

By: Frank, Raymond, Burkett, Keough,
Minjarez, et al.

H.B. No. 5

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the powers and duties of the Department of Family and
3 Protective Services and the transfer of certain powers and duties
4 from the Health and Human Services Commission.

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

6 SECTION 1. Section 58.0051(a)(2), Family Code, is amended
7 to read as follows:

8 (2) "Juvenile service provider" means a governmental
9 entity that provides juvenile justice or prevention, medical,
10 educational, or other support services to a juvenile. The term
11 includes:

12 (A) a state or local juvenile justice agency as
13 defined by Section 58.101;

14 (B) health and human services agencies, as
15 defined by Section 531.001, Government Code, and the Health and
16 Human Services Commission;

17 (C) the Department of Family and Protective
18 Services;

19 (D) the Department of Public Safety;

20 (E) [~~(D)~~] the Texas Education Agency;

21 (F) [~~(E)~~] an independent school district;

22 (G) [~~(F)~~] a juvenile justice alternative
23 education program;

24 (H) [~~(G)~~] a charter school;

- 1 (I) [~~(H)~~] a local mental health or mental
2 retardation authority;
- 3 (J) [~~(I)~~] a court with jurisdiction over
4 juveniles;
- 5 (K) [~~(J)~~] a district attorney's office;
- 6 (L) [~~(K)~~] a county attorney's office; and
- 7 (M) [~~(L)~~] a children's advocacy center
8 established under Section 264.402.

9 SECTION 2. Section 58.0072(c), Family Code, is amended to
10 read as follows:

11 (c) The Texas Juvenile Justice Department may grant the
12 following entities access to juvenile justice information for
13 research and statistical purposes or for any other purpose approved
14 by the department:

15 (1) criminal justice agencies as defined by Section
16 411.082, Government Code;

17 (2) the Texas Education Agency, as authorized under
18 Section 37.084, Education Code;

19 (3) any agency under the authority of the Health and
20 Human Services Commission; [~~or~~]

21 (4) the Department of Family and Protective Services;
22 or

23 (5) a public or private university.

24 SECTION 3. Section 107.152(c), Family Code, is amended to
25 read as follows:

26 (c) The pre-placement and post-placement parts of an
27 adoption evaluation conducted by a licensed child-placing agency or

1 the department are governed by rules adopted by the [~~executive~~]
2 commissioner of the department [~~Health and Human Services~~
3 ~~Commission~~].

4 SECTION 4. Section 107.159(a), Family Code, is amended to
5 read as follows:

6 (a) Unless otherwise agreed to by the court, the
7 pre-placement part of an adoption evaluation must comply with the
8 minimum requirements for the pre-placement part of an adoption
9 evaluation under rules adopted by the [~~executive~~] commissioner of
10 the department [~~Health and Human Services Commission~~].

11 SECTION 5. Section 107.160(a), Family Code, is amended to
12 read as follows:

13 (a) Unless otherwise agreed to by the court, the
14 post-placement part of an adoption evaluation must comply with the
15 minimum requirements for the post-placement part of an adoption
16 evaluation under rules adopted by the [~~executive~~] commissioner of
17 the department [~~Health and Human Services Commission~~].

18 SECTION 6. Sections 162.304(b-2) and (g), Family Code, are
19 amended to read as follows:

20 (b-2) The [~~executive~~] commissioner of the department
21 [~~Health and Human Services Commission~~] shall adopt rules necessary
22 to implement Subsection (b-1), including rules that:

23 (1) limit eligibility for the subsidy under that
24 subsection to a child whose adoptive family income is less than 300
25 percent of the federal poverty level;

26 (2) provide for the manner in which the department
27 shall pay the subsidy under that subsection; and

1 (3) specify any documentation required to be provided
2 by an adoptive parent as proof that the subsidy is used to obtain
3 and maintain health benefits coverage for the adopted child.

