

BILL ANALYSIS

S.B. 1628
By: Miles
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a person who wishes to submit a complaint against the Department of Family and Protective Services (DFPS) must submit the complaint to DFPS itself. As such, entities providing foster care services for children, including child-placing agencies, foster homes, and others, have no independent entity from which to seek redress. The Health and Human Services (HHSC) office of the ombudsman is an office that assists people when a program's complaint process cannot or does not satisfactorily resolve the issue and the staff of the office are HHSC employees and thus independent of DFPS. S.B. 1628 seeks to make the HHSC office of the ombudsman the entity responsible for receiving and resolving complaints regarding DFPS.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

S.B. 1628 amends the Human Resources Code to transfer the responsibility for receiving and resolving complaints against the Department of Family and Protective Services (DFPS) throughout Texas from DFPS itself to the Health and Human Services Commission (HHSC) office of the ombudsman. The bill updates provisions governing the complaint process, which is developed by the executive commissioner of HHSC through the rulemaking process, to reflect this transfer and further revises those provisions to remove the requirement for the executive commissioner to develop a consistent, statewide process for addressing an appeal by a person dissatisfied with the resolution of a complaint at the regional level and to require the executive commissioner instead to develop a consistent, statewide process for encouraging the submission of complaints to local DFPS personnel before contacting the HHSC office of the ombudsman to allow DFPS staff an opportunity to resolve the complaints. The bill provides for HHSC and DFPS to share responsibility for providing information relating to the complaint process on applicable registration forms, applications, or written contracts, on certain signs displayed at places of business regulated by HHSC, or in bills for service provided by a person regulated by HHSC. The bill requires the executive commissioner, not later than January 1, 2022, to adopt the rules necessary to implement the bill's changes in law and provides that those changes apply only to a complaint filed on or after that date.

EFFECTIVE DATE

September 1, 2021.