

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1628
By: Miles
Health & Human Services
4/22/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, entities providing foster care services for children including child-placing agencies, agency foster homes, and others have no independent entity to complain to regarding any problems they are having with the Department of Family and Protective Services (DFPS). 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. The staff are employees of HHSC, independent of DFPS. They also report to the executive commissioner of HHSC, independent from HHSC Regulatory Services.

C.S.S.B. 1628 would designate the HHSC office of the ombudsman as the office where foster care contracting entities could make complaints regarding DFPS.

C.S.S.B. 1628 amends current law relating to the authority of the Health and Human Services Commission's office of the ombudsman to resolve complaints against the Department of Family and Protective Services.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to executive commissioner of the Health and Human Services Commission is modified in SECTION 1 (Section 40.0041, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 40.0041(a), (b), (c), (d), (e), and (f), Human Resources Code, as follows:

(a) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner, HHSC) by rule to develop and implement a uniform process for HHSC's office of the ombudsman to receive and resolve, rather than a uniform process for receiving and resolving, complaints against the Department of Family and Protective Services (DFPS) throughout the state. Requires that the process include:

(1) statewide procedures through which the public, consumers, and service recipients are informed:

(A) of the right to make a complaint against DFPS, including the mailing addresses and telephone numbers of appropriate personnel within the office of the ombudsman, rather than appropriate DFPS personnel, responsible for receiving complaints and providing related assistance; and

(B) of the procedures of the office of the ombudsman for resolving a complaint, including the right to appeal a decision made at the local level by DFPS personnel, rather than of DFPS's procedures for resolving a complaint, including the right to appeal a decision made at the local level;

(2) makes no changes to this paragraph;

(3) a requirement that the office of the ombudsman, rather than DFPS, provide information by mail or telephone regarding the procedures of the office of the ombudsman, rather than DFPS's procedures, for investigating and resolving a complaint to each person who makes a complaint; and

(4) makes a conforming change to this paragraph.

(b) Authorizes HHSC and DFPS, rather than solely DFPS, in addition to other appropriate methods, to provide the information specified by Subsection (a)(1):

(1) on each registration form, application, or written contract for services of a person regulated by HHSC, rather than by DFPS;

(2) and (3) makes conforming changes to these paragraphs.

(c) Makes conforming changes to this subsection.

(d) Requires the executive commissioner to develop a consistent, statewide process for encouraging the submission of complaints to local DFPS personnel before contacting HHSC's office of the ombudsman to allow DFPS staff an opportunity to resolve the complaints, rather than a consistent, statewide process for addressing an appeal by a person dissatisfied with the resolution of a complaint at the regional level. Deletes existing text requiring that the process include an opportunity for appeal of a complaint without the participation of the DFPS's ombudsman office.

(e) and (f) Makes conforming changes to these subsections.

SECTION 2. (a) Requires the executive commissioner, not later than January 1, 2022, to adopt the rules necessary to implement the changes in law made by this Act.

(b) Makes application of Section 40.0041, Human Resources Code, as added by this Act, prospective to January 1, 2022.

SECTION 3. Effective date: September 1, 2021.