

1-1 By: Noble (Senate Sponsor - Miles) H.B. No. 4696
1-2 (In the Senate - Received from the House May 3, 2023;
1-3 May 5, 2023, read first time and referred to Committee on Health &
1-4 Human Services; May 21, 2023, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 May 21, 2023, 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 H.B. No. 4696 By: Miles

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

1-21 relating to the reporting and investigation of certain allegations
1-22 of abuse, neglect, and exploitation, the making and investigation
1-23 of complaints alleging violations of certain health facility
1-24 licensing requirements, and the content of the employee misconduct
1-25 registry.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 261.005, Family Code, is amended to read
1-28 as follows:

1-29 Sec. 261.005. REFERENCE TO EXECUTIVE COMMISSIONER OR
1-30 COMMISSION. Unless otherwise provided by a provision of this
1-31 chapter, in [In] this chapter:

1-32 (1) a reference to the executive commissioner or the
1-33 executive commissioner of the Health and Human Services Commission
1-34 means the commissioner of the department; and

1-35 (2) a reference to the Health and Human Services
1-36 Commission means the department.

1-37 SECTION 2. Section 261.105(c-1), Family Code, is amended to
1-38 read as follows:

1-39 (c-1) Notwithstanding Subsections (b) and (c), if a report
1-40 under this section relates to a child with an intellectual
1-41 disability receiving services in a state supported living center as
1-42 defined by Section 531.002, Health and Safety Code, or the ICF-IID
1-43 component of the Rio Grande State Center, the department shall
1-44 immediately notify the commission and the commission shall proceed
1-45 with the investigation of the report as provided by Section
1-46 261.404. Notwithstanding Section 261.005, in this subsection,
1-47 "commission" means the Health and Human Services Commission.

1-48 SECTION 3. Section 261.404, Family Code, is amended by
1-49 amending Subsections (a), (a-1), (a-2), (a-3), (b), (c), and (d)
1-50 and adding Subsection (a-4) to read as follows:

1-51 (a) Notwithstanding Section 261.005, in this section:

1-52 (1) "Commission" means the Health and Human Services
1-53 Commission.

1-54 (2) "Executive commissioner" means the executive
1-55 commissioner of the Health and Human Services Commission.

1-56 (a-1) The commission [department] shall investigate a
1-57 report of abuse, neglect, or exploitation of a child receiving
1-58 services from a provider, as those terms are defined by Section
1-59 48.251, Human Resources Code, or as otherwise defined by rule. The
1-60 commission [department] shall also investigate, under Subchapter

2-1 F, Chapter 48, Human Resources Code, a report of abuse, neglect, or
2-2 exploitation of a child receiving services from an officer,
2-3 employee, agent, contractor, or subcontractor of a home and
2-4 community support services agency licensed under Chapter 142,
2-5 Health and Safety Code, if the officer, employee, agent,
2-6 contractor, or subcontractor is or may be the person alleged to have
2-7 committed the abuse, neglect, or exploitation.

2-8 (a-2) [~~(a-1)~~] For an investigation of a child living in a
2-9 residence owned, operated, or controlled by a provider of services
2-10 under the home and community-based services waiver program
2-11 described by Section 534.001(11)(B), Government Code, the
2-12 department, in accordance with Subchapter E, Chapter 48, Human
2-13 Resources Code, may provide emergency protective services
2-14 necessary to immediately protect the child from serious physical
2-15 harm or death and, if necessary, obtain an emergency order for
2-16 protective services under Section 48.208, Human Resources Code.

2-17 (a-3) [~~(a-2)~~] For an investigation of a child living in a
2-18 residence owned, operated, or controlled by a provider of services
2-19 under the home and community-based services waiver program
2-20 described by Section 534.001(11)(B), Government Code, regardless
2-21 of whether the child is receiving services under that waiver
2-22 program from the provider, the department shall provide protective
2-23 services to the child in accordance with Subchapter E, Chapter 48,
2-24 Human Resources Code.

