

By: Noble

H.B. No. 3462

A BILL TO BE ENTITLED

AN ACT

relating to the consolidation of ombudsman programs administered by the Health and Human Services Commission.

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

SECTION 1. The heading to Subchapter Y, Chapter 531, Government Code, is amended to read as follows:

SUBCHAPTER Y. COMMISSION OMBUDSMAN PROGRAMS [~~FOR THE DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES~~]

SECTION 2. Section 531.991(2), Government Code, as amended by Chapter 906 (S.B. 213), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(2) "Ombudsman" means the individual appointed as the ombudsman for an ombudsman program [~~the Department of Family and Protective Services~~].

SECTION 3. Section 531.991, Government Code, is amended by adding Subdivision (3) to read as follows:

(3) "Ombudsman program" means an ombudsman program administered by the commission under this subchapter.

SECTION 4. Subchapter Y, Chapter 531, Government Code, is amended by adding Section 531.9912 to read as follows:

Sec. 531.9912. ESTABLISHMENT OF OMBUDSMAN PROGRAMS. The executive commissioner shall establish the following ombudsman programs:

(1) the health and human services office of the

1 ombudsman in accordance with Section 531.9915;

2 (2) the ombudsman for children and youth in foster  
3 care in accordance with Section 531.9931;

4 (3) the ombudsman for managed care assistance in  
5 accordance with Section 531.9932;

6 (4) the ombudsman for behavioral health access to care  
7 in accordance with Section 531.9933; and

8 (5) the ombudsman for individuals with an intellectual  
9 or developmental disability in accordance with Section 531.9934.

10 SECTION 5. Section 531.0171, Government Code, is  
11 transferred to Subchapter Y, Chapter 531, Government Code, and  
12 redesignated as Section 531.9915, Government Code, to read as  
13 follows:

14 Sec. 531.9915 [~~531.0171~~]. OFFICE OF OMBUDSMAN. (a) The  
15 executive commissioner shall establish the commission's office of  
16 the ombudsman with authority and responsibility over the health and  
17 human services system in performing the following functions:

18 (1) providing dispute resolution services for the  
19 health and human services system;

20 (2) performing consumer protection and advocacy  
21 functions related to health and human services, including assisting  
22 a consumer or other interested person with:

23 (A) raising a matter within the health and human  
24 services system that the person feels is being ignored; and

25 (B) obtaining information regarding a filed  
26 complaint; and

27 (3) collecting inquiry and complaint data related to

1 the health and human services system.

2 (b) The office of the ombudsman does not have the authority  
3 to provide a separate process for resolving complaints or appeals.

4 (c) The executive commissioner shall develop a standard  
5 process for tracking and reporting received inquiries and  
6 complaints within the health and human services system. The  
7 process must provide for the centralized tracking of inquiries and  
8 complaints submitted to field, regional, or other local health and  
9 human services system offices.

10 (d) Using the process developed under Subsection (c), the  
11 office of the ombudsman shall collect inquiry and complaint data  
12 from all offices, agencies, divisions, and other entities within  
13 the health and human services system. To assist with the  
14 collection of data under this subsection, the office may access any  
15 system or process for recording inquiries and complaints used or  
16 maintained within the health and human services system.

17 SECTION 6. Section 531.992, Government Code, as amended by  
18 Chapter 906 (S.B. 213), Acts of the 85th Legislature, Regular  
19 Session, 2017, is reenacted and amended to read as follows:

20 Sec. 531.992. APPOINTMENT OF OMBUDSMAN [~~FOR THE DEPARTMENT~~  
21 ~~OF FAMILY AND PROTECTIVE SERVICES~~]. [~~(a)~~] The executive  
22 commissioner [~~governor~~] shall appoint an ombudsman for each  
23 ombudsman program [~~the Department of Family and Protective~~  
24 ~~Services~~] to serve at the will of the executive commissioner  
25 [~~governor~~].

