3) of the Internal Revenue Code.
- (2) Client--A person receiving services at a state hospital or clinic.
- (3) Community relations director--The employee responsible for coordinating a state hospital's community relations functions, volunteer programs, fund-raising, and donations.
- (4) Consumer Affairs--The department unit responsible for providing support to staff in the processing of donations and engagement of volunteers and interns.
- (5) Department--The Department of State Health Services.
- (6) Donor--An individual, community group, or business entity who offers a gift to the department.
- (7) Employee--An individual who is legally employed to perform work and who is paid a salary or wage by the department.
- (8) Gift--A donation of money, property, or in-kind good or in-kind service. This term does not include funding under a federal grant, state grant, or private non-profit organization grant for which the department has made a formal written application and is subject to an agreement between the department and the donor relating to the use of the grant.
- (9) Volunteer Services Council (VSC)--A 501(c)(3) organization that is formed to generate resources on behalf of a state hospital.

(10) Volunteer Services State Council (VSSC)--A 501(c)(3) statewide service organization that assists member volunteer groups to provide fund-raising support to state schools, state hospitals, and community mental health and mental retardation centers.

§417.304. Volunteers and Donors.

The department values volunteers and donors for their efforts to provide additional services and goods, personal attention, and relationships that enhance and enrich the lives of the department clients.

§417.305. Relationship of Donors to the Department and Employees of the Department.

(a) Before making a donation to the department, a donor must report to the department Consumer Affairs Unit any contracts or licenses the private donor has with the department.

(b) The department may not accept a gift from a donor that has an employee of the department as a director or officer, except as otherwise provided in this chapter.

(c) No employee of the department may solicit or accept a personal gift of money or any other item of value from a donor. A personal gift is a gift to the employee as an individual.

(d) No employee of the department may be employed by a donor without approval from the department.

(e) Except as otherwise provided in this chapter, a donor must not use an employee of the department or the department property except under a contract with the department regarding the use of the employee or property.

§417.306. Relationship of Private Organizations to the Department and Employees of the Department/ Volunteer Services Councils (VSCs).

(a) A state hospital may have a 501(c)(3) organization (i.e., volunteer services council (VSC)) to generate resources on its behalf.

(b) A state hospital may work with its VSC to enhance fund-raising activities.

(c) The state hospital superintendent and community relations director are nonvoting members of the VSC board and executive committee.

(d) No state hospital employee of department may be a VSC board member or registered agent.

(e) No state hospital employee's spouse or minor child may be a VSC board member or registered agent.

(f) State hospital superintendent must approve all nominees for the VSC board.

(g) Community relations director must approve all state hospital and VSC fund-raising activities.

(h) Community relations director may make expenditures of up to \$300 on behalf of the VSC for the benefit of consumers.

(i) The community relations department may process and issue receipts for donations to the VSC.

(j) No employee may sign a VSC check or use a VSC debit or credit card.

(k) The community relations director may maintain a VSC petty cash fund of up to \$300 to be used for the benefit of consumers if guidelines regarding the fund's purpose and maximum dollar amount are included in the memorandum of understanding between the state hospital and the VSC.

(1) The community relations director must appoint a primary and alternate custodian for the VSC petty cash fund.

(2) The primary custodian of the petty cash fund:

(A) is responsible for maintaining receipts and accurate documentation of all funds disbursed and for furnishing this documentation to the treasurer of the VSC; and

(B) must sign a responsibility statement for the funds.

(3) An officer of the VSC, or an employee outside of the community relations department, must reconcile the petty cash fund at least once every two months.

(l) Department state hospitals may provide the following items of support for the VSC:

(1) office space;

(2) fund-raising assistance;

(3) annual training for board members and officers;

(4) clerical and administrative services; and

(5) assistance in the coordination of activities.

(m) Funds generated by a VSC minus legitimate expenses may only be used for:

(1) the needs of clients;

- (2) the enhancement of existing state hospital operations;
- (3) recognition and education projects; and
- (4) new initiatives to improve the quality of life clients.

(n) Funds generated by the VSC may not be used for:

- (1) recognition events, receptions, or gifts for a legislator;
- (2) recognition events, receptions, or gifts for an employee, which is not part of an established award program;
- (3) political contributions or lobbying efforts;
- (4) alcoholic beverages, unless used at a fund-raising event;
- (5) loans, including travel advances;
- (6) operating programs, or contracting for programs on behalf of the department;
- (7) cash awards or salary supplementation for employees; and
- (8) other purposes determined by the department to be unethical, unlawful, or inappropriate.

(o) A VSC must not hold monies on behalf of employees for non-VSC-sponsored activities.

(p) All funds and goods donated to the VSC remain the property of the VSC until the department accepts them.

(q) The department has the right to review and approve all VSC donations of real property and any permanent improvements to existing real property that may be donated to the state hospital by the VSC.

(r) VSC must:

(1) coordinate its activities with state hospital administration. The state hospital superintendent has full authority over all functions and projects concerning the state hospital, including clients and employees;

(2) annually agree to and sign a memorandum of understanding (MOU) governing the relationship between the state hospital and the VSC;

(3) obtain an one-year audit at least once every three years and, if has annual gross receipts in excess of \$100,000, obtain an annual certified, independent audit; and

(4) provide bond for its officers and signatory agents.

