

1-1 By: Noble (Senate Sponsor - Sparks) H.B. No. 3462
1-2 (In the Senate - Received from the House May 8, 2023;
1-3 May 10, 2023, read first time and referred to Committee on Health &
1-4 Human Services; May 18, 2023, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 May 18, 2023, sent to printer.)

1-7 COMMITTEE VOTE

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

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3462 By: Hall

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

1-21 relating to the consolidation of ombudsman programs administered by
1-22 the Health and Human Services Commission.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. The heading to Subchapter Y, Chapter 531,
1-25 Government Code, is amended to read as follows:

1-26 SUBCHAPTER Y. COMMISSION OMBUDSMAN PROGRAMS [~~FOR THE DEPARTMENT OF~~
1-27 ~~FAMILY AND PROTECTIVE SERVICES~~]

1-28 SECTION 2. Section 531.991(2), Government Code, as amended
1-29 by Chapter 906 (S.B. 213), Acts of the 85th Legislature, Regular
1-30 Session, 2017, is reenacted and amended to read as follows:

1-31 (2) "Ombudsman" means the individual appointed as the
1-32 ombudsman for an ombudsman program [~~the Department of Family and~~
1-33 ~~Protective Services~~].

1-34 SECTION 3. Section 531.991, Government Code, is amended by
1-35 adding Subdivision (3) to read as follows:

1-36 (3) "Ombudsman program" means an ombudsman program
1-37 administered by the commission under this subchapter.

1-38 SECTION 4. Subchapter Y, Chapter 531, Government Code, is
1-39 amended by adding Section 531.9912 to read as follows:

1-40 Sec. 531.9912. ESTABLISHMENT OF OMBUDSMAN PROGRAMS. The
1-41 executive commissioner shall establish the following ombudsman
1-42 programs:

1-43 (1) the health and human services office of the
1-44 ombudsman in accordance with Section 531.9915;

1-45 (2) the ombudsman for children and youth in foster
1-46 care in accordance with Section 531.9931;

1-47 (3) the ombudsman for managed care assistance in
1-48 accordance with Section 531.9932;

1-49 (4) the ombudsman for behavioral health access to care
1-50 in accordance with Section 531.9933; and

1-51 (5) the ombudsman for individuals with an intellectual
1-52 or developmental disability in accordance with Section 531.9934.

1-53 SECTION 5. Section 531.0171, Government Code, is
1-54 transferred to Subchapter Y, Chapter 531, Government Code, and
1-55 redesignated as Section 531.9915, Government Code, to read as
1-56 follows:

1-57 Sec. 531.9915 [~~531.0171~~]. OFFICE OF OMBUDSMAN. (a) The
1-58 executive commissioner shall establish the commission's office of
1-59 the ombudsman with authority and responsibility over the health and
1-60 human services system in performing the following functions:

2-1 (1) providing dispute resolution services for the
 2-2 health and human services system;
 2-3 (2) performing consumer protection and advocacy
 2-4 functions related to health and human services, including assisting
 2-5 a consumer or other interested person with:
 2-6 (A) raising a matter within the health and human
 2-7 services system that the person feels is being ignored; and
 2-8 (B) obtaining information regarding a filed
 2-9 complaint; and
 2-10 (3) collecting inquiry and complaint data related to
 2-11 the health and human services system.

2-12 (b) The office of the ombudsman does not have the authority
 2-13 to provide a separate process for resolving complaints or appeals.

2-14 (c) The executive commissioner shall develop a standard
 2-15 process for tracking and reporting received inquiries and
 2-16 complaints within the health and human services system. The
 2-17 process must provide for the centralized tracking of inquiries and
 2-18 complaints submitted to field, regional, or other local health and
 2-19 human services system offices.

2-20 (d) Using the process developed under Subsection (c), the
 2-21 office of the ombudsman shall collect inquiry and complaint data
 2-22 from all offices, agencies, divisions, and other entities within
 2-23 the health and human services system. To assist with the
 2-24 collection of data under this subsection, the office may access any
 2-25 system or process for recording inquiries and complaints used or
 2-26 maintained within the health and human services system.

