

By: Dutton, Naishtat, Wu, Burkett

H.B. No. 1371

Substitute the following for H.B. No. 1371:

By: Dutton

C.S.H.B. No. 1371

A BILL TO BE ENTITLED

AN ACT

relating to certain functions of the office of consumer affairs in the Health and Human Services Commission.

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

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

SUBCHAPTER Y. OFFICE OF CONSUMER AFFAIRS

Sec. 531.991. DEFINITIONS. In this subchapter:

(1) "Department" means the Department of Family and Protective Services.

(2) "Office" means the office of consumer affairs in the commission.

Sec. 531.992. OFFICE. The office of consumer affairs is an office in the commission.

Sec. 531.993. DUTIES OF OFFICE. The office shall:

(1) develop statewide procedures in order to receive inquiries and complaints relating to the department;

(2) review complaints and inquiries filed with the office relating to the department;

(3) investigate each complaint described by Subdivision (2);

(4) if a complaint filed with the office alleges the abuse, neglect, or exploitation of a child, assist the child making the complaint in reporting the allegation to the department and

1 open a case for the duration of the department's investigation of
2 the allegation;

3 (5) issue and file with the department a final report
4 that contains the office's final determination of a complaint's
5 merit and any recommended corrective actions to be taken by the
6 department;

7 (6) establish a secure form of communication with any
8 individual who files a complaint with the office; and

9 (7) ensure that a child in the conservatorship of the
10 department who files a complaint with the office is informed of the
11 results of the office's investigation of the child's complaint,
12 including whether the office was able to substantiate the child's
13 complaint.

14 Sec. 531.994. INVESTIGATION OF UNREPORTED COMPLAINTS. If
15 during the investigation of a complaint the office discovers
16 unreported violations of the department's rules and policies, the
17 office shall open a new investigation for each unreported
18 violation.

19 Sec. 531.995. ACCESS TO INFORMATION. The department shall
20 provide the office access to the department's records that relate
21 to a complaint the office is investigating.

22 Sec. 531.996. COMMUNICATION AND CONFIDENTIALITY. (a) The
23 department shall allow any department employee, any child in the
24 conservatorship of the department, and any client of adult
25 protective services to communicate with the office. The
26 communication:

27 (1) may be in person, by telephone, by mail, or by any

1 other means; and

2 (2) is confidential and privileged.

3 (b) The records of the office are confidential, except that
4 the office shall disclose the office's records if required by a
5 court order on a showing of good cause.

6 (c) The office may make public reports relating to an
7 investigation after the investigation is complete. The office shall
8 redact the names of all children, parents, clients, and employees
9 from the report and maintain the confidentiality of that
10 information.

11 Sec. 531.997. RETALIATION PROHIBITED. (a) The department
12 may not retaliate against a department employee or any other person
13 who in good faith makes an inquiry or complaint to the office or
14 cooperates with the office in an investigation.

15 (b) The office shall collaborate with the divisions of the
16 department responsible for child protective services, adult
17 protective services, and child care licensing to create
18 consequences, based on the extent of the offense and the severity of
19 the retaliation, for any person who is found to have engaged in
20 retaliation against a child in the conservatorship of the
21 department.

22 Sec. 531.998. PROMOTION OF OFFICE. (a) The office shall
23 annually develop and implement an outreach plan to promote
24 awareness among the public, children in the conservatorship of the
25 department, clients of adult protective services, and all operators
26 and staff of facilities licensed by the department of:

27 (1) the purpose of the office;

1 (2) the services the office provides; and

2 (3) how the office may be contacted.

3 (b) The office shall ensure that:

4 (1) all residential facilities in which children in
5 the conservatorship of the department are placed display
6 information about the office and the process for filing a complaint
7 with the office in a location that is easily accessible to children
8 residing at the facility; and

9 (2) information about the office and the complaint
10 process is provided to:

11 (A) guardians ad litem and court appointed
12 special advocates for children in the conservatorship of the
13 department; and

14 (B) staff members of the department.

15 Sec. 531.999. REPORT. (a) The office shall prepare an
16 annual report that contains:

17 (1) a description of the office's work, including a
18 summary of each complaint the office received and investigated and
19 the manner in which each complaint was resolved;

20 (2) any change made by the department, either at the
21 regional or statewide level, in response to a substantiated
22 complaint against the department;

23 (3) a description of any trends in the nature of
24 inquiries or complaints received by the office and any policy
25 recommendations related to addressing those trends;

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

27 (5) a description of the methods used to promote

1 awareness of the office under Section 531.998 and the office's
2 promotion plan for the next year; and

3 (6) any public feedback received by the office
4 relating to the office's previous annual reports.

5 (b) The report must be submitted to the executive
6 commissioner and the commissioner of the department not later than
7 October 1 of each year. On receipt of the report, the department
8 shall make the report publicly available on the department's
9 Internet website.

10 SECTION 2. The executive commissioner of the Health and
11 Human Services Commission shall transfer all personnel, funding,
12 records, and authority currently allocated to the office of
13 consumer affairs in the Department of Family and Protective
14 Services to the office of consumer affairs in the commission, as
15 created by this Act.

16 SECTION 3. This Act takes effect September 1, 2015.