(s) VSC members are prohibited from influencing the passage or defeat of legislation as a representative of the VSC, the state hospital, or the department.

§417.307. Volunteer Services State Council (VSSC).

(a) The department may work with the VSSC to enhance volunteer and fund-raising efforts.

(b) The following individuals may not be a voting VSSC board member or registered agent:

(1) a department employee; and

(2) a department employee's spouse or minor child.

(c) The Commissioner of the department designates the director of Consumer Affairs as a non-voting member of the VSSC board of trustees and executive committee.

(d) No employee may:

(1) have expenditure authority for the VSSC;

(2) process or issue receipts for donations to the VSSC;

(3) sign a VSSC check or use a VSSC debit or credit card.

(e) The may provide the following items of support for the VSSC:

(1) ongoing technical support, including resource development and design;

(2) media assistance, including media relations;

(3) employee assistance for coordination of activities;

(4) fund-raising assistance; and

(5) training for volunteers, board members, and officers.

(f) Funds generated by the VSSC may only be used for:

- (1) the benefit of the individuals served by its member volunteer groups;
- (2) the enhancement of existing operations;
- (3) recognition and education projects;
- (4) new initiatives that improve the quality of life for individuals served by its member volunteer groups; and
- (5) other legitimate expenses.

(g) VSSC funds may not be used for:

- (1) recognition events, receptions, or gifts for a legislator;
- (2) recognition events, receptions, or gifts for any employee, that are not part of an established award program;
- (3) political contributions or lobbying efforts;
- (4) alcoholic beverages, unless used at a fund-raising event;
- (5) loans, including travel advances;
- (6) operating programs, or contracting for programs on behalf of the department;
- (7) cash awards or salary supplementation for employees; and
- (8) other purposes determined by the department to be unethical, unlawful, or inappropriate.

(h) The VSSC may not hold monies on behalf of the department employees for non-VSSC-sponsored activities.

(i) VSSC members are prohibited from influencing the passage or defeat of legislation as a representative of the VSSC, a state hospital, or the department.

§417.308. Department Policies.

(a) All individuals and groups volunteering or partnering with the department must abide by all applicable department rules, policies, and procedures.

(b) Department policies and forms can be obtained by calling the Consumer Affairs Unit at (512) 458-7404, or by writing the Department of State Health Services, Consumer Affairs, MC-1913, P.O. Box 149347, Austin, Texas 78714-9347.

~~§417.301. Purpose.~~

~~—The purpose of this subchapter is to delineate policy and establish uniform operating standards for volunteer services and fundraising at the Texas Department of Mental Health and Mental Retardation.~~

~~§417.302. Application.~~

~~—This subchapter applies to all facilities and Central Office of the Texas Department of Mental Health and Mental Retardation.~~

~~§417.303. Definitions.~~

~~—The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.~~

~~——(1) Cash—Currency, checks, drafts, money orders, and other forms of legal tender.~~

~~——(2) Chief executive officer (CEO)—The superintendent or director of a facility.~~

~~——(3) CO Community Relations—The Central Office division whose staff are responsible for providing support to community relations staff at facilities.~~

~~——(4) Community relations (CR) director—The employee responsible for coordinating the community relations functions, volunteer programs, and fundraising at a facility.~~

~~——(5) Community relations staff—The staff who manage the volunteer programs and oversee volunteer fundraising activities at a facility.~~

~~——(6) Donation—A contribution of anything of value (e.g., funds or in-kind goods and services) freely given to a VSC or facility.~~

~~——(7) Donor—An individual, group, or organization that makes a donation.~~

~~——(8) Employee—An individual who is legally employed to perform work and who is paid a salary or wage by a facility or Central Office.~~

~~——(9) Facility—A state school, state hospital, or state center operated by TDMHMR.~~

~~——(10) 501(c)(3) organization—An organization recognized by the Internal Revenue Service as a nonprofit corporation and granted the right to receive tax deductible contributions under §501(c)(3) of the Internal Revenue Code.~~

~~——(11) Long Term Friendship—A personal relationship between an employee and a specific person served which developed over a period of time, as verified by the appropriate professional, based upon the quality and duration of the relationship.~~

~~——(12) Person served—A person receiving mental health or mental retardation services at a facility.~~

~~——(13) TDMHMR—The Texas Department of Mental Health and Mental Retardation.~~

~~——(14) Visiting group—A group of varying individuals associated with an organization (e.g., civic, fraternal, corporate, religious, social, service, or education), which is not affiliated with TDMHMR, that visits a facility (e.g., tours) or participates in a special event at a facility and has constant and adequate staff supervision.~~

~~——(15) Volunteer—An individual who is not part of a visiting group and who provides time, personal attention, or services to persons served, TDMHMR, a facility, or a VSC without payment. Volunteers may include:~~

~~——(A) community citizens;~~

~~—————(B) family members of persons served when not acting on behalf of the person served;~~

~~—————(C) employees when not acting in the capacity of employment;~~

~~—————(D) persons served when not acting solely on behalf of themselves; and~~

~~—————(E) community restitution volunteers who are required by a court to provide a specified number of hours of volunteer services in lieu of a jail sentence.~~