2-25 (a-4) [~~(a-3)~~] For purposes of this section, Subchapters E
2-26 and F, Chapter 48, Human Resources Code, apply to an investigation
2-27 of a child and to the provision of protective services to that child
2-28 in the same manner those subchapters apply to an investigation of an
2-29 elderly person or person with a disability and the provision of
2-30 protective services to that person.

2-31 (b) The commission [~~department~~] shall investigate a [the]
2-32 report under this section under rules developed by the executive
2-33 commissioner.

2-34 (c) If a report under this section relates to a child with an
2-35 intellectual disability receiving services in a state supported
2-36 living center or the ICF-IID component of the Rio Grande State
2-37 Center, the commission [~~department~~] shall, within 24 hours [~~one~~
2-38 ~~hour~~] of receiving the report, notify the facility in which the
2-39 child is receiving services of the allegations in the report.

2-40 (d) If, during the course of the commission's [~~department's~~]
2-41 investigation of reported abuse, neglect, or exploitation, a
2-42 caseworker of the commission [~~department~~] or the caseworker's
2-43 supervisor has cause to believe that a child with an intellectual
2-44 disability described by Subsection (c) has been abused, neglected,
2-45 or exploited by another person in a manner that constitutes a
2-46 criminal offense under any law, including Section 22.04, Penal
2-47 Code, the caseworker shall immediately notify the commission's
2-48 [~~Health and Human Services Commission's~~] office of inspector
2-49 general and promptly provide the commission's office of inspector
2-50 general with a copy of the commission's [~~department's~~]
2-51 investigation report.

2-52 SECTION 4. Section 142.009(j), Health and Safety Code, is
2-53 amended to read as follows:

2-54 (j) Except as provided by Subsections (h) and (l), a [an]
2-55 on-site survey may [~~must~~] be conducted within 18 months after a
2-56 survey for an initial license. After that time, an on-site survey
2-57 must be conducted at least every 36 months.

2-58 SECTION 5. Section 142.018(b), Health and Safety Code, is
2-59 amended to read as follows:

2-60 (b) A home and community support services agency that has
2-61 cause to believe that a person receiving services from the agency
2-62 has been abused, exploited, or neglected by an employee of the
2-63 agency shall report the information to [+
2-64

2-65 [~~(1)~~] the commission [~~department~~], and
2-66 [~~(2)~~] the Department of Family and Protective Services
2-67 or other appropriate state agency as required by Section 48.051,
2-68 Human Resources Code].

2-69 SECTION 6. Section 252.039, Health and Safety Code, is
2-69 amended to read as follows:

3-1 Sec. 252.039. POSTING. Each facility shall prominently and
3-2 conspicuously post for display in a public area of the facility that
3-3 is readily available to residents, employees, and visitors:

3-4 (1) the license issued under this chapter;

3-5 (2) a sign prescribed by the commission [~~department~~]
3-6 that specifies complaint procedures established under this chapter
3-7 or rules adopted under this chapter and that specifies how
3-8 complaints may be registered with the commission [~~department~~];

3-9 (3) a notice in a form prescribed by the commission
3-10 [~~department~~] stating that inspection and related reports are
3-11 available at the facility for public inspection and providing the
3-12 commission's [~~department's~~] toll-free telephone number that may be
3-13 used to obtain information concerning the facility;

3-14 (4) a concise summary of the most recent inspection
3-15 report relating to the facility;

3-16 (5) a notice providing instructions for reporting an
3-17 allegation of abuse, neglect, or exploitation to the commission
3-18 [~~Department of Family and Protective Services~~]; and

3-19 (6) a notice that employees, other staff, residents,
3-20 volunteers, and family members and guardians of residents are
3-21 protected from discrimination or retaliation as provided by
3-22 Sections 252.132 and 252.133.