2-27 SECTION 6. Section 531.992, Government Code, as amended by
 2-28 Chapter 906 (S.B. 213), Acts of the 85th Legislature, Regular
 2-29 Session, 2017, is reenacted and amended to read as follows:

2-30 Sec. 531.992. APPOINTMENT OF OMBUDSMAN [~~FOR THE DEPARTMENT~~
 2-31 ~~OF FAMILY AND PROTECTIVE SERVICES~~]. [~~(a)~~] The executive
 2-32 commissioner [~~governor~~] shall appoint an ombudsman for each
 2-33 ombudsman program [~~the Department of Family and Protective~~
 2-34 ~~Services~~] to serve at the will of the executive commissioner
 2-35 [~~governor~~].

2-36 [~~(b) The ombudsman is administratively attached to the~~
 2-37 ~~office of the ombudsman for the commission.~~

2-38 [~~(c) Subject to the appropriation of money for that purpose,~~
 2-39 ~~the ombudsman may employ staff to assist the ombudsman in~~
 2-40 ~~performing the ombudsman's duties under this subchapter.~~

2-41 [~~(d) The ombudsman may not use the name or any logo of the~~
 2-42 ~~department on any forms or other materials produced and distributed~~
 2-43 ~~by the ombudsman.~~]

2-44 SECTION 7. Section 531.9921, Government Code, as added by
 2-45 Chapter 906 (S.B. 213), Acts of the 85th Legislature, Regular
 2-46 Session, 2017, is reenacted and amended to read as follows:

2-47 Sec. 531.9921. CONFLICT OF INTEREST. A person may not serve
 2-48 as ombudsman in an ombudsman program if the person or the person's
 2-49 spouse:

2-50 (1) is employed by or participates in the management
 2-51 of a business entity or other organization receiving funds from the
 2-52 commission [~~department~~];

2-53 (2) owns or controls, directly or indirectly, any
 2-54 interest in a business entity or other organization receiving funds
 2-55 from the commission [~~department~~]; or

2-56 (3) is required to register as a lobbyist under
 2-57 Chapter 305 because of the person's activities for compensation on
 2-58 behalf of a profession related to the operation of the commission
 2-59 [~~department~~].

2-60 SECTION 8. Section 531.993, Government Code, as amended by
 2-61 Chapter 906 (S.B. 213), Acts of the 85th Legislature, Regular
 2-62 Session, 2017, is reenacted and amended to read as follows:

2-63 Sec. 531.993. DUTIES OF OMBUDSMAN. (a) An [~~The~~] ombudsman
 2-64 serves as an impartial [~~a neutral~~] party in assisting:

2-65 (1) children and youth in the conservatorship of the
 2-66 department with complaints regarding issues within the authority of
 2-67 the commission or department, as applicable [~~or another health and~~
 2-68 ~~human services agency~~]; and

2-69 (2) persons with a complaint against the commission

3-1 ~~[department]~~ regarding case-specific activities of the programs
3-2 within the health and human services system ~~[of the department,~~
3-3 ~~including adult protective services, child protective services,~~
3-4 ~~child-care licensing, and statewide intake].~~

3-5 (b) An ~~[The]~~ ombudsman shall:

3-6 (1) develop and implement statewide procedures to:

3-7 (A) receive complaints from:

3-8 (i) children and youth in the
3-9 conservatorship of the department; and

3-10 (ii) other persons with a complaint against
3-11 a program within the health and human services system ~~[the~~
3-12 ~~department];~~

3-13 (B) review complaints filed with an ~~[the]~~
3-14 ombudsman and take appropriate action, including:

3-15 (i) conducting an investigation into
3-16 individual complaints that allege violations of commission or
3-17 department procedures or policies ~~[or agency procedure or policy]~~
3-18 or other violations; and

3-19 (ii) referring to the commission or
3-20 department ~~[or agency management]~~ for resolution any trends or
3-21 systemic issues identified in complaints;

3-22 (C) provide any necessary assistance to:

3-23 (i) children and youth in the
3-24 conservatorship of the department in making complaints and
3-25 reporting allegations of abuse, ~~[or]~~ neglect, or exploitation under
3-26 Chapter 48, Human Resources Code ~~[to the department]; and~~