~~—————(16) Volunteer services council (VSC) — A facility's 501(c)(3) organization that is formed for generating resources on behalf of the facility.~~

~~—————(17) Volunteer Services State Council (VSSC) — A statewide nonprofit organization serving volunteer services councils and volunteer groups of community MHMR centers.~~

~~§417.304. Volunteer Programs.~~

~~——(a) Value of volunteers and donors. Volunteers and donors of the Texas Department of Mental Health and Mental Retardation (TDMHMR) are highly valued as an essential component of its functions. Volunteers are recognized and supported in their efforts to provide goods, services, and personal attention for persons served which enhance and enrich the best treatment and habilitation the state can provide. Donors are recognized and supported in their efforts to enhance the fundraising capabilities and revenue development of TDMHMR, which enables it to provide additional services and goods to the people it serves.~~

~~——(b) Requirement to operate volunteer program. Each facility must operate a volunteer program with a full-time director.~~

~~——(c) Insurance. Each facility must purchase insurance with TDMHMR funds to protect volunteers and visiting groups in the performance of their assigned duties.~~

~~——(d) Professional ethics in volunteer administration. The administration of all volunteer programs shall be in accordance with the Association for Volunteer Administration's (AVA) *Professional Ethics in Volunteer Administration*. A copy of *Professional Ethics in Volunteer Administration* can be obtained by contacting CO Community Relations, TDMHMR, P.O. Box 12668, Austin, TX 78711-2668.~~

~~——(e) Volunteer guidelines.~~

~~————(1) Volunteers and visiting groups must comply with all applicable rules, regulations, policies, and procedures of TDMHMR and the facility, specifically including but not limited to:~~

~~—————(A) Chapter 414, Subchapter A of this title, concerning Client-Identifying Information;~~

~~—————(B) Chapter 404, Subchapter E of this title, concerning Rights of Persons Receiving Mental Health Services;~~

~~—————(C) Chapter 405, Subchapter Y of this title, concerning Client Rights—Mental Retardation Services; and~~

~~—————(D) Chapter 417, Subchapter K of this title, concerning Abuse, Neglect, and Exploitation in TDMHMR Facilities.~~

~~————(2) A volunteer or visiting group may not give money directly to a person served. If a volunteer or visiting group wishes to donate money to a specific person served, then the volunteer or visiting group must consult the community relations (CR) director for the proper procedure for doing so.~~

~~————(3) A volunteer or visiting group may not take or accept money directly from a person served.~~

~~———— (4) Keys to state buildings, state vehicles, or state equipment may not be issued to volunteers and visiting groups unless determined necessary by the CR director, as documented in writing, and approved by the CEO or designee.~~

~~———— (5) Volunteers and visiting groups may use state property only in connection with their assigned duties or in connection with activities of the VSC.~~

~~———— (6) Volunteers and visiting groups may not use facility letterhead.~~

~~———— (7) Volunteers and visiting groups may not photograph, film, or record any person served unless:~~

~~———— (A) community relations staff determine that photographing, filming, or recording the person served is necessary or desirable; and~~

~~———— (B) valid authorization is obtained from the person served or his/her legally authorized representative in accordance with Chapter 414, Subchapter A of this title (concerning Client Identifying Information), using the "Authorization for Publication" form referenced as Exhibit A in §417.314 of this title (relating to Exhibits).~~

~~———— (8) All portions of volunteer records which directly or indirectly identify a person served or a person formerly served are confidential and may only be disclosed as authorized by federal or state statute and Chapter 414, Subchapter A of this title, concerning Client Identifying Information.~~

~~———— (9) A facility may provide free meals to volunteers if the volunteer is on duty during mealtime; and~~

~~———— (10) A facility may reimburse a volunteer for out-of-pocket expenses in accordance with the facility's policies and procedures.~~

~~———— (11) Each volunteer must represent TDMHMR's position if identifying him/herself as a volunteer of TDMHMR, a facility, program, or council. This does not preclude a volunteer from speaking freely about any matter as a private citizen, provided the volunteer clarifies that such comments are the individual's opinion and are not made on behalf of TDMHMR, the facility, program, or council.~~

~~———— (12) Volunteers and visiting groups may ride as passengers in state vehicles in connection with their volunteer assignment as permitted by facility policies and procedures.~~

~~———— (13) Volunteers may drive state and non-state vehicles and transport persons served in such vehicles as permitted by facility policies and procedures.~~

~~———— (f) Current employees as volunteers. Employees may volunteer at a facility if they do so willingly and without coercion.~~

~~———— (1) Except for the situation described in paragraph (2) of this subsection, the functional area and geographic location of an employee's volunteer assignments must be as far removed as possible from his/her regular work assignments and duties.~~

~~———— (2) If an employee and a person served have a long term friendship as defined in §417.303(12) of this title (relating to Definitions), then, as permitted by facility policies and procedures, the employee may take the person served to his/her home or other location to participate in a special activity (e.g., holiday celebration), provided the special activity allows for quality one-to-one time between the employee and the person served.~~