3-23 SECTION 7. Section 252.121(a), Health and Safety Code, is
3-24 amended to read as follows:

3-25 (a) A person, including an owner or employee of a facility,
3-26 who has cause to believe that a resident is being or has been
3-27 subjected to abuse, neglect, or exploitation shall report the
3-28 suspected abuse, neglect, or exploitation to the commission
3-29 [~~Department of Family and Protective Services, as required by~~
3-30 ~~Chapter 48, Human Resources Code, or Chapter 261, Family Code, as~~
3-31 ~~appropriate~~]. The commission [~~Department of Family and Protective~~
3-32 ~~Services~~] shall investigate the allegation of abuse, neglect, or
3-33 exploitation in the manner prescribed by the commission [~~provided~~
3-34 ~~by Chapter 48, Human Resources Code, or Section 261.404, Family~~
3-35 ~~Code, as applicable~~].

3-36 SECTION 8. Section 252.125, Health and Safety Code, is
3-37 amended to read as follows:

3-38 Sec. 252.125. IMMEDIATE REMOVAL TO PROTECT RESIDENT.
3-39 Before the completion of the investigation by the commission
3-40 [~~Department of Family and Protective Services~~], the commission
3-41 [~~department~~] shall file a petition for temporary care and
3-42 protection of a resident if the commission [~~department~~]
3-43 determines[~~, based on information provided to the department by the~~
3-44 ~~Department of Family and Protective Services,~~] that immediate
3-45 removal is necessary to protect the resident from further abuse,
3-46 neglect, or exploitation.

3-47 SECTION 9. Sections 253.001(1) and (4), Health and Safety
3-48 Code, are amended to read as follows:

3-49 (1) "Commission" means the Health and Human Services
3-50 Commission [~~"Commissioner" means the commissioner of aging and~~
3-51 ~~disability services~~].

3-52 (4) "Facility" means:

3-53 (A) a nursing facility[~~+~~
3-54 [~~(i)~~] licensed by the commission under
3-55 Chapter 242 [~~department~~]; [~~or~~]

3-56 (B) an intermediate care facility for
3-57 individuals with an intellectual disability [~~(ii)~~] licensed by the
3-58 commission under Chapter 252;

3-59 (C) [~~(B)~~] an adult foster care provider that
3-60 contracts with the commission [~~department~~];

3-61 (D) [~~(C)~~] a home and community support services
3-62 agency licensed by the commission [~~department~~] under Chapter 142;
3-63 [~~or~~]

3-64 (E) [~~(D)~~] a prescribed pediatric extended care
3-65 center licensed by the commission under Chapter 248A;

3-66 (F) an assisted living facility licensed by the
3-67 commission under Chapter 247;

3-68 (G) a day activity and health services facility
3-69 licensed by the commission under Chapter 103, Human Resources Code;

4-1 (H) a residential child-care facility as defined
4-2 by Section 42.002, Human Resources Code, at which an elderly person
4-3 or an adult with a disability resides or is in the facility's care;

4-4 (I) a provider who provides home and
4-5 community-based services under the home and community-based
4-6 services (HCS) waiver program or the Texas home living (TxHmL)
4-7 waiver program; or

4-8 (J) a facility that is exempt from licensure
4-9 under Section 252.003.

4-10 SECTION 10. Section 260A.001, Health and Safety Code, is
4-11 amended by adding Subdivision (1-a) to read as follows:

4-12 (1-a) "Commission" means the Health and Human Services
4-13 Commission.

4-14 SECTION 11. Section 260A.002, Health and Safety Code, is
4-15 amended by amending Subsections (a-1) and (c) and adding Subsection
4-16 (d) to read as follows:

4-17 (a-1) Notwithstanding any other provision of this chapter,
4-18 a report made under this section that a provider is or may be
4-19 alleged to have committed abuse, neglect, or exploitation of a
4-20 resident of a facility other than a prescribed pediatric extended
4-21 care center shall be investigated by the commission [~~Department of~~
4-22 ~~Family and Protective Services~~] in accordance with Subchapter F,
4-23 Chapter 48, Human Resources Code, and this chapter does not apply to
4-24 that investigation. In this subsection, "facility" and "provider"
4-25 have the meanings assigned by Section 48.251, Human Resources Code.