4 (g) The [~~executive~~] commissioner of the department [~~Health~~
5 ~~and Human Services Commission~~] by rule shall provide that the
6 maximum amount of the subsidy under Subsection (b) that may be paid
7 to an adoptive parent of a child under an adoption assistance
8 agreement is an amount that is equal to the amount that would have
9 been paid to the foster parent of the child, based on the child's
10 foster care service level on the date the department and the
11 adoptive parent enter into the adoption assistance agreement. This
12 subsection applies only to a child who, based on factors specified
13 in rules of the department, the department determines would
14 otherwise have been expected to remain in foster care until the
15 child's 18th birthday and for whom this state would have made foster
16 care payments for that care. Factors the department may consider in
17 determining whether a child is eligible for the amount of the
18 subsidy authorized by this subsection include the following:

19 (1) the child's mental or physical disability, age,
20 and membership in a sibling group; and

21 (2) the number of prior placement disruptions the
22 child has experienced.

23 SECTION 7. Section [162.3041](#)(a-1), Family Code, is amended
24 to read as follows:

25 (a-1) Notwithstanding Subsection (a), if the department
26 first entered into an adoption assistance agreement with a child's
27 adoptive parents after the child's 16th birthday, the department

1 shall, in accordance with rules adopted by the [~~executive~~
2 commissioner of the department [~~Health and Human Services~~
3 ~~Commission~~], offer adoption assistance after the child's 18th
4 birthday to the child's adoptive parents under an existing adoption
5 agreement until the last day of the month of the child's 21st
6 birthday, provided the child is:

7 (1) regularly attending high school or enrolled in a
8 program leading toward a high school diploma or high school
9 equivalency certificate;

10 (2) regularly attending an institution of higher
11 education or a postsecondary vocational or technical program;

12 (3) participating in a program or activity that
13 promotes, or removes barriers to, employment;

14 (4) employed for at least 80 hours a month; or

15 (5) incapable of doing any of the activities described
16 by Subdivisions (1)-(4) due to a documented medical condition.

17 SECTION 8. Subchapter A, Chapter 261, Family Code, is
18 amended by adding Section 261.004 to read as follows:

19 Sec. 261.004. REFERENCE TO EXECUTIVE COMMISSIONER OR
20 COMMISSION. In this chapter:

21 (1) a reference to the executive commissioner or the
22 executive commissioner of the Health and Human Services Commission
23 means the commissioner of the department; and

24 (2) a reference to the Health and Human Services
25 Commission means the department.

26 SECTION 9. Section 263.009(a), Family Code, is amended to
27 read as follows:

1 (a) The department shall hold a permanency planning meeting
2 for each child for whom the department is appointed temporary
3 managing conservator in accordance with a schedule adopted by the
4 ~~[executive]~~ commissioner of the department ~~[Health and Human~~
5 ~~Services Commission]~~ by rule that is designed to allow the child to
6 exit the managing conservatorship of the department safely and as
7 soon as possible and be placed with an appropriate adult caregiver
8 who will permanently assume legal responsibility for the child.

9 SECTION 10. Subchapter A, Chapter 264, Family Code, is
10 amended by adding Section 264.0011 to read as follows:

11 Sec. 264.0011. REFERENCE TO EXECUTIVE COMMISSIONER OR
12 COMMISSION. In this chapter:

13 (1) a reference to the executive commissioner or the
14 executive commissioner of the Health and Human Services Commission
15 means the commissioner of the department; and

16 (2) a reference to the commission or the Health and
17 Human Services Commission means the department.

18 SECTION 11. Section 265.105, Family Code, as added by
19 Chapter 1257 (H.B. 2630), Acts of the 84th Legislature, Regular
20 Session, 2015, is amended to read as follows:

21 Sec. 265.105. RULES. The ~~[executive]~~ commissioner of the
22 department ~~[Health and Human Services Commission]~~ may adopt rules
23 as necessary to implement this subchapter.