3-27 (ii) any other person in making complaints
3-28 against a program within the health and human services system or
3-29 reporting allegations of abuse, neglect, or exploitation under
3-30 Chapter 48, Human Resources Code;

3-31 (D) maintain the confidentiality of:

3-32 (i) an ~~[the]~~ ombudsman's communications and
3-33 records;

3-34 (ii) records of another person that have
3-35 been provided to an ~~[the]~~ ombudsman; and

3-36 (iii) communications of another person with
3-37 an ~~[the]~~ ombudsman; and

3-38 (E) ensure that ~~[the department and]~~ any person
3-39 ~~[or a child or youth in the conservatorship of the department]~~ who
3-40 files a complaint with an ~~[the]~~ ombudsman is ~~[are]~~ informed of the
3-41 results of the ombudsman's investigation of the complaint,
3-42 including whether the ombudsman was able to substantiate the
3-43 ~~[person's, child's, or youth's]~~ complaint;

3-44 (2) collaborate with the commission ~~[department]~~ to
3-45 develop and implement an annual outreach plan to promote awareness
3-46 of the ombudsman programs among the public~~[, children]~~ and
3-47 stakeholders ~~[youth in the conservatorship of the department,~~
3-48 ~~family members and caretakers of those children, and facilities~~
3-49 ~~licensed by the department and]~~ that includes:

3-50 (A) how an ombudsman ~~[the office]~~ may be
3-51 contacted;

3-52 (B) the purpose of an ombudsman ~~[the office]~~; and

3-53 (C) the services an ombudsman ~~[the office]~~
3-54 provides;

3-55 (3) issue and file with the commission or department,
3-56 as ~~[and any]~~ applicable, ~~[health and human services agency]~~ a
3-57 report that contains an ~~[the]~~ ombudsman's final determination
3-58 regarding a complaint and any recommended corrective actions to be
3-59 taken as a result of the complaint;

3-60 (4) establish a secure form of communication with any
3-61 individual who files a complaint with an ~~[the]~~ ombudsman;

3-62 (5) collaborate with the commission or department, as
3-63 applicable, to identify consequences for any retaliatory action
3-64 related to a complaint filed with an ~~[the]~~ ombudsman, in accordance
3-65 with Section 531.997 ~~[40.0041(g), Human Resources Code]; and~~

3-66 (6) monitor and evaluate the ~~[department's]~~ corrective
3-67 actions taken in response to a recommendation by an ~~[the]~~
3-68 ombudsman.

3-69 (c) An ~~[The]~~ ombudsman's final determination in a report

4-1 described by Subsection (b)(3) must include a determination of
4-2 whether there was wrongdoing or negligence by the commission or
4-3 department or an agent of the commission or department or whether
4-4 the complaint was frivolous or ~~[and]~~ without merit. If the
4-5 ombudsman determines there was wrongdoing or negligence, the
4-6 ombudsman shall recommend corrective actions to be taken by the
4-7 commission or department.

4-8 (c-1) The department and the commission shall provide
4-9 written notice to an ombudsman on whether the department or
4-10 commission adopted or rejected the ombudsman's recommended
4-11 corrective action. If the department or commission rejects a
4-12 recommended corrective action, the department or commission shall
4-13 include in the notice the reason for the rejection.

4-14 (d) An ~~[The]~~ ombudsman may attend any judicial proceeding
4-15 related to a complaint filed with the ombudsman program ~~[office].~~

4-16 SECTION 9. Section 531.9931, Government Code, as added by
4-17 Chapter 906 (S.B. 213), Acts of the 85th Legislature, Regular
4-18 Session, 2017, is reenacted and amended to read as follows:

4-19 Sec. 531.9931. ~~[DIVISION OF]~~ OMBUDSMAN FOR CHILDREN AND
4-20 YOUTH IN FOSTER CARE. (a) The commission shall establish an
4-21 ombudsman program to provide support and information services to
4-22 children and youth in foster care.