26 [~~(b) The ombudsman is administratively attached to the~~  
27 ~~office of the ombudsman for the commission.~~]

1           ~~[(c) Subject to the appropriation of money for that purpose,~~  
2 ~~the ombudsman may employ staff to assist the ombudsman in~~  
3 ~~performing the ombudsman's duties under this subchapter.~~

4           ~~[(d) The ombudsman may not use the name or any logo of the~~  
5 ~~department on any forms or other materials produced and distributed~~  
6 ~~by the ombudsman.]~~

7           SECTION 7. Section 531.9921, Government Code, as added by  
8 Chapter 906 (S.B. 213), Acts of the 85th Legislature, Regular  
9 Session, 2017, is reenacted and amended to read as follows:

10           Sec. 531.9921. CONFLICT OF INTEREST. A person may not serve  
11 as ombudsman in an ombudsman program if the person or the person's  
12 spouse:

13           (1) is employed by or participates in the management  
14 of a business entity or other organization receiving funds from the  
15 commission ~~[department]~~;

16           (2) owns or controls, directly or indirectly, any  
17 interest in a business entity or other organization receiving funds  
18 from the commission ~~[department]~~; or

19           (3) is required to register as a lobbyist under  
20 Chapter 305 because of the person's activities for compensation on  
21 behalf of a profession related to the operation of the commission  
22 ~~[department]~~.

23           SECTION 8. Section 531.993, Government Code, as amended by  
24 Chapter 906 (S.B. 213), Acts of the 85th Legislature, Regular  
25 Session, 2017, is reenacted and amended to read as follows:

26           Sec. 531.993. DUTIES OF OMBUDSMAN. (a) An ~~[The]~~ ombudsman  
27 serves as an impartial ~~[a neutral]~~ party in assisting:

1 (1) children and youth in the conservatorship of the  
2 department with complaints regarding issues within the authority of  
3 the commission or department, as applicable [~~or another health and~~  
4 ~~human services agency~~]; and

5 (2) persons with a complaint against the commission  
6 [~~department~~] regarding case-specific activities of the programs  
7 within the health and human services system [~~of the department,~~  
8 ~~including adult protective services, child protective services,~~  
9 ~~child-care licensing, and statewide intake~~].

10 (b) An [~~The~~] ombudsman shall:

11 (1) develop and implement statewide procedures to:

12 (A) receive complaints from:

13 (i) children and youth in the  
14 conservatorship of the department; and

15 (ii) other persons with a complaint against  
16 a program within the health and human services system [~~the~~  
17 ~~department~~];

18 (B) review complaints filed with an [~~the~~]  
19 ombudsman and take appropriate action, including:

20 (i) conducting an investigation into  
21 individual complaints that allege violations of commission  
22 procedures or policies [~~department or agency procedure or policy~~]  
23 or other violations; and

24 (ii) referring to the commission  
25 [~~department or agency management~~] for resolution any trends or  
26 systemic issues identified in complaints;

27 (C) provide any necessary assistance to:

1                    (i) children and youth in the  
2 conservatorship of the department in making complaints and  
3 reporting allegations of abuse, ~~[or]~~ neglect, or exploitation under  
4 Chapter 48, Human Resources Code ~~[to the department]~~; and

5                    (ii) any other person in making complaints  
6 against a program within the health and human services system or  
7 reporting allegations of abuse, neglect, or exploitation under  
8 Chapter 48, Human Resources Code;

9                    (D) maintain the confidentiality of:

10                    (i) an ~~[the]~~ ombudsman's communications and  
11 records;

12                    (ii) records of another person that have  
13 been provided to an ~~[the]~~ ombudsman; and

14                    (iii) communications of another person with  
15 an ~~[the]~~ ombudsman; and

16                    (E) ensure that ~~[the department and]~~ any person  
17 ~~[or a child or youth in the conservatorship of the department]~~ who  
18 files a complaint with an ~~[the]~~ ombudsman is ~~[are]~~ informed of the  
19 results of the ombudsman's investigation of the complaint,  
20 including whether the ombudsman was able to substantiate the  
21 ~~[person's, child's, or youth's]~~ complaint;

22                    (2) collaborate with the commission ~~[department]~~ to  
23 develop and implement an annual outreach plan to promote awareness  
24 of the ombudsman programs among the public~~[, children]~~ and  
25 stakeholders ~~[youth in the conservatorship of the department,~~  
26 ~~family members and caretakers of those children, and facilities~~  
27 ~~licensed by the department and]~~ that includes:

1 (A) how an ombudsman [~~the office~~] may be  
2 contacted;

3 (B) the purpose of an ombudsman [~~the office~~]; and

4 (C) the services an ombudsman [~~the office~~]  
5 provides;

6 (3) issue and file with the commission [~~department and~~  
7 ~~any applicable health and human services agency~~] a report that  
8 contains an [~~the~~] ombudsman's final determination regarding a  
9 complaint and any recommended corrective actions to be taken as a  
10 result of the complaint;

11 (4) establish a secure form of communication with any  
12 individual who files a complaint with an [~~the~~] ombudsman;

13 (5) collaborate with the commission [~~department~~] to  
14 identify consequences for any retaliatory action related to a  
15 complaint filed with an [~~the~~] ombudsman, in accordance with Section  
16 531.997 [~~40.0041(g), Human Resources Code~~]; and

17 (6) monitor and evaluate the [~~department's~~] corrective  
18 actions taken in response to a recommendation by an [~~the~~]  
19 ombudsman.