4-26 (c) A person shall make an oral or electronic report
4-27 immediately on learning of the abuse, neglect, or exploitation [~~and~~
4-28 ~~shall make a written report to the department not later than the~~
4-29 ~~fifth day after the oral report is made~~].

4-30 (d) A facility or provider shall submit a provider
4-31 investigation report to the commission not later than the fifth day
4-32 after the date the facility or provider makes the oral or electronic
4-33 report under Subsection (c).

4-34 SECTION 12. Section 260A.007, Health and Safety Code, is
4-35 amended by amending Subsection (e) and adding Subsection (e-1) to
4-36 read as follows:

4-37 (e) In investigating the report of abuse, neglect,
4-38 exploitation, or other complaint, the investigator for the
4-39 commission [~~department~~] shall:

4-40 (1) conduct [~~make~~] an unannounced investigation
4-41 [~~visit to the facility~~] to determine the nature and cause of the
4-42 alleged abuse, neglect, or exploitation of the resident;

4-43 (2) interview each available witness, including the
4-44 resident who suffered the alleged abuse, neglect, or exploitation
4-45 if the resident is able to communicate or another resident or other
4-46 witness identified by any source as having personal knowledge
4-47 relevant to the report of abuse, neglect, exploitation, or other
4-48 complaint;

4-49 (3) [~~personally~~] inspect any physical circumstance
4-50 that is relevant and material to the report of abuse, neglect,
4-51 exploitation, or other complaint and that may be objectively
4-52 observed;

4-53 (4) if an on-site investigation is conducted, make a
4-54 photographic record of any injury to a resident, subject to
4-55 Subsection (n);

4-56 (5) write an investigation report that includes:

4-57 (A) the investigator's personal observations;

4-58 (B) a review of relevant documents and records;

4-59 (C) a summary of each witness statement,
4-60 including the statement of the resident that suffered the alleged
4-61 abuse, neglect, or exploitation and any other resident interviewed
4-62 in the investigation; and

4-63 (D) a statement of the factual basis for the
4-64 findings for each incident or problem alleged in the report or other
4-65 allegation; and

4-66 (6) for a resident of an institution or assisted
4-67 living facility, inspect any court order appointing a guardian of
4-68 the resident who was the subject of the alleged abuse, neglect, or
4-69 exploitation that is maintained in the resident's medical records

5-1 under Section 242.019 or 247.070.

5-2 (e-1) In addition to the requirements under Subsection (e),
 5-3 the commission shall make an unannounced visit to a facility to
 5-4 conduct an investigation of abuse or neglect.

5-5 SECTION 13. Section 48.0021, Human Resources Code, is
 5-6 amended to read as follows:

5-7 Sec. 48.0021. REFERENCE TO COMMISSION OR EXECUTIVE
 5-8 COMMISSIONER. Unless otherwise provided by a provision of this
 5-9 chapter, in [In] this chapter:

5-10 (1) a reference to the Health and Human Services
 5-11 Commission means the Department of Family and Protective Services;
 5-12 and

5-13 (2) a reference to the executive commissioner means
 5-14 the commissioner of the Department of Family and Protective
 5-15 Services.

