

By: Noble

H.B. No. 2375

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the transfer of authority regarding the review and  
3 resolution of complaints against the Department of Family and  
4 Protective Services to the Health and Human Services Commission's  
5 office of inspector general.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 40.0041, Human Resources Code, is  
8 amended by amending Subsections (a), (c), (d), (e), and (f) and  
9 adding Subsections (a-1) and (g-1) to read as follows:

10 (a) The Health and Human Services Commission's office of  
11 inspector general shall receive complaints against the department  
12 from members of the public, consumers, department employees, and  
13 recipients of department services regarding any investigation  
14 conducted or action taken by the department. The office of  
15 inspector general shall review and resolve each complaint against  
16 the department filed with the office not later than the 45th day  
17 after the date the office receives the complaint. The executive  
18 commissioner of the Health and Human Services Commission, in  
19 consultation with the commissioner and the inspector general, by  
20 rule shall develop and implement a uniform process for receiving  
21 and resolving complaints against the department throughout the  
22 state. The process shall include:

23 (1) statewide procedures through which the public,  
24 consumers, department employees, and service recipients are

1 informed:

2 (A) of the right to make a complaint against the  
3 department, including the mailing addresses and telephone numbers  
4 of appropriate [~~department~~] personnel in the office of inspector  
5 general who are responsible for receiving complaints and providing  
6 related assistance; and

7 (B) of the office of inspector general's  
8 [~~department's~~] procedures for resolving a complaint, including the  
9 right to appeal a decision made at the local level;

10 (2) development and statewide distribution of a form  
11 or telephone system that may be used to make a complaint;

12 (3) a requirement that the office of inspector general  
13 [~~department~~] provide information by mail or telephone regarding the  
14 office of inspector general's [~~department's~~] procedures for  
15 reviewing [~~investigating~~] and resolving a complaint to each person  
16 who makes a complaint; and

17 (4) a requirement that the office of inspector general  
18 periodically [~~department~~] provide status information, orally or in  
19 writing, [~~at least quarterly~~] to a person with a pending complaint  
20 against the department, unless the information would jeopardize an  
21 undercover investigation.

22 (a-1) In performing the functions described by Subsection  
23 (a), the office of inspector general may:

24 (1) recommend corrective and remedial actions the  
25 department shall take regarding a complaint and ensure the  
26 department's compliance with the recommendations;

27 (2) obtain any department data necessary for reviewing

1 and resolving a complaint; and

2 (3) open any investigation the office determines  
3 necessary to ensure the department's compliance with state and  
4 federal law or department procedures and policies.

5 (c) The office of inspector general [~~department~~] shall keep  
6 an information file about each complaint made against the  
7 department that the office of inspector general [~~department~~] has  
8 authority to resolve.

9 (d) The executive commissioner of the Health and Human  
10 Services Commission, in consultation with the commissioner and the  
11 inspector general, shall develop a consistent, statewide process  
12 for addressing an appeal by a person dissatisfied with the  
13 resolution of a complaint at the regional level. [~~The process shall~~  
14 ~~include an opportunity for appeal of a complaint without the~~  
15 ~~participation of the department's ombudsman office.~~]

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

- 1           (1) the date the complaint is received;
- 2           (2) the name of the person making the complaint;
- 3           (3) the subject matter of the complaint;
- 4           (4) a record of all persons contacted by the office of  
5 inspector general [~~department~~] in relation to the complaint;
- 6           (5) a summary of the results of the review [~~or~~  
7 ~~investigation~~] of the complaint; and
- 8           (6) for each complaint determined by the office of  
9 inspector general [~~department~~] to require no corrective action, an  
10 explanation of the reason that the complaint was closed without  
11 action.

12           (f) The office of inspector general [~~department~~] shall  
13 periodically prepare and deliver reports to the executive  
14 commissioner of the Health and Human Services Commission, [~~and~~] the  
15 commissioner, the governor, and the chairs of the standing  
16 legislative committees with primary jurisdiction over the  
17 department regarding the number, type, and resolution of complaints  
18 made in the state against the department.

19           (g-1) The department shall cooperate with the office of  
20 inspector general regarding any review or corrective action to  
21 resolve a complaint filed against the department. The department  
22 shall provide any data or other information requested by the office  
23 of inspector general in connection with a review not later than the  
24 14th day after the date the department receives the request.

25           SECTION 2. Section 531.102, Government Code, is amended by  
26 amending Subsection (a) and adding Subsection (a-9) to read as  
27 follows:

1 (a) The commission's office of inspector general is  
2 responsible for:

3 (1) the prevention, detection, audit, inspection,  
4 review, and investigation of fraud, waste, and abuse in the  
5 provision and delivery of all health and human services in the  
6 state, including:

7 (A) services through any state-administered  
8 health or human services program that is wholly or partly federally  
9 funded; or

10 (B) services provided by the Department of Family  
11 and Protective Services;

12 (2) ~~[, and]~~ the enforcement of state law relating to  
13 the provision of ~~[these]~~ services described by Subdivision (1); and

14 (3) receiving, reviewing, and resolving complaints  
15 against the Department of Family and Protective Services as  
16 authorized by Section 40.0041, Human Resources Code. ~~[The~~  
17 ~~commission may obtain any information or technology necessary to~~  
18 ~~enable the office to meet its responsibilities under this~~  
19 ~~subchapter or other law.]~~

20 (a-9) The commission may obtain any information or  
21 technology necessary to enable the office to meet its  
22 responsibilities under this subchapter or other law.

23 SECTION 3. (a) As soon as practicable after the effective  
24 date of this Act, but not later than December 1, 2023, the  
25 commissioner of the Department of Family and Protective Services  
26 shall transfer any department funds, resources, including  
27 information technology, documents, and personnel allocated for the

1 investigation of complaints to the Health and Human Services  
2 Commission's office of inspector general to allow the office to  
3 perform the functions described under Section 40.0041, Human  
4 Resources Code, as amended by this Act.

5 (b) Notwithstanding the effective date of this Act, the  
6 Health and Human Services Commission's office of inspector general  
7 is not required to comply with changes to Section 40.0041, Human  
8 Resources Code, and Section 531.102(a), Government Code, made by  
9 this Act until the transfer required by Subsection (a) of this  
10 section is completed.

11 SECTION 4. This Act takes effect September 1, 2023.