20 (c) An [~~The~~] ombudsman's final determination in a report  
21 described by Subsection (b)(3) must include a determination of  
22 whether there was wrongdoing or negligence by the commission or  
23 department or an agent of the commission or department or whether  
24 the complaint was frivolous or [~~and~~] without merit. If the  
25 ombudsman determines there was wrongdoing or negligence, the  
26 ombudsman shall recommend corrective actions to be taken by the  
27 commission or department.

1        (c-1) The department and the commission shall provide  
2 written notice to an ombudsman on whether the department or  
3 commission adopted or rejected the ombudsman's recommended  
4 corrective action. If the department or commission rejects a  
5 recommended corrective action, the department or commission shall  
6 include in the notice the reason for the rejection.

7        (d) An [~~The~~] ombudsman may attend any judicial proceeding  
8 related to a complaint filed with the ombudsman program [~~office~~].

9        SECTION 9. Section [531.9931](#), Government Code, as added by  
10 Chapter 906 (S.B. 213), Acts of the 85th Legislature, Regular  
11 Session, 2017, is reenacted and amended to read as follows:

12        Sec. 531.9931. [~~DIVISION OF~~] OMBUDSMAN FOR CHILDREN AND  
13 YOUTH IN FOSTER CARE. (a) The commission shall establish an  
14 ombudsman program to provide support and information services to  
15 children and youth in foster care.

16        (b) An [~~The division of the~~] ombudsman appointed under this  
17 section shall [~~for children and youth in foster care is created~~  
18 ~~within the office of the ombudsman for the purpose of~~]:

19            (1) receive [~~receiving~~] complaints from children and  
20 youth in the conservatorship of the department as provided under  
21 Section [531.993](#)(b)(1)(A)(i) [~~531.993(a)(1)~~];

22            (2) inform [~~informing~~] children and youth in the  
23 conservatorship of the department who file a complaint under this  
24 subchapter about the result of an [~~the~~] ombudsman's investigation  
25 of the complaint, including whether the ombudsman was able to  
26 substantiate the child's or youth's complaint; and

27            (3) collaborate [~~collaborating~~] with the department



1 to develop an outreach plan for children and youth in the  
2 conservatorship of the department to promote awareness of the  
3 ombudsman program.

4 ~~[(b) If a child or youth in the conservatorship of the~~  
5 ~~department contacts the ombudsman by telephone call to report a~~  
6 ~~complaint under this subchapter, the call shall be transferred~~  
7 ~~directly to a person employed by the division of the ombudsman~~  
8 ~~created under this section.]~~

9 SECTION 10. Section 531.0213, Government Code, is  
10 transferred to Subchapter Y, Chapter 531, Government Code,  
11 redesignated as Section 531.9932, Government Code, and amended to  
12 read as follows:

13 Sec. 531.9932 [531.0213]. OMBUDSMAN FOR MANAGED CARE  
14 ASSISTANCE [~~SUPPORT SERVICES FOR MEDICAID RECIPIENTS~~]. (a) The  
15 commission shall establish an ombudsman program to provide support  
16 and information services to a person enrolled in or applying for  
17 Medicaid coverage who experiences barriers to receiving health care  
18 services.

19 (b) An ombudsman appointed under this section [~~The~~  
20 ~~commission~~] shall give emphasis to assisting a person with an  
21 urgent or immediate medical or support need.