5-16 SECTION 14. Section 48.051, Human Resources Code, is
 5-17 amended by adding Subsection (b-1) and amending Subsection (c) to
 5-18 read as follows:

5-19 (b-1) This subsection applies only to a provider under the
 5-20 home and community-based services (HCS) waiver program or the Texas
 5-21 home living (TxHmL) waiver program, an intermediate care facility
 5-22 licensed under Chapter 252, Health and Safety Code, a state
 5-23 supported living center as defined by Section 531.002, Health and
 5-24 Safety Code, or a home and community support services agency
 5-25 licensed under Chapter 142, Health and Safety Code. Except as
 5-26 provided by Subsections (a) and (b), a person, including an
 5-27 officer, employee, agent, contractor, or subcontractor of a
 5-28 facility or provider subject to this subsection, having cause to
 5-29 believe that an individual receiving services from the facility or
 5-30 provider is in the state of abuse, neglect, or exploitation shall
 5-31 immediately report to the commission the information required by
 5-32 Subsection (d). Notwithstanding Section 48.0021, in this
 5-33 subsection "commission" means the Health and Human Services
 5-34 Commission.

5-35 (c) The duty imposed by Subsections (a), (b), and (b-1)
 5-36 [~~(b)~~] applies without exception to a person whose knowledge
 5-37 concerning possible abuse, neglect, or exploitation is obtained
 5-38 during the scope of the person's employment or whose professional
 5-39 communications are generally confidential, including an attorney,
 5-40 clergy member, medical practitioner, social worker, employee or
 5-41 member of a board that licenses or certifies a professional, and
 5-42 mental health professional.

5-43 SECTION 15. Section 48.251(a), Human Resources Code, is
 5-44 amended by adding Subdivisions (1-a) and (2-a) and amending
 5-45 Subdivision (3) to read as follows:

5-46 (1-a) "Commission" means the Health and Human Services
 5-47 Commission, notwithstanding Section 48.0021.

5-48 (2-a) "Executive commissioner" means the executive
 5-49 commissioner of the Health and Human Services Commission,
 5-50 notwithstanding Section 48.0021.

5-51 (3) "Facility" means:

5-52 (A) a facility listed in Section 532.001(b) or
 5-53 532A.001(b), Health and Safety Code, [~~including community services~~
 5-54 ~~operated by the Department of State Health Services or Department~~
 5-55 ~~of Aging and Disability Services,~~] as described by those sections,
 5-56 or a person contracting with a health and human services agency to
 5-57 provide inpatient mental health services; [~~and~~]

5-58 (B) a facility licensed under Chapter 252, Health
 5-59 and Safety Code;

5-60 (C) a residential child-care facility as defined
 5-61 by Section 42.002 at which an elderly person or an adult with a
 5-62 disability resides or is in the facility's care; and

5-63 (D) a home and community support services agency
 5-64 licensed under Chapter 142, Health and Safety Code.

5-65 SECTION 16. Sections 48.252(b) and (c), Human Resources
 5-66 Code, are amended to read as follows:

5-67 (b) The department may not investigate under this
 5-68 subchapter reports of abuse, neglect, or exploitation alleged or
 5-69 suspected to have been committed by a provider that is operated,

6-1 licensed, certified, or registered by a state agency that has
 6-2 authority under this chapter or other law to investigate reports of
 6-3 abuse, neglect, or exploitation of an individual by the provider.
 6-4 The department shall forward any report of abuse, neglect, or
 6-5 exploitation alleged or suspected to have been committed by a
 6-6 provider described by this subsection to the commission
 6-7 [~~appropriate state agency~~] for investigation.

6-8 (c) The commission [~~department~~] shall receive and
 6-9 investigate under this subchapter reports of abuse, neglect, or
 6-10 exploitation of:

6-11 (1) an individual who lives in a residence that is
 6-12 owned, operated, or controlled by a provider who provides home and
 6-13 community-based services under the home and community-based
 6-14 services waiver program described by Section 534.001(11)(B),
 6-15 Government Code, regardless of whether the individual is receiving
 6-16 services under that waiver program from the provider; and

6-17 (2) an elderly person or an adult with a disability who
 6-18 lives in or is in the care of a residential child-care facility as
 6-19 defined by Section 42.002.

