

## **BILL ANALYSIS**

C.S.H.B. 2222  
By: Chisum  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Texas Department of Human Services administers programs that assist low-income families, the elderly, persons with disabilities, and victims of family violence to lead safer, more independent lives in their communities. The Department's key duties include: determining eligibility for social service programs including Temporary Assistance for Needy Families, Food Stamps, Medicaid, and long-term care services; regulating long-term care providers to ensure the health and safety of individuals in nursing homes or community-based settings; and overseeing contracts for agency services.

In 2001 the Legislature passed Senate Bill 309 which continued the agency until 2011, and required the Sunset Advisory Commission to conduct a limited review of the Department. As a result of its review of the Texas Department of Human Services, the Sunset Advisory Commission recommended several statutory modifications that are contained in this legislation.

### **RULEMAKING AUTHORITY**

This bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Section 21.003(d), (h) and (j), Human Resources Code, to add standard language developed by the Sunset Commission to give the Governor authority to designate the Board's presiding officer, updates and modifies standard Sunset language requiring public Board members to be without financial ties to the agency or regulated industries, updates standard Sunset language relating to conflicts of interest regarding members of the Board acting as general council.

SECTION 2. Amends Section 21.0031, Human Resources Code, to update standard language developed by the Sunset Commission prohibiting Board members, high-level employees, and spouses from serving as an officer or employee of a related Texas trade association and modifies Texas trade association to include nonprofits.

SECTION 3. Amends Section 21.0032, Human Resources Code, to update standard language developed by the Sunset Commission specifying grounds for removal of a Board member.

SECTION 4. Amends Section 21.0051(a), (c), and adds Subsection (f), Human Resources Code, to update standard language developed by the Sunset Commission requiring the Board to separate its policymaking duties from agency's management functions and to update standard Sunset language requiring the Department to have a current equal employment opportunity policy.

SECTION 5. Amends Chapter 21, Human Resources Code, to add Section 21.0053 which is standard language developed by the Sunset Commission requiring the executive director to inform employees about the State Employee Incentive Program.

SECTION 6. Amends Chapter 21, Human Resources Code, by adding Section 21.00605 which requires

the Department to develop regional business plans that address statewide goals, contain key client-centered outcome measures, include region-specific objectives and strategies to meet these goals, and requires regional administrators to report at least annually to the regional office. Requires the Department to seek public input into the development of regional strategies.

SECTION 7. Amends Section 21.011(a), Human Resources Code, requiring the Department's annual report to the Board include information related to the status and progress towards meeting outcome measures under Section 21.00605.

SECTION 8. Amends Section 21.015, Human Resources Code, to update and modify standard language developed by the Sunset Commission requiring the Department to maintain information on written complaints and notify the parties about policies for and status of complaints. Modifies provision on providing complaint policies and procedures to parties of a complaint, allowing the Department to delay providing the information if providing that information would jeopardize an investigation.

SECTION 9. Amends Section 21.016, Human Resources Code, to update standard language developed by the Sunset Commission requiring the Board to give the public a reasonable opportunity to present issues under the Department's jurisdiction.

SECTION 10. Amends Chapter 21, Human Resources Code, adding Sections 21.018 and 21.019, adding standard language developed by the Sunset Commission requiring the Board to make effective use of technology in its delivery of services and provision of information to the public and requiring the Board to develop a policy that encourages the use of negotiated rulemaking and alternative dispute resolution.

SECTION 11. Amends Chapter 21, Human Resources Code, adding Section 22.040, requiring the Department, by rule, to develop and implement a plan to assist clients in receiving community care services as quickly as possible when those service are available, and requiring the Department to identify community care slots that will come available during the following quarter due to program expansion, or case closures. Requires the Department to contact individuals on interest lists, and start eligibility determination processes at least 30 days before forecasted program slots become open, and requires that individuals determined eligible begin receiving services only after the opening actually becomes available.

SECTION 12. Amends Section 31.0128, Human Resources Code, adding Subsection (e) requiring the Department and the Texas Workforce Commission to update an existing memorandum of understanding to include recommendations and strategies.

SECTION 13. Amends Subchapter A, Chapter 31, Human Resources Code, adding new Section 31.0129, requiring the Department, the Texas Workforce Commission and local workforce development boards to survey best practices used to transition clients between Department offices and local workforce centers, and requiring Department and workforce development boards to adopt policies to implement these best practices using existing resources.

SECTION 14. Amends Section 242.610, Health and Safety Code by amending Subsections (b), (d), and (g), and adding new Subsections (h), (I), (j), (k), (l), and (m), adding standard language developed by the Sunset Commission requiring the Department to notify applicants of exam results within a reasonable time, requiring standard time frames for permit holders who are delinquent in renewal of permits, and allowing the Board to adopt a staggered permit renewal system.

SECTION 15. Amends Subchapter N, Chapter 242, Health and Safety Code, by adding Section 242.6101, adding standard language developed by the Sunset Commission requiring the Department to notify applicants of exam results within a reasonable time.

SECTION 16. Amends Section 242.611, Health and Safety Code, adding conforming change related to standard Sunset language relating to requiring standard time frames for permit holder who are delinquent in renewal of permits.

SECTION 17. Amends Section 242.612, Health and Safety Code, amending (a) and adding Subsection (c), updating standard language developed by the Sunset Commission authorizing the Board to use a full range of penalties for violations of state laws or agency rules.

SECTION 18. Instructional provision clarifying that changes made to Section 21.011(a), Human Resources Code, relating to reporting on the status performance measures in regional business plans only applies to those annual reports due after December 31, 2003.

SECTION 19. Instructional provision providing for the Department to develop regional business plans that statewide goals and contain key client-centered outcome measures no later than September 1, 2004.

SECTION 20. Instructional provision providing for the Department to formulate recommendations and strategies to improve client transitions between local Department offices and work centers no later than September 1, 2004.

SECTION 21. Instructional provision providing that the Department and the Texas Workforce Commission update the existing memorandum of understanding between the agencies to include recommendations and strategies relating to client transitions no later than December 1, 2004.

SECTION 22. Effective date: September 1, 2003.

**EFFECTIVE DATE**

September 1, 2003.

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSHB 2222 removes provisions in the original which required the Texas Department of Human Services to provide comprehensive assessment services targeted to families at risk of exhausting time limited TANF benefits or exempted from work or employment activities, and assist these families to access needed services.