24 SECTION 12. Section 265.106, Family Code, is amended to
25 read as follows:

26 Sec. 265.106. PARTNERSHIP PROGRAM STANDARDS. The
27 ~~[executive]~~ commissioner, with the assistance of the Nurse-Family

1 Partnership National Service Office, shall adopt standards for the
2 partnership programs funded under this subchapter. The standards
3 must adhere to the Nurse-Family Partnership National Service Office
4 program model standards and guidelines that were developed in
5 multiple, randomized clinical trials and have been tested and
6 replicated in multiple communities.

7 SECTION 13. Section 265.109(a), Family Code, is amended to
8 read as follows:

9 (a) The department, with the assistance of the Nurse-Family
10 Partnership National Service Office, shall:

11 (1) adopt performance indicators that are designed to
12 measure a grant recipient's performance with respect to the
13 partnership program standards adopted by the ~~[executive]~~
14 commissioner under Section 265.106;

15 (2) use the performance indicators to continuously
16 monitor and formally evaluate on an annual basis the performance of
17 each grant recipient; and

18 (3) prepare and submit an annual report, not later
19 than December 1 of each year, to the Senate Health and Human
20 Services Committee, or its successor, and the House Human Services
21 Committee, or its successor, regarding the performance of each
22 grant recipient during the preceding state fiscal year with respect
23 to providing partnership program services.

24 SECTION 14. Section 266.001, Family Code, is amended by
25 adding Subdivision (1-b) to read as follows:

26 (1-b) "Commissioner" means the commissioner of the
27 Department of Family and Protective Services.

1 SECTION 15. Section 266.003, Family Code, is amended to
2 read as follows:

3 Sec. 266.003. MEDICAL SERVICES FOR CHILD ABUSE AND NEGLECT
4 VICTIMS. (a) The department [~~commission~~] shall collaborate with
5 the commission and health care and child welfare professionals to
6 design a comprehensive, cost-effective medical services delivery
7 model, either directly or by contract, to meet the needs of children
8 served by the department. The medical services delivery model must
9 include:

10 (1) the designation of health care facilities with
11 expertise in the forensic assessment, diagnosis, and treatment of
12 child abuse and neglect as pediatric centers of excellence;

13 (2) a statewide telemedicine system to link department
14 investigators and caseworkers with pediatric centers of excellence
15 or other medical experts for consultation;

16 (3) identification of a medical home for each foster
17 child on entering foster care at which the child will receive an
18 initial comprehensive assessment as well as preventive treatments,
19 acute medical services, and therapeutic and rehabilitative care to
20 meet the child's ongoing physical and mental health needs
21 throughout the duration of the child's stay in foster care;

22 (4) the development and implementation of health
23 passports as described in Section 266.006;

24 (5) establishment and use of a management information
25 system that allows monitoring of medical care that is provided to
26 all children in foster care;

27 (6) the use of medical advisory committees and medical

1 review teams, as appropriate, to establish treatment guidelines and
2 criteria by which individual cases of medical care provided to
3 children in foster care will be identified for further, in-depth
4 review;

5 (7) development of the training program described by
6 Section 266.004(h);

7 (8) provision for the summary of medical care
8 described by Section 266.007; and

9 (9) provision for the participation of the person
10 authorized to consent to medical care for a child in foster care in
11 each appointment of the child with the provider of medical care.

12 (b) The department [~~commission~~] shall collaborate with
13 health and human services agencies, community partners, the health
14 care community, and federal health and social services programs to
15 maximize services and benefits available under this section.

16 (c) The [~~executive~~] commissioner shall adopt rules
17 necessary to implement this chapter.

18 (d) The commission is responsible for administering
19 contracts with managed care providers for the provision of medical
20 care to children in foster care.

21 SECTION 16. Sections 266.006(a), (b), and (e), Family Code,
22 are amended to read as follows:

23 (a) The commission, in conjunction with the department, and
24 with the assistance of physicians and other health care providers
25 experienced in the care of foster children and children with
26 disabilities and with the use of electronic health records, shall
27 develop and provide a health passport for each foster child. The

1 passport must be maintained in an electronic format and use [~~the~~
2 ~~commission's and~~] the department's existing computer resources to
3 the greatest extent possible.