22 (c) [~~(b-1)~~] The commission shall provide support and  
23 information services required by this section through a network of  
24 entities coordinated by the commission's [~~office of the~~] ombudsman  
25 program [~~or other division of the commission designated by the~~  
26 ~~executive commissioner~~] and composed of:

27 (1) the commission's [~~office of the~~] ombudsman program

1 or other division of the commission designated by the executive  
2 commissioner to coordinate the network;

3 (2) the office of the state long-term care ombudsman  
4 required under Subchapter F, Chapter 101A, Human Resources Code;

5 (3) the division within the commission responsible for  
6 oversight of Medicaid managed care contracts;

7 (4) area agencies on aging;

8 (5) aging and disability resource centers established  
9 under the Aging and Disability Resource Center initiative funded in  
10 part by the federal Administration on Aging and the Centers for  
11 Medicare and Medicaid Services; and

12 (6) any other entity the executive commissioner  
13 determines appropriate [~~, including nonprofit organizations with  
14 which the commission contracts under Subsection (c)].~~

15 [~~(c) The commission may provide support and information  
16 services by contracting with nonprofit organizations that are not  
17 involved in providing health care, health insurance, or health  
18 benefits.]~~

19 (d) As a part of the support and information services  
20 required by this section, the ombudsman program [~~commission~~] shall:

21 (1) operate a statewide toll-free assistance  
22 telephone number that includes relay services for persons with  
23 speech or hearing disabilities and assistance for persons who speak  
24 Spanish;

25 (2) intervene promptly with the state Medicaid office,  
26 managed care organizations and providers, and any other appropriate  
27 entity on behalf of a person who has an urgent need for medical

1 services;

2 (3) assist a person who is experiencing barriers in  
3 the Medicaid application and enrollment process and refer the  
4 person for further assistance if appropriate;

5 (4) educate persons so that they:

6 (A) understand the concept of managed care;

7 (B) understand their rights under Medicaid,  
8 including grievance and appeal procedures; and

9 (C) are able to advocate for themselves;

10 (5) ~~[collect and maintain statistical information on a~~  
11 ~~regional basis regarding calls received by the assistance lines and~~  
12 ~~publish quarterly reports that:~~

13 ~~[(A) list the number of calls received by region,~~

14 ~~[(B) identify trends in delivery and access~~  
15 ~~problems,~~

16 ~~[(C) identify recurring barriers in the Medicaid~~  
17 ~~system, and~~

18 ~~[(D) indicate other problems identified with~~  
19 ~~Medicaid managed care,~~

20 ~~[(6)]~~ assist the state Medicaid office and managed  
21 care organizations and providers in identifying and correcting  
22 problems, including site visits to affected regions if necessary;

23 (6) ~~[(7)]~~ meet the needs of all current and future  
24 Medicaid managed care recipients, including children receiving  
25 dental benefits ~~[and other recipients receiving benefits, under~~  
26 ~~the:~~

27 ~~[(A) STAR Medicaid managed care program,~~

1                   ~~[(B) STAR + PLUS Medicaid managed care program,~~  
2 ~~including the Texas Dual Eligibles Integrated Care Demonstration~~  
3 ~~Project provided under that program,~~

4                   ~~[(C) STAR Kids managed care program established~~  
5 ~~under Section 533.00253, and~~

6                   ~~[(D) STAR Health program];~~

7                   (7) ~~[(8)]~~ incorporate support services for children  
8 enrolled in the child health plan established under Chapter 62,  
9 Health and Safety Code; and

10                   (8) ~~[(9)]~~ ensure that staff providing support and  
11 information services receives sufficient training, including  
12 training in the Medicare program for the purpose of assisting  
13 recipients who are dually eligible for Medicare and Medicaid, and  
14 has sufficient authority to resolve barriers experienced by  
15 recipients to health care and long-term services and supports.

16                   (e) The ~~[commission's office of the]~~ ombudsman program~~[, or~~  
17 ~~other division of the commission designated by the executive~~  
18 ~~commissioner to coordinate the network of entities responsible for~~  
19 ~~providing support and information services under this section,]~~  
20 must be sufficiently independent from other aspects of Medicaid  
21 managed care to represent the best interests of recipients in  
22 problem resolution.

23                   SECTION 11. Section 531.02251, Government Code, is  
24 transferred to Subchapter Y, Chapter 531, Government Code, and  
25 redesignated as Section 531.9933, Government Code, to read as  
26 follows:

27                   Sec. 531.9933 ~~[531.02251]~~. OMBUDSMAN FOR BEHAVIORAL HEALTH

1 ACCESS TO CARE. (a) The commission shall establish an ombudsman  
2 program to provide support and information services to a consumer  
3 enrolled in or applying for a behavioral health program [~~In this~~  
4 ~~section, "ombudsman" means the individual designated as the~~  
5 ~~ombudsman for behavioral health access to care].~~

6 (b) [~~The executive commissioner shall designate an~~  
7 ~~ombudsman for behavioral health access to care.~~

8 [~~The ombudsman is administratively attached to the~~  
9 ~~office of the ombudsman for the commission.~~

10 [~~(d)~~] The commission may use an alternate title for the  
11 ombudsman in consumer-facing materials if the commission  
12 determines that an alternate title would be beneficial to consumer  
13 understanding or access.

