

SUBJECT: Transferring DFPS complaint processing to the HHSC ombudsman office

COMMITTEE: Human Services — favorable, without amendment

VOTE: 6 ayes — Frank, Hull, Klick, Noble, Rose, Shaheen

0 nays

3 absent — Hinojosa, Meza, Neave

SENATE VOTE: On final passage, April 29 — 30-1 (Springer), on Local and Uncontested Calendar

WITNESSES: For — Santiago Cirnigliaro, Texas Alliance of Child and Family Services; Candice Matthews, Texas Coalition of Black Democrats and Children of Diversity; (*Registered, but did not testify*: Sarah Crockett, Texas CASA; Lauren Rose, Texas Network of Youth Services; Knox Kimberly, Upbring)

Against — None

On — Jose Martinez and Jaime Masters, Department of Family and Protective Services; (*Registered, but did not testify*: Joel Schwartz, Health and Human Services Commission)

BACKGROUND: Concerns have been raised about the lack of an independent entity to receive and resolve complaints against the Department of Family and Protective Services. There have been calls to make the Health and Human Services ombudsman office responsible for such complaints.

DIGEST: SB 1628 would transfer responsibility for receiving and resolving complaints against the Department of Family and Protective Services (DFPS) from DFPS to the Health and Human Services Commission (HHSC) ombudsman office and make conforming changes to statute.

The bill would repeal a requirement for the HHSC executive

commissioner to develop a process for addressing an appeal by a person dissatisfied with the resolution of a complaint against DFPS at the regional level. Instead, the bill would require the executive commissioner to develop a consistent, statewide process for encouraging the submission of complaints to local DFPS personnel before contacting the HHSC's ombudsman office to allow department staff an opportunity to resolve the complaints.

The HHSC executive commissioner would be required to adopt rules necessary to implement the bill by January 1, 2022, and the bill would apply only to a complaint filed on or after that date.

The bill would take effect September 1, 2021.