

Summary of 2019 Legislative Session Initiatives



TEXAS
Health and Human
Services

What we do at the Health and Human Services Commission is simple. We help people. Everything we do flows from those three words. The agency is focused on a deliberate approach to create a culture of excellence, efficient business processes, the right performance measures and dynamic relationships, both internally and externally. At their core, these proposed initiatives are directed toward ensuring we are helping people, improving the lives of Texans and being good stewards of taxpayer dollars.

Three-Year Licenses for Home and Community Support Services Agencies

Senate Bill 1448 | House Bill 3193

Home and community support services agencies (HCSSAs) provide home health, hospice or personal assistance to people in a residence or independent-living environment. HCSSA licenses last two years and each agency must be inspected after 18 months. HHSC is asking to increase the licenses to three years to reduce administrative burdens and provide consistency with other provider types.

Summer After-School Programs

Senate Bill 2164 | House Bill 4090

HHSC licenses school-age programs (SAPs) to provide care, recreation and basic skills training for pre-K through sixth-graders two hours a day, three days a week when school is out. These programs must reapply for licenses when they change location. HHSC is seeking legislation to exempt these programs from this requirement as long as they are in good standing and within the same school district. SAPs are located on school campuses, so they must already meet higher health and safety standards than other licensed child care operations.

Abuse and Neglect Investigations in Inpatient Hospice Facilities

Senate Bill 1789 | House Bill 3079

Through an agreement with the Department of Family and Protective Services, HHSC investigates hospice facilities when someone alleges abuse, neglect or exploitation against non-Medicaid adults in those facilities. However, the law is silent on which agency has the authority to conduct these investigations involving non-Medicaid adults and children. HHSC is asking the Legislature to amend current law to establish clear statutory authority for HHSC to investigate when necessary.

Improved Access to Forensic Services

Senate Bill 562

State hospitals provide psychiatric care, including competency restoration and treatment for people found not guilty by reason of insanity. The demand for these services exceeds the funded capacity at state hospitals and other state facilities. The shortage is especially acute for maximum security services. Currently, legal criteria, rather than clinical necessity, determines which facility a person is admitted to. HHSC seeks legislation untangling

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Amanda Martin • Amanda.Martin04@hhsc.state.tx.us • 737-867-8608

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the legal responsibility of the judiciary and allowing clinicians to take on the responsibility to determine the most appropriate setting for a person to be treated.

Foster Care Ombudsman Applicant Background Checks

Senate Bill 2397

HHSC's Foster Care Ombudsman (FCO) represents the interests of children in the foster care system when it comes to their rights and treatment. Current law doesn't allow HHSC to conduct criminal background checks on applicants for these positions, in which staff has access to sensitive personal and financial information. HHSC seeks authority to obtain criminal histories from the Department of Public Safety on applicants for an FCO position.

Ombudsman Consolidation

Senate Bill 1101

The HHS Office of the Ombudsman conducts independent reviews of complaints about agency policies or practices. The 2015 Sunset bill consolidated ombudsman offices across the Texas HHS system but didn't consolidate the related statutes, leaving confusing and inconsistent authorities and procedures. Consolidation of the statutes would allow clients, ombudsman staff and HHS programs staff to clearly understand the role of the office, resulting in better service provided to clients.

Regional Laundry Services

Senate Bill 1234 | House Bill 3675

HHSC operates high-volume regional laundry centers to address the needs at state hospitals and state supported living centers. It's difficult to find a vendor at a reasonable price when there's a mechanical breakdown. The agency is seeking legislation to allow it to contract with other entities, such as a Veterans Affairs hospital, to provide services in the event of a breakdown.

State Hospital Medication Orders at Transfer

House Bill 3190

When people are transferred from a state supported living center or the Texas Civil Commitment Office to a state hospital, the hospital can't administer vital and necessary psychoactive medicines because the patients aren't on the type of commitment that allows the hospitals to ask for a court order to administer the medicines. HHSC seeks legislation to secure a medication order without having to obtain a different type of commitment.

Retention of Administrative Fees in Supplemental Payment Programs

Senate Bill 2138 | House Bill 4426

HHSC administers supplemental payments for numerous programs but is authorized to retain funds in only a handful of them. General revenue dollars are used to fund the state share of administrative costs of operating the remaining programs. As the supplemental payment programs have evolved and become increasingly complex, HHSC staff whose primary responsibilities are for

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other agency activities would be challenged to maintain appropriate oversight of the supplemental payment programs. Retention of a portion of participating entities' payments can provide HHSC with the resources it needs to fully dedicate staff to the supplemental payment programs.

Legislative Approval of OCR Settlement Agreement

**Senate Concurrent Resolution 21 |
House Concurrent Resolution 78**

The U.S. Department of Health and Human Services Office for Civil Rights has proposed an agreement to HHSC to settle certain Health Insurance Portability and Accountability Act (HIPAA) violations that were discovered in 2015 by the legacy Department of Aging and Disability Services. A concurrent resolution, which requires approval by both chambers of the Legislature and the governor, is needed to allow the settlement agreement to move forward. The resolution describes the terms and conditions of the proposed settlement agreement, including the corrective action plan, and confers legislative approval.

FBI Background Checks

Senate Bill 2200 | House Bill 3699

Through the HHSC Transformation process, the agencies that used the Fingerprint Applicant Clearinghouse of Texas (FACT) to obtain criminal history record information consolidated under HHSC. While individual health and human services agencies were specifically granted statutory authority to use FACT, HHSC was not. The Texas Government Code, Chapter 411, should be amended to include HHSC by name to ensure that health and human services agencies can continue to obtain accurate and comprehensive criminal history record information.

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