14 (c) An [~~(e) The~~] ombudsman serves as an impartial [~~a~~  
15 ~~neutral~~] party to help consumers, including consumers who are  
16 uninsured or have public or private health benefit coverage, and  
17 behavioral health care providers navigate and resolve issues  
18 related to consumer access to behavioral health care, including  
19 care for mental health conditions and substance use disorders.

20 (d) An [~~(f) The~~] ombudsman shall:

21 (1) interact with consumers and behavioral health care  
22 providers with concerns or complaints to help the consumers and  
23 providers resolve behavioral health care access issues;

24 (2) identify, track, and help report potential  
25 violations of state or federal rules, regulations, or statutes  
26 concerning the availability of, and terms and conditions of,  
27 benefits for mental health conditions or substance use disorders,

1 including potential violations related to quantitative and  
2 nonquantitative treatment limitations;

3 (3) report concerns, complaints, and potential  
4 violations described by Subdivision (2) to the appropriate  
5 regulatory or oversight agency;

6 (4) receive and report concerns and complaints  
7 relating to inappropriate care or mental health commitment;

8 (5) provide appropriate information to help consumers  
9 obtain behavioral health care;

10 (6) develop appropriate points of contact for  
11 referrals to other state and federal agencies; and

12 (7) provide appropriate information to help consumers  
13 or providers file appeals or complaints with the appropriate  
14 entities, including insurers and other state and federal agencies.

15 (e) [~~(h)~~] The Texas Department of Insurance shall appoint a  
16 liaison to an [~~the~~] ombudsman to receive reports of concerns,  
17 complaints, and potential violations described by Subsection  
18 (d)(2) [~~(f)(2)~~] from an [~~the~~] ombudsman, consumers, or behavioral  
19 health care providers.

20 SECTION 12. Subchapter Y, Chapter 531, Government Code, is  
21 amended by adding Section 531.9934 to read as follows:

22 Sec. 531.9934. OMBUDSMAN FOR INDIVIDUALS WITH AN  
23 INTELLECTUAL OR DEVELOPMENTAL DISABILITY. The executive  
24 commissioner shall appoint an ombudsman to assist a client, or a  
25 person acting on behalf of an individual with an intellectual or  
26 developmental disability or a group of individuals with an  
27 intellectual or developmental disability, with a complaint or

1 grievance regarding the infringement of the rights of an individual  
2 with an intellectual or developmental disability or the delivery of  
3 intellectual disability services submitted under Section 592.039,  
4 Health and Safety Code.

5 SECTION 13. Section 531.994, Government Code, is amended to  
6 read as follows:

7 Sec. 531.994. INVESTIGATION OF UNREPORTED COMPLAINTS. If,  
8 during the investigation of a complaint, an [~~the~~] ombudsman  
9 discovers unreported violations of the commission's [~~department's~~  
10 ~~or a health and human services agency's~~] rules and policies, the  
11 ombudsman shall open a new investigation for each unreported  
12 violation.

13 SECTION 14. Sections 531.995 and 531.996, Government Code,  
14 are amended to read as follows:

15 Sec. 531.995. ACCESS TO INFORMATION. The commission  
16 [~~department and each health and human services agency~~] shall  
17 provide an [~~the~~] ombudsman access to the [~~department's or agency's~~]  
18 records that relate to a complaint the ombudsman is reviewing or  
19 investigating.

20 Sec. 531.996. COMMUNICATION AND CONFIDENTIALITY. (a) A  
21 person may communicate with an [~~the~~] ombudsman relating to a  
22 complaint by telephone, by mail, by electronic mail, or by any other  
23 means the ombudsman determines to be feasible, secure, and  
24 accessible [~~to children and youth~~].

25 (b) A communication with an [~~the~~] ombudsman is confidential  
26 during an investigation or review of a complaint and remains  
27 confidential after the complaint is resolved.