~~———— (3) Employee volunteers must submit a statement verifying that they are volunteering their time without coercion using the "Employee Volunteer Statement" form, referenced as Exhibit B in §417.314 of this title (relating to Exhibits). A copy of the signed form must be filed in the community relations office and in the employee's personnel file.~~

~~—(g) Former employees as volunteers. Former employees who are eligible for rehire may volunteer at a facility after a waiting period specified by the facility's policies and procedures.~~

~~—(h) Persons served as volunteers.~~

~~—(1) A person served may volunteer at the facility if:~~

~~—(A) the duties the person will be performing:~~

~~—(i) do not constitute a job which is or should be the work of a paid employee; and~~

~~—(ii) are included in the job description of a volunteer assignment;~~

~~—(B) the person has, willingly and without coercion, expressed a desire to volunteer and understands that the activity is a free-will service which means "without pay";~~

~~—(C) there are no privileges available to the person that are not also available to persons served who do not volunteer;~~

~~—(D) appropriate orientation and on-the-job training are provided to enable the person to understand and perform the duties of the volunteer assignment;~~

~~—(E) the person understands the risks, if any, of the volunteer assignment;~~

~~—(F) the person's volunteer assignment is not incompatible with his/her treatment plan; and~~

~~—(G) the person's volunteer assignment is not on the same unit in which the person resides.~~

~~—(2) If the person served is also employed by the facility, then the person's volunteer assignment must be as far removed as possible from his/her work assignments and duties.~~

~~—(3) Persons served who volunteer must submit a statement verifying that they are volunteering their time without coercion using the "Client Volunteer Statement" form, referenced as Exhibit C in §417.314 of this title (relating to Exhibits). A copy of the signed form must be filed in the community relations office and in the person's record.~~

~~—(4) Activities engaged in by persons served for their own benefit as opposed to activities for the common benefit (e.g., gardening/cultivating a plant, as opposed to trimming the shrubs) are not considered volunteered services, and are not subject to the provisions of this subchapter.~~

~~—(5) Former persons served may volunteer at a facility at which they previously received services at the discretion of the CR director.~~

~~—(i) Family members as volunteers. A family member of a person served may volunteer at a facility if the family member's volunteer assignment is not on the same unit in which the person served resides.~~

~~§417.305. Volunteer Program Procedures.~~

~~—(a) Request for volunteers. Requests for volunteers from facility staff must be submitted to the community relations office for processing.~~

~~—(b) Volunteer assignment job description. Each volunteer assignment must have a job description that accurately describes the duties of the assignment. All job descriptions must be reviewed periodically and revised as needed to accurately describe the duties actually being performed by the volunteer.~~

~~—(c) Discrimination prohibited. Facility staff may not unlawfully discriminate against a volunteer or volunteer applicant based on race, color, national origin, religion, sex, handicap, veteran status, or political affiliation. Facility staff may not discriminate against a volunteer or volunteer applicant based on sexual orientation.~~

~~—(d) Volunteer application and placement process. Individuals interested in volunteering at a facility must complete an application for volunteer service using the "Volunteer Application" form, referenced as Exhibit D in §417.314 of this title (relating to Exhibits), or an appropriate substitute.~~

~~—(1) A individual must be at least 14 years of age to apply for volunteer service.~~

~~—(A) Facilities may specify a minimum age above 14 years for specific volunteer assignments.~~

~~—(B) Volunteer applicants who are ages 14-17 years must have permission from their parent or legal guardian as documented on the "Parental Permission Form For Volunteers Under 18 Years of Age," referenced as Exhibit E in §417.314 of this title (relating to Exhibits).~~

~~—(C) The number of volunteer hours for minors must not exceed the number of hours per week allowed for minors to work under the Fair Labor Standards Act.~~

~~—(2) All prospective volunteers are subject to a criminal history and registry check as authorized in the Texas Health and Safety Code, §533.007, and required by the Texas Health and Safety Code, §250.003 and Chapter 414, Subchapter K of this title, concerning Criminal History and Registry Clearances. Completion of the criminal history and registry clearance must occur prior to volunteer placement.~~

~~—(3) All prospective volunteers must be approved for volunteer assignment by the community relations (CR) director. A prospective volunteer is given a volunteer assignment with the agreement of the supervising staff member.~~

~~—(4) Before reporting to their volunteer assignment all volunteers are required to complete a basic orientation conducted by the community relations staff. Volunteers must also fulfill any other requirements necessary to successfully perform the duties outlined in the job description of their volunteer assignment.~~

~~—(e) Separation from volunteer assignment.~~

~~—(1) The CR director may remove a volunteer from his/her assignment if it is determined that the volunteer is unsuited for the assignment. If the volunteer is removed from his/her assignment, the CR director may consider the volunteer for another assignment.~~

~~—(2) A volunteer may decide to leave his/her assignment at any time for any reason. A volunteer who decides to leave his/her assignment shall inform the community relations staff of such decision. If a person served volunteer decides to leave his/her assignment, the community relations staff will notify the person's treatment team.~~

~~—(f) Visiting group placement. After consulting with the representative of each visiting group the CR director shall determine appropriate placement, orientation, and training. There is no minimum age for members of a visiting group.~~

~~§417.306. TDMHMR Awards and Recognition of Volunteers and Visiting Groups.~~

~~—(a) Donors, volunteers, and visiting groups who provide exemplary service may be recognized by TDMHMR or a facility with:~~

