

1-1 By: Ogden S.B. No. 1580
1-2 (In the Senate - Filed March 11, 2011; March 23, 2011, read
1-3 first time and referred to Committee on Finance; April 26, 2011,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 11, Nays 4; April 26, 2011, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1580 By: Ogden

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to state fiscal matters related to health and human
1-10 services and state agencies administering health and human services
1-11 programs.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 ARTICLE 1. REDUCTION OF EXPENDITURES AND IMPOSITION OF CHARGES AND
1-14 COST-SAVING MEASURES GENERALLY

1-15 SECTION 1.01. This article applies to any state agency that
1-16 receives an appropriation under Article II of the General
1-17 Appropriations Act and to any program administered by any of those
1-18 agencies.

1-19 SECTION 1.02. Notwithstanding any other statute of this
1-20 state, each state agency to which this article applies is
1-21 authorized to reduce or recover expenditures by:

1-22 (1) consolidating any reports or publications the
1-23 agency is required to make and filing or delivering any of those
1-24 reports or publications exclusively by electronic means;

1-25 (2) extending the effective period of any license,
1-26 permit, or registration the agency grants or administers;

1-27 (3) entering into a contract with another governmental
1-28 entity or with a private vendor to carry out any of the agency's
1-29 duties;

1-30 (4) adopting additional eligibility requirements
1-31 consistent with federal law for persons who receive benefits under
1-32 any law the agency administers to ensure that those benefits are
1-33 received by the most deserving persons consistent with the purposes
1-34 for which the benefits are provided, including under the following
1-35 laws:

1-36 (A) Chapter 62, Health and Safety Code (child
1-37 health plan program);

1-38 (B) Chapter 31, Human Resources Code (temporary
1-39 assistance for needy families program);

1-40 (C) Chapter 32, Human Resources Code (Medicaid
1-41 program);

1-42 (D) Chapter 33, Human Resources Code
1-43 (supplemental nutrition assistance and other nutritional
1-44 assistance programs); and

1-45 (E) Chapter 533, Government Code (Medicaid
1-46 managed care);

1-47 (5) providing that any communication between the
1-48 agency and another person and any document required to be delivered
1-49 to or by the agency, including any application, notice, billing
1-50 statement, receipt, or certificate, may be made or delivered by
1-51 e-mail or through the Internet;

1-52 (6) adopting and collecting fees or charges to cover
1-53 any costs the agency incurs in performing its lawful functions; and

1-54 (7) modifying and streamlining processes used in:

1-55 (A) the conduct of eligibility determinations
1-56 for programs listed in Subdivision (4) of this subsection by or
1-57 under the direction of the Health and Human Services Commission;

1-58 (B) the provision of child and adult protective
1-59 services by the Department of Family and Protective Services;

1-60 (C) the provision of services for the aging and
1-61 disabled by the Department of Aging and Disability Services;

1-62 (D) the provision of services to children and
1-63 other persons with disabilities by the Department of Assistive and

Rehabilitative Services;

(E) the provision of community health services, consumer protection services, mental health services, and hospital facilities and services by the Department of State Health Services; and

(F) the provision or administration of other services provided or programs operated by the Health and Human Services Commission or a health and human services agency, as defined by Section 531.001, Government Code.

ARTICLE 2. FEES ASSESSED BY CERTAIN HEALTH AND HUMAN SERVICES AGENCIES FOR LICENSING, REGISTRATION, AND OTHER SERVICES

SECTION 2.01. Section 12.0111, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding any other provision of law that places a limit on the amount of a fee that the department or a regulatory board or other agency under the jurisdiction of the department or administratively attached to the department may charge for issuing or renewing a license, the executive commissioner of the Health and Human Services Commission, on or after September 1, 2011, may adopt rules increasing fees for issuing or renewing a license by up to five percent above the amount assessed immediately before September 1, 2011.

SECTION 2.02. Section 12.032, Health and Safety Code, is amended by amending Subsection (c) and adding Subsection (f) to read as follows:

(c) A ~~[The amount of a]~~ fee charged for a public health service must be set in an amount necessary to recover, at a minimum, all costs ~~[may not exceed the cost]~~ to the department of administering ~~[providing]~~ the service.

(f) Notwithstanding any other provision of law that places a limit on the amount of a fee charged for a public health service, the executive commissioner of the Health and Human Services Commission, on or after September 1, 2011, may adopt rules increasing fees for public health services administered by the department by up to 12 percent above the amount assessed immediately before September 1, 2011.

SECTION 2.03. Subsections (a) through (e), Section 42.054, Human Resources Code, are amended to read as follows:

(a) The department shall charge an applicant a nonrefundable application fee of \$105 ~~[\$35]~~ for an initial license to operate a child-care facility or a child-placing agency.

(b) The department shall charge each child-care facility a fee of \$105 ~~[\$35]~~ for an initial license. The department shall charge each child-placing agency a fee of \$150 ~~[\$50]~~ for an initial license.

(c) The department shall charge each licensed child-care facility an annual license fee in the amount of \$105 ~~[\$35]~~ plus \$3 ~~[\$1]~~ for each child the child-care facility is permitted to serve. The fee is due on the date on which the department issues the child-care facility's initial license and on the anniversary of that date.

(d) The department shall charge each licensed child-placing agency an annual license fee of \$300 ~~[\$100]~~. The fee is due on the date on which the department issues the child-placing agency's initial license and on the anniversary of that date.

(e) The department shall charge each family home that is listed or registered with the department an annual fee to cover a part of the department's cost in regulating family homes. The amount of the fee is \$60 ~~[\$20]~~ for a listed home or \$105 ~~[\$35]~~ for a registered home. The fee is due on the date on which the department initially lists or registers the home and on the anniversary of that date.

SECTION 2.04. Section 42.054, Human Resources Code, as amended by this article, applies to an application filed with the Department of Family and Protective Services, or an initial or annual license fee assessed by the department, on or after the effective date of this Act. An application filed or a licensing fee assessed before that date is governed by the law in effect on the date the application was filed or the licensing fee was assessed,

3-1 and the former law is continued in effect for that purpose.

3-2 ARTICLE 3. EFFECTIVE DATE

3-3 SECTION 3.01. This Act takes effect September 1, 2011.

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