4-23 (b) An ~~[The division of the]~~ ombudsman appointed under this
4-24 section shall ~~[for children and youth in foster care is created~~
4-25 ~~within the office of the ombudsman for the purpose of]:~~

4-26 (1) receive ~~[receiving]~~ complaints from children and
4-27 youth in the conservatorship of the department as provided under
4-28 Section 531.993(b)(1)(A)(i) ~~[531.993(a)(1)]~~;

4-29 (2) inform ~~[informing]~~ children and youth in the
4-30 conservatorship of the department who file a complaint under this
4-31 subchapter about the result of an an ~~[the]~~ ombudsman's investigation
4-32 of the complaint, including whether the ombudsman was able to
4-33 substantiate the child's or youth's complaint; and

4-34 (3) collaborate ~~[collaborating]~~ with the department
4-35 to develop an outreach plan for children and youth in the
4-36 conservatorship of the department to promote awareness of the
4-37 ombudsman program.

4-38 ~~[(b) If a child or youth in the conservatorship of the~~
4-39 ~~department contacts the ombudsman by telephone call to report a~~
4-40 ~~complaint under this subchapter, the call shall be transferred~~
4-41 ~~directly to a person employed by the division of the ombudsman~~
4-42 ~~created under this section.]~~

4-43 SECTION 10. Section 531.0213, Government Code, is
4-44 transferred to Subchapter Y, Chapter 531, Government Code,
4-45 redesignated as Section 531.9932, Government Code, and amended to
4-46 read as follows:

4-47 Sec. 531.9932 [531.0213]. OMBUDSMAN FOR MANAGED CARE
4-48 ASSISTANCE ~~[SUPPORT SERVICES FOR MEDICAID RECIPIENTS]~~. (a) The
4-49 commission shall establish an ombudsman program to provide support
4-50 and information services to a person enrolled in or applying for
4-51 Medicaid coverage who experiences barriers to receiving health care
4-52 services.

4-53 (b) An ombudsman appointed under this section ~~[The~~
4-54 ~~commission]~~ shall give emphasis to assisting a person with an
4-55 urgent or immediate medical or support need.

4-56 (c) [(b-1)] The commission shall provide support and
4-57 information services required by this section through a network of
4-58 entities coordinated by the commission's ~~[office of the]~~ ombudsman
4-59 program ~~[or other division of the commission designated by the~~
4-60 ~~executive commissioner]~~ and composed of:

4-61 (1) the commission's ~~[office of the]~~ ombudsman program
4-62 or other division of the commission designated by the executive
4-63 commissioner to coordinate the network;

4-64 (2) the office of the state long-term care ombudsman
4-65 required under Subchapter F, Chapter 101A, Human Resources Code;

4-66 (3) the division within the commission responsible for
4-67 oversight of Medicaid managed care contracts;

4-68 (4) area agencies on aging;

4-69 (5) aging and disability resource centers established

5-1 under the Aging and Disability Resource Center initiative funded in
5-2 part by the federal Administration on Aging and the Centers for
5-3 Medicare and Medicaid Services; and

5-4 (6) any other entity the executive commissioner
5-5 determines appropriate~~[, including nonprofit organizations with~~
5-6 ~~which the commission contracts under Subsection (c)].~~

5-7 ~~[(c) The commission may provide support and information~~
5-8 ~~services by contracting with nonprofit organizations that are not~~
5-9 ~~involved in providing health care, health insurance, or health~~
5-10 ~~benefits.]~~

5-11 (d) As a part of the support and information services
5-12 required by this section, the ombudsman program ~~[commission]~~ shall:

5-13 (1) operate a statewide toll-free assistance
5-14 telephone number that includes relay services for persons with
5-15 speech or hearing disabilities and assistance for persons who speak
5-16 Spanish;

5-17 (2) intervene promptly with the state Medicaid office,
5-18 managed care organizations and providers, and any other appropriate
5-19 entity on behalf of a person who has an urgent need for medical
5-20 services;

5-21 (3) assist a person who is experiencing barriers in
5-22 the Medicaid application and enrollment process and refer the
5-23 person for further assistance if appropriate;