~~—(1) the presentation of local "Star" certificates. The number of local "Star" certificates presented each year is determined by CO Community Relations; and~~

~~—(2) a nomination for the "TDMHMR Star" awards, statewide volunteer awards presented annually by the TDMHMR commissioner. The number of "TDMHMR Star" awards presented each year is determined by the commissioner.~~

~~—(b) In addition to certificates and awards, other recognition items may be presented to donors, volunteers, and visiting groups.~~

~~—(c) Recognition items, including certificates and awards, are purchased with TDMHMR funds. The cost of each recognition item may not exceed the limit mandated in the current appropriations act.~~

~~§417.307. Volunteer Services Council (VSC).~~

~~—(a) Each facility may have a 501(c)(3) organization (i.e., volunteer services council (VSC)) to generate resources on its behalf for the needs of persons served, to enhance existing facility operations, for employee/donor/volunteer/visiting group recognition projects, for education projects, and for new initiatives to improve the quality of life for persons served. Pre-existing VSCs of consolidated facilities may remain independent or choose to merge into a single VSC. Each VSC must comply with the relevant TDMHMR Board Policies and Procedures, TDMHMR rules, state laws and regulations, and Internal Revenue Service requirements. Each VSC is responsible for coordinating its activities with facility administration. The facility CEO has full authority over all functions and projects concerning the facility, including persons served and employees.~~

~~—(b) The VSC bylaws must outline specific methodology for:~~

- ~~—(1) electing board members;~~
- ~~—(2) limiting terms of officers and board members by number of years;~~
- ~~—(3) replacing board members;~~
- ~~—(4) electing a nominating committee; and~~
- ~~—(5) joining the VSC.~~

~~—(c) The following individuals may not be a VSC board member:~~

- ~~—(1) a facility employee; and~~
- ~~—(2) a facility employee's spouse or minor child.~~

~~—(d) A memorandum of understanding (MOU) governs the relationship between the facility and the VSC. A sample MOU is referenced as Exhibit F in §417.314 of this title (relating to Exhibits). The MOU must be reviewed in accordance with the Community Relations Program Manual, copies of which may be obtained by contacting TDMHMR, CO Community Relations, P.O. 12668, Austin, TX 78751. The MOU must:~~

- ~~—(1) state that all nominees for the VSC board are subject to the approval of the facility CEO;~~
- ~~—(2) state that the facility CEO and community relations (CR) director have non-voting membership on the VSC board and executive committee;~~
- ~~—(3) specify the mechanism for resolving conflict with the facility;~~
- ~~—(4) state that all VSC members are prohibited from influencing the passage or defeat of legislation as a representative of the VSC, the facility, or TDMHMR;~~
- ~~—(5) state that the VSC is responsible for ensuring:~~
 - ~~—(A) solicitation is compatible with the mission, vision, and goals of TDMHMR;~~
 - ~~—(B) solicitation employs all accepted rules of ethical fundraising;~~
 - ~~—(C) all proceeds, minus legitimate expenses, are used:~~
 - ~~—(i) for the needs of persons served;~~
 - ~~—(ii) to enhance existing facility operations;~~
 - ~~—(iii) for employee/donor/volunteer/visiting group recognition projects;~~

- ~~_____ (iv) for education projects; and~~
- ~~_____ (v) for new initiatives to improve the quality of life for persons served;~~
- ~~_____ (6) state that, in the event the VSC is audited by the Internal Revenue Service, a copy of the audit report will be forwarded to the CR director for submission to CO Community Relations;~~
- ~~_____ (7) state that TDMHMR has the right to review and approve all VSC donations of real property and any permanent improvements to existing real property that may be donated to the facility by the VSC;~~
- ~~_____ (8) state that the VSC and facility have specified in writing the method for recognizing donors, volunteers, and visiting groups;~~
- ~~_____ (9) state the limitations and specifies regarding the amount and type of expenditures the VSC has authorized the CR director to make on behalf of the VSC;~~
- ~~_____ (10) state that the VSC and facility have specified in writing the method for facility staff to assist the VSC in processing and receipting donations that ensures the separation of duties;~~
- ~~_____ (11) state whether the facility will maintain a VSC petty cash fund, and if the facility will maintain a petty cash fund, state the fund's purpose and the maximum dollar amount;~~
- ~~_____ (12) state what items the facility will provide to the VSC, including:~~
 - ~~_____ (A) office space;~~
 - ~~_____ (B) fundraising assistance;~~
 - ~~_____ (C) annual training for volunteers, board members, and officers;~~
 - ~~_____ (D) clerical and administrative services;~~
 - ~~_____ (E) staff assistance for coordination of activities; and~~
 - ~~_____ (F) staff assistance with processing donations made to the VSC;~~
- ~~_____ (13) state what items the VSC will provide to support its operations, including:~~
 - ~~_____ (A) postage;~~
 - ~~_____ (B) printing, including letterhead and newsletters;~~
 - ~~_____ (C) special event insurance, when applicable; and~~
 - ~~_____ (D) bond for its officers and signatory agents;~~
- ~~_____ (14) state the frequency for which the VSC will obtain a certified, independent audit that complies with §417.313(e) of this title (relating to Auditing and Reporting Guidelines);~~
- ~~_____ (15) state that the VSC may provide feedback and input through the facility CEO regarding the development of TDMHMR's legislative agenda; and~~
- ~~_____ (16) state that the VSC will comply with:~~
 - ~~_____ (A) state and federal laws and regulations applicable to non-profit corporations and 501(c)(3) organizations;~~
 - ~~_____ (B) applicable TDMHMR rules and policies; and~~
 - ~~_____ (C) its bylaws.~~
- ~~_____ (e) Funds generated by a VSC minus legitimate expenses may only be used for the needs of persons served, to enhance existing facility operations, for employee/donor/volunteer/visiting group recognition projects, for education projects, and for new initiatives to improve the quality of life for persons served. Funds may not be used for:~~
 - ~~_____ (1) a recognition event, reception, or gift for any legislator;~~
 - ~~_____ (2) a recognition event, reception, or gift for any employee, which is not part of TDMHMR's or the facility's established award program;~~
 - ~~_____ (3) political contributions or lobbying efforts;~~