4 (b) The executive commissioner, in collaboration with the
5 commissioner, shall adopt rules specifying the information
6 required to be included in the passport. The required information
7 may include:

8 (1) the name and address of each of the child's
9 physicians and health care providers;

10 (2) a record of each visit to a physician or other
11 health care provider, including routine checkups conducted in
12 accordance with the Texas Health Steps program;

13 (3) an immunization record that may be exchanged with
14 ImmTrac;

15 (4) a list of the child's known health problems and
16 allergies;

17 (5) information on all medications prescribed to the
18 child in adequate detail to permit refill of prescriptions,
19 including the disease or condition that the medication treats; and

20 (6) any other available health history that physicians
21 and other health care providers who provide care for the child
22 determine is important.

23 (e) The commission in collaboration with the department
24 shall provide training or instructional materials to foster
25 parents, physicians, and other health care providers regarding use
26 of the health passport.

27 SECTION 17. Sections [266.008](#)(a) and (d), Family Code, are

1 amended to read as follows:

2 (a) The department [~~commission~~] shall develop an education
3 passport for each foster child. The department [~~commission, in~~
4 ~~conjunction with the department,~~] shall determine the format of the
5 passport. The passport may be maintained in an electronic format.
6 The passport must contain educational records of the child,
7 including the names and addresses of educational providers, the
8 child's grade-level performance, and any other educational
9 information the department [~~commission~~] determines is important.

10 (d) The department [~~and the commission~~] shall collaborate
11 with the Texas Education Agency to develop policies and procedures
12 to ensure that the needs of foster children are met in every school
13 district.

14 SECTION 18. Chapter 266, Family Code, is amended by adding
15 Section 266.013 to read as follows:

16 Sec. 266.013. CONTINUITY OF SERVICES PROVIDED BY
17 COMMISSION. (a) In addition to the requirements of Section
18 266.003(d), the commission shall continue to provide any services
19 to children in the conservatorship of the department that the
20 commission provided to those children before September 1, 2017.

21 (b) Subsection (a) does not apply to any services provided
22 by the commission in relation to a child's education passport
23 created under Section 266.008.

24 SECTION 19. Section 531.001(4), Government Code, is amended
25 to read as follows:

26 (4) "Health and human services agencies" includes the:
27 (A) Department of Aging and Disability Services;

1 (B) Department of State Health Services; and
2 (C) Department of Assistive and Rehabilitative
3 Services[~~and~~
4 [~~(D) Department of Family and Protective~~
5 ~~Services~~].

6 SECTION 20. (a) Section 531.02013, Government Code, is
7 amended to read as follows:

8 Sec. 531.02013. FUNCTIONS REMAINING WITH CERTAIN AGENCIES.
9 The following functions are not subject to transfer under Sections
10 531.0201 and 531.02011:

11 (1) the functions of the Department of Family and
12 Protective Services, including the statewide intake of reports and
13 other information, related to the following:

14 (A) child protective services, including
15 services that are required by federal law to be provided by this
16 state's child welfare agency;

17 (B) adult protective services, including [~~other~~
18 ~~than~~] investigations of the alleged abuse, neglect, or exploitation
19 of an elderly person or person with a disability:

20 (i) in a facility operated, or in a facility
21 or by a person licensed, certified, or registered, by a state
22 agency; or

23 (ii) by a provider that has contracted to
24 provide home and community-based services; [~~and~~]

25 (C) prevention and early intervention services;
26 and

27 (D) investigations of alleged abuse, neglect, or

1 exploitation occurring at a child-care facility, including a
2 residential child-care facility, as those terms are defined by
3 Section 42.002, Human Resources Code; and

4 (2) the public health functions of the Department of
5 State Health Services, including health care data collection and
6 maintenance of the Texas Health Care Information Collection
7 program.