5-24 (4) educate persons so that they:
5-25 (A) understand the concept of managed care;
5-26 (B) understand their rights under Medicaid,
5-27 including grievance and appeal procedures; and
5-28 (C) are able to advocate for themselves;

5-29 (5) ~~[collect and maintain statistical information on a~~
5-30 ~~regional basis regarding calls received by the assistance lines and~~
5-31 ~~publish quarterly reports that:~~

5-32 ~~[(A) list the number of calls received by region;~~

5-33 ~~[(B) identify trends in delivery and access~~
5-34 ~~problems;~~

5-35 ~~[(C) identify recurring barriers in the Medicaid~~
5-36 ~~system; and~~

5-37 ~~[(D) indicate other problems identified with~~
5-38 ~~Medicaid managed care;~~

5-39 ~~[(6)]~~ assist the state Medicaid office and managed
5-40 care organizations and providers in identifying and correcting
5-41 problems, including site visits to affected regions if necessary;

5-42 (6) ~~[(7)]~~ meet the needs of all current and future
5-43 Medicaid managed care recipients, including children receiving
5-44 dental benefits ~~[and other recipients receiving benefits, under~~
5-45 ~~the:~~

5-46 ~~[(A) STAR Medicaid managed care program;~~

5-47 ~~[(B) STAR + PLUS Medicaid managed care program,~~
5-48 ~~including the Texas Dual Eligibles Integrated Care Demonstration~~
5-49 ~~Project provided under that program;~~

5-50 ~~[(C) STAR Kids managed care program established~~
5-51 ~~under Section 533.00253; and~~

5-52 ~~[(D) STAR Health program];~~

5-53 (7) ~~[(8)]~~ incorporate support services for children
5-54 enrolled in the child health plan established under Chapter 62,
5-55 Health and Safety Code; and

5-56 (8) ~~[(9)]~~ ensure that staff providing support and
5-57 information services receives sufficient training, including
5-58 training in the Medicare program for the purpose of assisting
5-59 recipients who are dually eligible for Medicare and Medicaid, and
5-60 has sufficient authority to resolve barriers experienced by
5-61 recipients to health care and long-term services and supports.

5-62 (e) The ~~[commission's office of the]~~ ombudsman program~~[, or~~
5-63 ~~other division of the commission designated by the executive~~
5-64 ~~commissioner to coordinate the network of entities responsible for~~
5-65 ~~providing support and information services under this section,]~~
5-66 must be sufficiently independent from other aspects of Medicaid
5-67 managed care to represent the best interests of recipients in
5-68 problem resolution.

5-69 SECTION 11. Section 531.02251, Government Code, is

6-1 transferred to Subchapter Y, Chapter 531, Government Code, and
6-2 redesignated as Section 531.9933, Government Code, to read as
6-3 follows:

6-4 Sec. 531.9933 [531.02251]. OMBUDSMAN FOR BEHAVIORAL HEALTH
6-5 ACCESS TO CARE. (a) The commission shall establish an ombudsman
6-6 program to provide support and information services to a consumer
6-7 enrolled in or applying for a behavioral health program [In this
6-8 section, "ombudsman" means the individual designated as the
6-9 ombudsman for behavioral health access to care].

6-10 ~~(b) [The executive commissioner shall designate an~~
6-11 ~~ombudsman for behavioral health access to care.~~

6-12 ~~[(c) The ombudsman is administratively attached to the~~
6-13 ~~office of the ombudsman for the commission.~~

6-14 ~~[(d)]~~ The commission may use an alternate title for the
6-15 ombudsman in consumer-facing materials if the commission
6-16 determines that an alternate title would be beneficial to consumer
6-17 understanding or access.

6-18 (c) An [(e) The] ombudsman serves as an impartial [a
6-19 neutral] party to help consumers, including consumers who are
6-20 uninsured or have public or private health benefit coverage, and
6-21 behavioral health care providers navigate and resolve issues
6-22 related to consumer access to behavioral health care, including
6-23 care for mental health conditions and substance use disorders.