6-20 SECTION 17. Sections 48.253(a), (b), and (c), Human
 6-21 Resources Code, are amended to read as follows:

6-22 (a) On receipt by the commission [~~department~~] of a report of
 6-23 alleged abuse, neglect, or exploitation under this subchapter, the
 6-24 commission [~~department~~] shall initiate a prompt and thorough
 6-25 investigation as needed to evaluate the accuracy of the report and
 6-26 to assess the need for emergency protective services, unless the
 6-27 commission [~~department~~], in accordance with rules adopted under
 6-28 this subchapter, determines that the report:

6-29 (1) is frivolous or patently without a factual basis;
 6-30 or

6-31 (2) does not concern abuse, neglect, or exploitation.

6-32 (b) After receiving a report that alleges that a provider is
 6-33 or may be the person who committed the alleged abuse, neglect, or
 6-34 exploitation, the commission [~~department~~] shall notify the
 6-35 provider [~~and the appropriate health and human services agency~~] in
 6-36 accordance with rules adopted by the executive commissioner.

6-37 (c) The provider identified under Subsection (b) shall:

6-38 (1) cooperate completely with an investigation
 6-39 conducted under this subchapter; and

6-40 (2) provide the commission [~~department~~] complete
 6-41 access during an investigation to:

6-42 (A) all sites owned, operated, or controlled by
 6-43 the provider; and

6-44 (B) clients and client records.

6-45 SECTION 18. Sections 48.254(a) and (c), Human Resources
 6-46 Code, are amended to read as follows:

6-47 (a) The executive commissioner by rule shall establish
 6-48 procedures for the commission [~~department~~] to use to forward a copy
 6-49 of the initial intake report and a copy of the completed provider
 6-50 investigation report relating to alleged or suspected abuse,
 6-51 neglect, or exploitation to the appropriate provider [~~and health~~
 6-52 ~~and human services agency~~].

6-53 (c) A provider that receives the findings of an [~~a~~
 6-54 ~~completed~~] investigation from the commission report under
 6-55 Subsection (a) shall forward the findings [~~report~~] to the managed
 6-56 care organization with which the provider contracts for services
 6-57 for the alleged victim.

6-58 SECTION 19. Sections 48.255(a) and (b), Human Resources
 6-59 Code, are amended to read as follows:

6-60 (a) The executive commissioner shall adopt rules to:

6-61 (1) prioritize investigations conducted under this
 6-62 subchapter with the primary criterion being whether there is a risk
 6-63 that a delay in the investigation will impede the collection of
 6-64 evidence in that investigation; and

6-65 (2) [~~establish procedures for resolving disagreements~~
 6-66 ~~between the department and health and human services agencies~~
 6-67 ~~concerning the department's investigation findings; and~~

6-68 [(3)] provide for an appeals process by the commission
 6-69 [~~department~~] for the alleged victim of abuse, neglect, or

7-1 exploitation.

7-2 (b) A confirmed investigation finding by the commission
7-3 [~~department~~] may not be changed by the administrator of a facility,
7-4 a community center, a local mental health authority, or a local
7-5 intellectual and developmental disability authority.

7-6 SECTION 20. Sections 48.256(a), (b), and (c), Human
7-7 Resources Code, are amended to read as follows:

7-8 (a) The executive commissioner shall adopt rules that
7-9 prescribe the appropriate manner in which [~~health and human~~
7-10 ~~services agencies and~~] managed care organizations provide the
7-11 commission [~~department~~] with information necessary to facilitate
7-12 the:

7-13 (1) identification of individuals receiving services
7-14 from providers; and

7-15 (2) [~~to facilitate~~] notification of providers by the
7-16 commission [~~department~~].

7-17 (b) The executive commissioner shall adopt rules requiring
7-18 a provider to provide information [~~to the administering health and~~
7-19 ~~human services agency~~] necessary to facilitate the:

7-20 (1) identification by the commission [~~department~~] of
7-21 individuals receiving services from providers; and

7-22 (2) [~~to facilitate~~] notification of providers by the
7-23 commission [~~department~~].