1 (c) The records of an [~~the~~] ombudsman are confidential and  
2 must be maintained in a manner that preserves the confidentiality  
3 of the records.

4 (d) The disclosure of confidential information to an [~~the~~]  
5 ombudsman under this subchapter [~~section or Section 531.995~~] does  
6 not constitute a waiver of confidentiality. Any information  
7 disclosed to the ombudsman under this subchapter [~~section or~~  
8 ~~Section 531.995~~] remains confidential and privileged following  
9 disclosure.

10 (e) An [~~The~~] ombudsman is not prohibited from communicating  
11 with the commission [~~department or another health and human~~  
12 ~~services agency~~] regarding confidential information disclosed to  
13 the ombudsman [~~by the department or agency~~].

14 (f) An [~~The~~] ombudsman may make reports relating to an  
15 investigation of a complaint public after the complaint is  
16 resolved. A report may not include information that identifies an  
17 individual complainant, client, parent, or employee or any other  
18 person involved in the complaint.

19 SECTION 15. Sections 531.997 and 531.998, Government Code,  
20 as amended by Chapter 906 (S.B. 213), Acts of the 85th Legislature,  
21 Regular Session, 2017, are reenacted and amended to read as  
22 follows:

23 Sec. 531.997. RETALIATION PROHIBITED. The commission  
24 [~~department or another health and human services agency~~] may not  
25 retaliate against a commission [~~department~~] employee[~~, a child or~~  
26 ~~youth in the conservatorship of the department,~~] or any other  
27 person who in good faith makes a complaint to an [~~the~~] ombudsman or



1 against any person who cooperates with the ombudsman in an  
2 investigation.

3 Sec. 531.998. REPORT. (a) Each [~~The~~] ombudsman shall  
4 prepare an annual report that contains:

5 (1) a description of the ombudsman's work;

6 (2) any change made by the commission or department  
7 [~~or another health and human services agency~~] in response to a  
8 substantiated complaint;

9 (3) a description of any trends in the nature of  
10 complaints received by the ombudsman or any systemic issues  
11 identified by the ombudsman in the investigation of individual  
12 complaints, any recommendations related to addressing those trends  
13 and issues, and an evaluation of the feasibility of the ombudsman's  
14 recommendations;

15 (4) a glossary of terms used in the report;

16 (5) a description of the methods used to promote  
17 awareness of the ombudsman under Section 531.993(b) and the  
18 ombudsman's promotion plan for the next year; and

19 (6) any public feedback received by the ombudsman  
20 relating to the ombudsman's previous annual reports.

21 (b) Each [~~The~~] report must be submitted to the governor, the  
22 lieutenant governor, each standing committee of the legislature  
23 with jurisdiction over matters involving the commission  
24 [~~department~~], each member of the legislature, and the executive  
25 commissioner [~~, and the commissioner of the department~~] not later  
26 than December 1 of each year. On receipt of the report, the  
27 [~~department and the~~] commission shall make the report publicly

1 available on the [~~department's and the~~] commission's Internet  
2 website [~~websites~~].

3 SECTION 16. Section 592.039, Health and Safety Code, is  
4 amended to read as follows:

5 Sec. 592.039. GRIEVANCES. A client, or a person acting on  
6 behalf of a person with an intellectual disability or a group of  
7 persons with an intellectual disability, has the right to submit  
8 complaints or grievances regarding the infringement of the rights  
9 of a person with an intellectual disability or the delivery of  
10 intellectual disability services against a person, group of  
11 persons, organization, or business to the Health and Human Services  
12 Commission's ombudsman for individuals with an intellectual or  
13 developmental disability as provided under Section 531.9934,  
14 Government Code [~~department's Office of Consumer Rights and~~  
15 ~~Services for investigation and appropriate action~~].

16 SECTION 17. Section 531.9941, Government Code, is repealed.

17 SECTION 18. If before implementing any provision of this  
18 Act a state agency determines that a waiver or authorization from a  
19 federal agency is necessary for implementation of that provision,  
20 the agency affected by the provision shall request the waiver or  
21 authorization and may delay implementing that provision until the  
22 waiver or authorization is granted.

23 SECTION 19. This Act takes effect immediately if it  
24 receives a vote of two-thirds of all the members elected to each  
25 house, as provided by Section 39, Article III, Texas Constitution.  
26 If this Act does not receive the vote necessary for immediate  
27 effect, this Act takes effect September 1, 2023.