6-24 (d) An [(f) The] ombudsman shall:

6-25 (1) interact with consumers and behavioral health care
6-26 providers with concerns or complaints to help the consumers and
6-27 providers resolve behavioral health care access issues;

6-28 (2) identify, track, and help report potential
6-29 violations of state or federal rules, regulations, or statutes
6-30 concerning the availability of, and terms and conditions of,
6-31 benefits for mental health conditions or substance use disorders,
6-32 including potential violations related to quantitative and
6-33 nonquantitative treatment limitations;

6-34 (3) report concerns, complaints, and potential
6-35 violations described by Subdivision (2) to the appropriate
6-36 regulatory or oversight agency;

6-37 (4) receive and report concerns and complaints
6-38 relating to inappropriate care or mental health commitment;

6-39 (5) provide appropriate information to help consumers
6-40 obtain behavioral health care;

6-41 (6) develop appropriate points of contact for
6-42 referrals to other state and federal agencies; and

6-43 (7) provide appropriate information to help consumers
6-44 or providers file appeals or complaints with the appropriate
6-45 entities, including insurers and other state and federal agencies.

6-46 (e) [(h)] The Texas Department of Insurance shall appoint a
6-47 liaison to an [the] ombudsman to receive reports of concerns,
6-48 complaints, and potential violations described by Subsection
6-49 (d)(2) [(f)(2)] from an [the] ombudsman, consumers, or behavioral
6-50 health care providers.

6-51 SECTION 12. Subchapter Y, Chapter 531, Government Code, is
6-52 amended by adding Section 531.9934 to read as follows:

6-53 Sec. 531.9934. OMBUDSMAN FOR INDIVIDUALS WITH AN
6-54 INTELLECTUAL OR DEVELOPMENTAL DISABILITY. The executive
6-55 commissioner shall appoint an ombudsman to assist a client, or a
6-56 person acting on behalf of an individual with an intellectual or
6-57 developmental disability or a group of individuals with an
6-58 intellectual or developmental disability, with a complaint or
6-59 grievance regarding the infringement of the rights of an individual
6-60 with an intellectual or developmental disability or the delivery of
6-61 intellectual disability services submitted under Section 592.039,
6-62 Health and Safety Code.

6-63 SECTION 13. Section 531.994, Government Code, is amended to
6-64 read as follows:

6-65 Sec. 531.994. INVESTIGATION OF UNREPORTED COMPLAINTS. If,
6-66 during the investigation of a complaint, an [the] ombudsman
6-67 discovers unreported violations of the commission's or department's
6-68 [or a health and human services agency's] rules and policies, the
6-69 ombudsman shall open a new investigation for each unreported

7-1 violation.

7-2 SECTION 14. Sections [531.995](#) and [531.996](#), Government Code,
7-3 are amended to read as follows:

7-4 Sec. 531.995. ACCESS TO INFORMATION. The commission and
7-5 department [~~and each health and human services agency~~] shall
7-6 provide an [~~the~~] ombudsman access to the [~~department's or agency's~~]
7-7 records that relate to a complaint the ombudsman is reviewing or
7-8 investigating.

7-9 Sec. 531.996. COMMUNICATION AND CONFIDENTIALITY. (a) A
7-10 person may communicate with an [~~the~~] ombudsman relating to a
7-11 complaint by telephone, by mail, by electronic mail, or by any other
7-12 means the ombudsman determines to be feasible, secure, and
7-13 accessible [~~to children and youth~~].

7-14 (b) A communication with an [~~the~~] ombudsman is confidential
7-15 during an investigation or review of a complaint and remains
7-16 confidential after the complaint is resolved.

7-17 (c) The records of an [~~the~~] ombudsman are confidential and
7-18 must be maintained in a manner that preserves the confidentiality
7-19 of the records.

7-20 (d) The disclosure of confidential information to an [~~the~~]
7-21 ombudsman under this subchapter [~~section or Section 531.995~~] does
7-22 not constitute a waiver of confidentiality. Any information
7-23 disclosed to the ombudsman under this subchapter [~~section or~~
7-24 ~~Section 531.995~~] remains confidential and privileged following
7-25 disclosure.