7-24 (c) A provider of home and community-based services under
7-25 the home and community-based services waiver program described by
7-26 Section 534.001(11)(B), Government Code, shall post in a
7-27 conspicuous location inside any residence owned, operated, or
7-28 controlled by the provider in which home and community-based waiver
7-29 services are provided, a sign that states:

7-30 (1) the name, address, and telephone number of the
7-31 provider;

7-32 (2) the effective date of the provider's contract with
7-33 the commission [~~applicable health and human services agency~~] to
7-34 provide home and community-based services; and

7-35 (3) the name of the legal entity that contracted with
7-36 the commission [~~applicable health and human services agency~~] to
7-37 provide those services.

7-38 SECTION 21. Sections 48.258(a) and (b), Human Resources
7-39 Code, are amended to read as follows:

7-40 (a) The commission [~~health and human services agencies~~]
7-41 shall[, ~~at the direction of the executive commissioner, jointly~~]
7-42 develop and implement a system to track reports and investigations
7-43 under this subchapter.

7-44 (b) To facilitate implementation of the system, the
7-45 commission [~~health and human services agencies~~] shall use
7-46 appropriate methods of measuring the number and outcome of reports
7-47 and investigations under this subchapter.

7-48 SECTION 22. Section 103.008(b), Human Resources Code, is
7-49 amended to read as follows:

7-50 (b) Any person may request an inspection of a facility by
7-51 notifying the commission in writing of an alleged violation of a
7-52 licensing requirement. The complaint shall be as detailed as
7-53 possible and signed by the complainant. The commission shall:

7-54 (1) if the complaint alleges abuse, neglect, or
7-55 exploitation, perform an [on-site] inspection as soon as feasible
7-56 but not [no] later than the 14th day [30 days] after the date the
7-57 commission receives [receiving] the complaint, unless after an
7-58 investigation the complaint is found to be frivolous; [The
7-59 commission shall respond to a complainant in writing.]

7-60 (2) if the complaint does not allege abuse, neglect,
7-61 or exploitation, investigate the complaint not later than the 45th
7-62 day after the date the commission receives the complaint;

7-63 (3) respond to a complainant in writing; and

7-64 (4) [~~The commission shall also~~] receive and
7-65 investigate anonymous complaints.

7-66 SECTION 23. The following provisions are repealed:

7-67 (1) Section 252.121(b), Health and Safety Code;

7-68 (2) Section 252.126(b), Health and Safety Code;

7-69 (3) Section 48.252(a), Human Resources Code; and

8-1 (4) Section 48.254(b), Human Resources Code.

8-2 SECTION 24. (a) As soon as practicable after the effective
8-3 date of this Act, but not later than December 1, 2024, the
8-4 commissioner of the Department of Family and Protective Services
8-5 shall transfer any department funds and resources, including
8-6 information technology, documents, and personnel allocated for the
8-7 investigation of reports under Subchapter F, Chapter 48, Human
8-8 Resources Code, to the Health and Human Services Commission to
8-9 allow the commission to perform the functions described under
8-10 Subchapter F, Chapter 48, Human Resources Code, as amended by this
8-11 Act.

8-12 (b) Notwithstanding the effective date of this Act, the
8-13 Health and Human Services Commission is not required to comply with
8-14 changes in law made by this Act until the transfer required by
8-15 Subsection (a) of this section is completed.

8-16 SECTION 25. If before implementing any provision of this
8-17 Act a state agency determines that a waiver or authorization from a
8-18 federal agency is necessary for implementation of that provision,
8-19 the agency affected by the provision shall request the waiver or
8-20 authorization and may delay implementing that provision until the
8-21 waiver or authorization is granted.

8-22 SECTION 26. This Act takes effect September 1, 2023.

8-23

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