- ~~— (4) alcoholic beverages, unless used at a fundraising event;~~
- ~~— (5) loans, including travel advances;~~
- ~~— (6) operating mental health and mental retardation programs, or contracting for mental health and mental retardation programs on behalf of a facility;~~
- ~~— (7) cash awards or salary supplementation for employees; and~~
- ~~— (8) other purposes determined by TDMHMR to be unethical, unlawful, or inappropriate.~~
- ~~— (f) A VSC may not:~~
 - ~~— (1) authorize a facility employee to sign a VSC check, use a VSC debit card, or use a VSC credit card, such as American Express, VISA, MasterCard, or Wal-Mart; or~~
 - ~~— (2) hold monies on behalf of facility employees for non-VSC-sponsored activities.~~
- ~~— (g) Community relations staff may maintain a VSC petty cash fund for its VSC if guidelines regarding the fund's purpose and maximum dollar amount are included in the memorandum of understanding between the facility and the VSC.~~
 - ~~— (1) The primary custodian of the petty cash fund is responsible for maintaining receipts and accurate documentation of all petty cash funds disbursed, and furnishing such documentation to the treasurer of the VSC.~~
 - ~~— (2) The primary and alternate custodians of the petty cash fund must complete a signed responsibility statement for the funds.~~
 - ~~— (3) An officer of the VSC or an individual who is not the CR director or a community relations staff member must conduct and document cash counts or cash audits of the petty cash fund once every two months.~~

~~§417.308. Fundraising and Solicitation.~~

- ~~— (a) All fundraising and solicitation activities shall be in accordance with codes and standards published by the Association of Fundraising Professionals (AFP). A copy of AFP's current codes and standards can be obtained by contacting the Office of CO Community Relations, TDMHMR, P.O. Box 12668, Austin, TX 78711-2668.~~
- ~~— (b) Facilities are authorized to engage in fundraising activities. A facility may work with its VSC to enhance fundraising activities. All fundraising activity requires the approval of the community relations (CR) director.~~
- ~~— (c) The community relations staff are the only facility personnel authorized to solicit donations on behalf of the facility unless the CR director or CEO has provided approval for other facility staff to do so.~~
- ~~— (d) Each facility must have written policies and procedures governing fundraising activity conducted by its employees and persons served (e.g., bakes sales, sales of merchandise) to generate funds for employee and persons served activities.~~

~~§417.309. Donations.~~

- ~~— (a) Acceptance of Donations.~~
 - ~~— (1) Donations to the VSC.~~
 - ~~— (A) Donated funds.~~
 - ~~— (i) Donated funds are processed in accordance with the specified method as required by the MOU.~~

~~_____ (ii) All funds donated to the VSC remain the property of the VSC until they are accepted by the facility.~~

~~_____ (B) In Kind goods and services.~~

~~_____ (i) In kind goods and services are processed in accordance with the specified method as required by the MOU.~~

~~_____ (ii) The donor is responsible for determining the value of the in kind goods for the donor's tax purposes.~~

~~_____ (iii) In kind goods that cannot be used by the VSC may be:~~

~~_____ (I) distributed to other nonprofit agencies that have an appropriate use for them;~~

~~_____ (II) sold, with the proceeds retained by the VSC, unless sale of the donation is prohibited by the donor; or~~

~~_____ (III) discarded, if appropriate.~~

~~_____ (iv) In kind goods and services are assigned a value using the values recommended by TDMHMR for accounting purposes.~~

~~_____ (v) All in kind goods donated to the VSC remain the property of the VSC until they are accepted by the facility.~~

~~_____ (2) Donations made directly to a facility. All donations made directly to a facility will be processed by facility staff.~~

~~_____ (A) Donated funds.~~

~~_____ (i) Funds less than \$500 are processed through the facility cashier or community relations staff, who is responsible for completing an individual pre numbered cash receipt for each donation. Accounting staff are responsible for recording the funds, with the appropriate designation, if applicable, and forwarding a copy of the record to the community relations office.~~

~~_____ (ii) Funds \$500 or more are processed in accordance with TDMHMR's operating instructions for Donations Valued at \$500 or More (417-17).~~

