



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

## Operating Policy and Procedure

**HSC OP:** 50.28, **Debt Collection**

**PURPOSE:** The purpose of this HSC OP is to outline the procedures relating to debts owed to Texas Tech University Health Sciences Center (TTUHSC).

**REVIEW:** This HSC OP will be reviewed on March 1 of each even-numbered year (ENY) by the Managing Director of Accounting Services, with recommendations for revisions forwarded to the Executive Vice President for Finance and Administration by March 31.

### **POLICY/PROCEDURE:**

1. **Definitions.** The following are definitions for this HSC OP:
  - Delinquent:** Payment on debt is past due.
  - Debtor:** Any person or entity liable, or potentially liable, for an obligation owed to TTUHSC.
  - Due Diligence:** The attention and care expected in carrying out a debt collection program which is characterized by timely, steady, earnest, and energetic effort.
  - Obligation:** A debt, judgment, claim, account, fee, fine, interest, loan, charge, or grant.
2. **State Regulations.** The Texas Attorney General (TAG) has established guidelines (1 TAC 59.2 and 59.3) relating to the process by which state agencies collect delinquent obligations and how those obligations are reported to the TAG. These guidelines are intended to be general in nature and modifications by departments may be appropriate. TTUHSC must comply with these guidelines.
3. **Approval for Extension of Credit.** Only those activities which have been approved, in accordance with *Regents' Rules*, Section 07.06, Credit Extension, may sell goods and services on credit. Student loan funds, both federal and institutional, are exempt from this requirement, since collection of debt is the function of this activity.
4. **Due Diligence.** Due diligence must be practiced in the collection of debt. The TAG due diligence documentation regulations require the maintenance of the following:
  - a. Copies of all correspondence between TTUHSC and the debtor;
  - b. Documentation reflecting attempted contacts with debtor and the result of such attempts;
  - c. A record of all payments made by debtor and, where practical, copies of any checks tendered as payment;
  - d. Current information verifying the debtor's address and assets; and
  - e. Copies of any document creating the obligation, such as a promissory note or an invoice.
5. **Administrative Procedures.** Each area involved in collection activities must develop and maintain procedures for collecting delinquent accounts which are consistent with the following guidelines:
  - a. Demand letters must be mailed in envelopes that contain the statement "address correction requested" and shall comply with the federal requirements for address verification.

- b. The department must send a first demand letter not later than 30 days after the account is determined delinquent. If no satisfactory response is received within 30 days after the date of the first letter, the department must send a second demand letter not later than 60 days after the date of the first demand letter. Second demand letters should include a notation, where practical, that a copy of the letter is being sent to the TAG. No more than two demand letters should be transmitted to the debtor prior to referral to the TAG.

6. **Use of Outside Collection Agencies.** TTUHSC may not contract with an outside collection agency or renew or extend existing contracts with an outside collection agency without prior written approval of the TAG.

Prior to executing a contract or renewing an existing contract with an outside collection agency, the department must forward to the Office of Contracting the following:

- a. Description of the obligations
- b. Any proposed fee arrangements
- c. Description of the individual accounts to include total number of delinquent accounts, dollar range, total dollar amount, summary of local collection efforts, and legal basis of the delinquent obligations
- d. Copies of any proposed contract

It will then be the responsibility of the Office of Contracting to forward this information to the TAG. Review from the Office of General Counsel and/or the Executive Vice President for Finance and Administration may be requested prior to forwarding the information to the TAG. The Office of Contracting will notify the requesting department of the TAG's decision and will begin processing the contract documents, if approved.

7. **Referrals to the Attorney General for Collection.** Generally TTUHSC will not refer to the TAG matters in which the amount to be recovered would be less than the total sum of expense to TTUHSC and the TAG for travel, employee time, court costs, and other relevant expenses. Subject to approval of the Executive Vice President for Finance and Administration, each area involved in collection activities must develop a written policy to establish a minimum dollar amount for claims to be referred to the TAG for collection, but may, for good cause, determine that a matter should be referred to the TAG even if the amount to be recovered does not exceed the minimum established. This referral must be made to the Office of the Executive Vice President for Finance and Administration no later than 10 days after accounts have been returned to TTUHSC from collection agencies.
8. **Yearly Report.** An annual report of delinquent obligations is required by the TAG. The person who is fiscally responsible for each area involved in collection activities must provide the following information to the Managing Director of Accounting Services no later than September 30 of each year:
  - a. Total Dollar amount of delinquent obligations identified into collectible and uncollectible categories
  - b. Total number of accounts maintained by the agency
  - c. Total number of accounts which are evidenced by a promissory note and the total number of such accounts where the institution has deemed the debtor to be in default
  - d. Total number of accounts in and outstanding obligation amount in bankruptcy
  - e. Total amount of accounts reduced to judgment, including amounts for attorney fees and court costs