7-26 (e) An [~~The~~] ombudsman is not prohibited from communicating
7-27 with the commission or department [~~or another health and human~~
7-28 ~~services agency~~] regarding confidential information disclosed to
7-29 the ombudsman [~~by the department or agency~~].

7-30 (f) An [~~The~~] ombudsman may make reports relating to an
7-31 investigation of a complaint public after the complaint is
7-32 resolved. A report may not include information that identifies an
7-33 individual complainant, client, parent, or employee or any other
7-34 person involved in the complaint.

7-35 SECTION 15. Sections [531.997](#) and [531.998](#), Government Code,
7-36 as amended by Chapter 906 (S.B. 213), Acts of the 85th Legislature,
7-37 Regular Session, 2017, are reenacted and amended to read as
7-38 follows:

7-39 Sec. 531.997. RETALIATION PROHIBITED. The commission or
7-40 department [~~or another health and human services agency~~] may not
7-41 retaliate against an [~~a department~~] employee of the commission or
7-42 department, as applicable, [~~a child or youth in the conservatorship~~
7-43 ~~of the department,~~] or any other person who in good faith makes a
7-44 complaint to an [~~the~~] ombudsman or against any person who
7-45 cooperates with the ombudsman in an investigation.

7-46 Sec. 531.998. REPORT. (a) Each [~~The~~] ombudsman shall
7-47 prepare an annual report that contains:

7-48 (1) a description of the ombudsman's work;

7-49 (2) any change made by the commission or department
7-50 [~~or another health and human services agency~~] in response to a
7-51 substantiated complaint;

7-52 (3) a description of any trends in the nature of
7-53 complaints received by the ombudsman or any systemic issues
7-54 identified by the ombudsman in the investigation of individual
7-55 complaints, any recommendations related to addressing those trends
7-56 and issues, and an evaluation of the feasibility of the ombudsman's
7-57 recommendations;

7-58 (4) a glossary of terms used in the report;

7-59 (5) a description of the methods used to promote
7-60 awareness of the ombudsman under Section [531.993](#)(b) and the
7-61 ombudsman's promotion plan for the next year; and

7-62 (6) any public feedback received by the ombudsman
7-63 relating to the ombudsman's previous annual reports.

7-64 (b) Each [~~The~~] report must be submitted to the governor, the
7-65 lieutenant governor, each standing committee of the legislature
7-66 with jurisdiction over matters involving the commission
7-67 [~~department~~], each member of the legislature, and the executive
7-68 commissioner [~~, and the commissioner of the department~~] not later
7-69 than December 1 of each year. On receipt of the report, the

8-1 [~~department and the~~] commission shall make the report publicly
8-2 available on the [~~department's and the~~] commission's Internet
8-3 website [~~websites~~].

8-4 SECTION 16. Section 592.039, Health and Safety Code, is
8-5 amended to read as follows:

8-6 Sec. 592.039. GRIEVANCES. A client, or a person acting on
8-7 behalf of a person with an intellectual disability or a group of
8-8 persons with an intellectual disability, has the right to submit
8-9 complaints or grievances regarding the infringement of the rights
8-10 of a person with an intellectual disability or the delivery of
8-11 intellectual disability services against a person, group of
8-12 persons, organization, or business to the Health and Human Services
8-13 Commission's ombudsman for individuals with an intellectual or
8-14 developmental disability as provided under Section 531.9934,
8-15 Government Code [~~department's Office of Consumer Rights and~~
8-16 ~~Services for investigation and appropriate action~~].

8-17 SECTION 17. Section 531.9941, Government Code, is repealed.

8-18 SECTION 18. If before implementing any provision of this
8-19 Act a state agency determines that a waiver or authorization from a
8-20 federal agency is necessary for implementation of that provision,
8-21 the agency affected by the provision shall request the waiver or
8-22 authorization and may delay implementing that provision until the
8-23 waiver or authorization is granted.

8-24 SECTION 19. This Act takes effect immediately if it
8-25 receives a vote of two-thirds of all the members elected to each
8-26 house, as provided by Section 39, Article III, Texas Constitution.
8-27 If this Act does not receive the vote necessary for immediate
8-28 effect, this Act takes effect September 1, 2023.

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