~~_____ (B) Donated goods and services.~~

~~_____ (i) The donor is responsible for determining the value of the goods for the donor's tax purposes.~~

~~_____ (ii) The community relations staff must assign a value to donated goods and services using values recommended by TDMHMR for accounting purposes. Donated goods valued at \$500 or more are processed in accordance with TDMHMR's operating instructions for Donations Valued at \$500 or More (417-17).~~

~~_____ (iii) Donated goods that cannot be used are processed in accordance with the Community Relations Program Manual, copies of which may be obtained by contacting TDMHMR, CO Community Relations, P.O. 12668, Austin, TX 78751.~~

~~_____ (b) Acknowledgment of donations. Donations received by a VSC or facility must be acknowledged in accordance with the Community Relations Program Manual, copies of which may be obtained by contacting TDMHMR, CO Community Relations, P.O. 12668, Austin, TX 78751.~~

~~§417.310. Naming of Donations.~~

~~_____ (a) The naming of any gift, memorial, or donated item that is not a permanent improvement, as defined in §417.153 of this title (relating to Definitions), is subject to the approval of the director of CO Community Relations.~~

~~— (b) Any gift, memorial, or donated item that is a permanent improvement, as defined in §417.153 of this title (relating to Definitions), is named in accordance with Chapter 417, Subchapter D of this title, concerning permanent improvements donated by individuals or community groups.~~

~~§417.311. Volunteer Services State Council (VSSC).~~

~~— (a) The Volunteer Services State Council (VSSC) is a non-profit statewide service organization that partners with TDMHMR to improve the quality and efficiency of TDMHMR's programs and services.~~

~~— (b) The VSSC bylaws must:~~

~~— (1) describe the organization's structure;~~

~~— (2) identify the member organizations that may join the VSSC, including the VSCs of facilities and the volunteer groups of community MHMR centers; and~~

~~— (3) outline specific methodology for:~~

~~— (A) electing the board of directors;~~

~~— (B) limiting terms of board members and officers by number of years;~~

~~— (C) replacing board members;~~

~~— (D) selecting a nominating committee; and~~

~~— (E) joining the VSSC.~~

~~— (c) A memorandum of understanding (MOU) governs the relationship between the VSSC and TDMHMR. The MOU must:~~

~~— (1) state that the TDMHMR commissioner or designee, the director of CO Community Relations, and one member of the Texas MHMR Board have nonvoting membership on the VSSC board of directors and executive committee;~~

~~— (2) specify the mechanism for resolving conflict with TDMHMR;~~

~~— (3) state that, in the event the VSSC is audited by the Internal Revenue Service, a copy of the audit report will be submitted to CO Community Relations;~~

~~— (4) state that TDMHMR has the right to review and approve all VSSC donations of real property and any permanent improvements to existing real property that may be donated to TDMHMR by the VSSC;~~

~~— (5) state the limitations and specifics regarding the amount and type of expenditures the VSSC has authorized the director of CO Community Relations to make on behalf of the VSSC;~~

~~— (6) state that the VSSC and CO Community Relations have specified in writing the method for CO Community Relations staff to assist the VSSC in processing and receipting donations that ensures the separation of duties;~~

~~— (7) state what items TDMHMR will provide to the VSSC as determined by TDMHMR to be feasible and within its budgetary constraints, including:~~

~~— (A) office space;~~

~~— (B) annual training for volunteers, board members, and officers;~~

~~— (C) clerical and administrative services;~~

~~— (D) staff assistance for coordination of activities, including an annual meeting;~~

~~— (E) staff assistance with processing donations made to the VSSC; and~~

~~— (F) an informational legislative update to the executive committee.~~

~~— (8) state what items the VSSC will provide to support its operations, within its budgetary constraints, including:~~

- ~~_____ (A) postage;~~
- ~~_____ (B) printing, including letterhead and meeting materials;~~
- ~~_____ (C) special event insurance, when applicable; and~~
- ~~_____ (D) bond for its officers and signatory agents;~~
- ~~_____ (9) state that the VSSC will provide feedback and input through the commissioner or designee regarding the development of TDMHMR's legislative agenda;~~
- ~~_____ (10) state that the VSSC will host special training conferences as mutually agreed upon by the executive committee and TDMHMR; and~~
- ~~_____ (11) state that the VSSC will comply with:~~
 - ~~_____ (A) state and federal laws and regulations applicable to non-profit corporations and 501(c)(3) organizations;~~
 - ~~_____ (B) applicable TDMHMR rules and policies; and~~
 - ~~_____ (C) its bylaws.~~
- ~~— (d) VSSC funds may not be used for:~~
 - ~~_____ (1) a recognition event, reception, or gift for any legislator;~~
 - ~~_____ (2) a recognition event, reception, or gift for any employee, which is not part of TDMHMR's or Central Office's established award program;~~
 - ~~_____ (3) political contributions or lobbying efforts;~~
 - ~~_____ (4) alcoholic beverages, unless used at a fundraising event;~~
 - ~~_____ (5) loans, including travel advances;~~
 - ~~_____ (6) operating mental health and mental retardation programs, or contracting for mental health and mental retardation programs on behalf of TDMHMR;~~
 - ~~_____ (7) cash awards or salary supplementation for employees; and~~
 - ~~_____ (8) other purposes determined by TDMHMR to be unethical, unlawful, or inappropriate.~~
- ~~— (e) The VSSC may not:~~
 - ~~_____ (1) authorize a TDMHMR employee to sign a VSSC check, use a VSSC debit card, or use a VSSC credit card; or~~
 - ~~_____ (2) hold monies on behalf of TDMHMR employees for non-VSSC sponsored activities.~~

