

1-1 By: Miles S.B. No. 1628
 1-2 (In the Senate - Filed March 11, 2021; March 24, 2021, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 26, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 26, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1628 By: Perry

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the authority of the Health and Human Services
 1-22 Commission's office of the ombudsman to resolve complaints against
 1-23 the Department of Family and Protective Services.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Sections 40.0041(a), (b), (c), (d), (e), and
 1-26 (f), Human Resources Code, are amended to read as follows:

1-27 (a) The executive commissioner by rule shall develop and
 1-28 implement a uniform process for the commission's office of the
 1-29 ombudsman to receive ~~[receiving]~~ and resolve ~~[resolving]~~
 1-30 complaints against the department throughout the state. The
 1-31 process shall include:

1-32 (1) statewide procedures through which the public,
 1-33 consumers, and service recipients are informed:

1-34 (A) of the right to make a complaint against the
 1-35 department, including the mailing addresses and telephone numbers
 1-36 of appropriate ~~[department]~~ personnel within the office of the
 1-37 ombudsman responsible for receiving complaints and providing
 1-38 related assistance; and

1-39 (B) of the ~~[department's]~~ procedures of the
 1-40 office of the ombudsman for resolving a complaint, including the
 1-41 right to appeal a decision made at the local level by department
 1-42 personnel;

1-43 (2) development and statewide distribution of a form
 1-44 or telephone system that may be used to make a complaint;

1-45 (3) a requirement that the office of the ombudsman
 1-46 ~~[department]~~ provide information by mail or telephone regarding the
 1-47 ~~[department's]~~ procedures of the office of the ombudsman for
 1-48 investigating and resolving a complaint to each person who makes a
 1-49 complaint; and

1-50 (4) a requirement that the office of the ombudsman
 1-51 ~~[department]~~ provide status information at least quarterly to a
 1-52 person with a pending complaint against the department, unless the
 1-53 information would jeopardize an undercover investigation.

1-54 (b) In addition to other appropriate methods, the
 1-55 commission and the department may provide the information specified
 1-56 by Subsection (a)(1):

1-57 (1) on each registration form, application, or written
 1-58 contract for services of a person regulated by the commission
 1-59 ~~[department]~~;

1-60 (2) on a sign prominently displayed in the place of

2-1 business of each person regulated by the commission [~~department~~];
2-2 or

2-3 (3) in a bill for service provided by a person
2-4 regulated by the commission [~~department~~].

2-5 (c) The commission's office of the ombudsman [~~department~~]
2-6 shall keep an information file about each complaint made against
2-7 the department that the office of the ombudsman [~~department~~] has
2-8 authority to resolve.

2-9 (d) The executive commissioner shall develop a consistent,
2-10 statewide process for encouraging the submission of complaints to
2-11 local department personnel before contacting the commission's
2-12 office of the ombudsman to allow department staff [~~addressing an~~
2-13 ~~appeal by a person dissatisfied with the resolution of a complaint~~
2-14 ~~at the regional level. The process shall include~~] an opportunity to
2-15 resolve the complaints [~~for appeal of a complaint without the~~
2-16 ~~participation of the department's ombudsman office~~].

2-17 (e) The commission's office of the ombudsman [~~department~~]
2-18 shall develop and maintain a centralized tracking system to gather
2-19 information concerning all complaints made against the department
2-20 throughout the state. The department shall require its personnel
2-21 to provide information regarding each complaint for inclusion in
2-22 records maintained under the tracking system [~~at the department's~~
2-23 ~~state headquarters~~], regardless of the location or level at which
2-24 the complaint is initiated or resolved. The office of the ombudsman
2-25 [~~department~~] shall require at least the following information to be
2-26 maintained for each complaint:

- 2-27 (1) the date the complaint is received;
- 2-28 (2) the name of the person making the complaint;
- 2-29 (3) the subject matter of the complaint;
- 2-30 (4) a record of all persons contacted by the office of
2-31 the ombudsman [~~department~~] in relation to the complaint;

2-32 (5) a summary of the results of the review or
2-33 investigation of the complaint; and

2-34 (6) for each complaint determined by the office of the
2-35 ombudsman [~~department~~] to require no corrective action, an
2-36 explanation of the reason that the complaint was closed without
2-37 action.

2-38 (f) The commission's office of the ombudsman [~~department~~]
2-39 shall periodically prepare and deliver reports to the executive
2-40 commissioner and the commissioner regarding the number, type, and
2-41 resolution of complaints made in the state against the department.

2-42 SECTION 2. (a) Not later than January 1, 2022, the
2-43 executive commissioner of the Health and Human Services Commission
2-44 shall adopt the rules necessary to implement the changes in law made
2-45 by this Act.

2-46 (b) Section 40.0041, Human Resources Code, as amended by
2-47 this Act, applies only to a complaint filed on or after January 1,
2-48 2022.

2-49 SECTION 3. This Act takes effect September 1, 2021.

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