~~§417.313. Auditing and Reporting Guidelines.~~

- ~~— (a) CO Community Relations and each facility community relations office are subject to audits conducted by TDMHMR and the state auditor.~~
- ~~— (b) Each community relations (CR) director must quarterly submit to CO Community Relations, in accordance with guidelines contained in the Community Relations Program Manual, a report pertaining to:~~
 - ~~_____ (1) its volunteer program;~~
 - ~~_____ (2) donations to its VSC;~~
 - ~~_____ (3) donations to the facility; and~~
 - ~~_____ (4) evidence of annual training for volunteers, board members, and officers.~~
- ~~— (c) Independent audit and treasurer's report.~~
 - ~~_____ (1) Independent audit.~~
 - ~~_____ (A) If the VSSC or a VSC has annual gross receipts in excess of \$100,000, then it must obtain an annual certified, independent audit in accordance with guidelines contained in the Community Relations Program Manual.~~

~~————— (B) If the VSSC or a VSC has annual gross receipts of less than \$100,000, then at least every three years or as required by CO Community Relations it must obtain a one year certified, independent audit in accordance with guidelines contained in the Community Relations Program Manual.~~

~~————— (C) A copy of the Community Relations Program Manual is available by contacting TDMHMR, CO Community Relations, P.O. 12668, Austin, TX 78751.~~

~~————— (2) Treasurer's report. Each year in which an independent audit is not conducted, the VSSC or a VSC must formulate a treasurer's report that complies with GAAS (specifically FAS-116 and FAS-117).~~

~~— (d) Annually, the VSSC and each VSC is responsible for submitting to CO Community Relations:~~

~~————— (1) a copy of the MOU;~~

~~————— (2) a copy of:~~

~~————— (A) the audit report and accompanying management letter, and documentation of petty cash disbursements, if applicable; or~~

~~————— (B) the treasurer's report and documentation of petty cash disbursements, if applicable;~~

~~————— (3) a copy of each Form 990 filed with the IRS;~~

~~————— (4) a copy of articles of incorporation, if revised;~~

~~————— (5) a copy of by laws, if revised;~~

~~————— (6) a list of the names, addresses, and officer positions of current officers;~~

~~————— (7) documentation of bond for its officers and signatory agents;~~

~~————— (8) a copy of investment policy, if revised;~~

~~————— (9) evidence of adoption of an annual budget; and~~

~~————— (10) evidence of special event insurance, if purchased.~~

~~§417.314. Exhibits.~~

~~— The following exhibits, referenced in this subchapter, are available by contacting CO Community Relations, TDMHMR Central Office, P.O. Box 12668, Austin, TX 78711-2668:~~

~~————— (1) Exhibit A "Authorization for Publication" form;~~

~~————— (2) Exhibit B "Employee Volunteer Statement" form;~~

~~————— (3) Exhibit C "Client Volunteer Statement" form;~~

~~————— (4) Exhibit D "Volunteer Application" form;~~

~~————— (5) Exhibit E "Parental Permission Form For Volunteers Under 18 Years of Age" form;~~
~~and~~

~~————— (6) Exhibit F sample memorandum of understanding (MOU).~~

~~§417.315. References.~~

~~— Reference is made to the following state statutes, and TDMHMR rules and policies:~~

~~————— (1) Texas Health and Safety Code, 250.003 and §533.007;~~

~~————— (2) Chapter 414, Subchapter K of this title, concerning Criminal History and Registry Clearances;~~

~~————— (3) Chapter 414, Subchapter A of this title, concerning Client Identifying Information;~~

~~————— (4) Chapter 404, Subchapter E of this title, concerning Rights of Persons Receiving Mental Health Services;~~

- ~~—— (5) Chapter 405, Subchapter Y of this title, concerning Client Rights— Mental Retardation Services;~~
- ~~—— (6) Chapter 417, Subchapter K of this title, concerning Abuse, Neglect, and Exploitation in TDMHMR Facilities;~~
- ~~—— (7) Fair Labor Standards Act; and~~
- ~~—— (8) Donations Valued at \$500 or More Operating Instruction, 417-17.~~

~~§417.316. Distribution.~~

- ~~—— (a) This subchapter is distributed to:~~
 - ~~—— (1) members of the Texas MHMR Board;~~
 - ~~—— (2) executive, management, and program staff at Central Office;~~
 - ~~—— (3) CEOs of facilities;~~
 - ~~—— (4) members of the VSSC board of directors and executive committee, and all VSSC member organizations; and~~
 - ~~—— (5) advocacy organizations.~~
- ~~—— (b) CEOs are responsible for the dissemination of the information contained in this subchapter to all appropriate staff members.~~