8 (b) Notwithstanding any provision of Subchapter A-1,
9 Chapter 531, Government Code, or any other law, the responsibility
10 for conducting investigations of reports of abuse, neglect, or
11 exploitation occurring at a child-care facility, including a
12 residential child-care facility, as those terms are defined by
13 Section 42.002, Human Resources Code, may not be transferred to the
14 Health and Human Services Commission and remains the responsibility
15 of the Department of Family and Protective Services.

16 (c) As soon as possible after the effective date of this
17 section, the commissioner of the Department of Family and
18 Protective Services shall transfer the responsibility for
19 conducting investigations of reports of abuse, neglect, or
20 exploitation occurring at a child-care facility, including a
21 residential child-care facility, as those terms are defined by
22 Section 42.002, Human Resources Code, to the child protective
23 services division of the department. The commissioner shall
24 transfer appropriate investigators and staff as necessary to
25 implement this section.

26 (d) This section takes effect immediately if this Act
27 receives a vote of two-thirds of all the members of each house, as

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for this section to take
3 immediate effect, this section takes effect on the 91st day after
4 the last day of the legislative session.

5 SECTION 21. Section 531.0202(a), Government Code, is
6 amended to read as follows:

7 (a) Each of the following state agencies and entities is
8 abolished on a date that is within the period prescribed by Section
9 531.02001(1), that is specified in the transition plan required
10 under Section 531.0204 for the abolition of the agency or entity,
11 and that occurs after all of the agency's or entity's functions have
12 been transferred in accordance with Section 531.0201:

13 (1) the Department of Assistive and Rehabilitative
14 Services;

15 (2) the Health and Human Services Council;

16 (3) the Aging and Disability Services Council;

17 (4) the Assistive and Rehabilitative Services
18 Council;

19 ~~(5) [the Family and Protective Services Council,~~

20 ~~(6)]~~ the State Health Services Council; and

21 (6) ~~(7)]~~ the Texas Council on Autism and Pervasive
22 Developmental Disorders.

23 SECTION 22. Section 531.0206(a), Government Code, is
24 amended to read as follows:

25 (a) The Sunset Advisory Commission shall conduct a
26 limited-scope review of the commission during the state fiscal
27 biennium ending August 31, 2023, in the manner provided by Chapter

1 325 (Texas Sunset Act). The review must provide:

2 (1) an update on the commission's progress with
3 respect to the consolidation of the health and human services
4 system mandated by this subchapter, including the commission's
5 compliance with the transition plan required under Section
6 [531.0204](#);

7 (2) an evaluation and recommendations regarding the
8 need to continue [~~the Department of Family and Protective Services~~
9 ~~and~~] the Department of State Health Services as a state agency
10 [~~agencies~~] separate from the commission; and

11 (3) any additional information the Sunset Advisory
12 Commission determines appropriate, including information regarding
13 any additional organizational changes the Sunset Advisory
14 Commission recommends.

15 SECTION 23. Section [531.102](#)(a), Government Code, is amended
16 to read as follows:

17 (a) The commission's office of inspector general is
18 responsible for the prevention, detection, audit, inspection,
19 review, and investigation of fraud, waste, and abuse in the
20 provision and delivery of all health and human services in the
21 state, including services through any state-administered health or
22 human services program that is wholly or partly federally funded or
23 services provided by the Department of Family and Protective
24 Services, and the enforcement of state law relating to the
25 provision of those services. The commission may obtain any
26 information or technology necessary to enable the office to meet
27 its responsibilities under this subchapter or other law.

1 SECTION 24. Sections 40.0026 and 40.0027, Human Resources
2 Code, as effective on September 1, 2017, are amended to read as
3 follows:

4 Sec. 40.0026. REFERENCES IN LAW MEANING DEPARTMENT. In
5 this code or any other law, a reference to the department or the
6 commission in relation to a function described by Section
7 40.0025(b) or an administrative support function for the department
8 means the department. [~~A reference in law to the department in~~
9 ~~relation to any other function has the meaning assigned by Section~~
10 ~~531.0011, Government Code.~~]

11 Sec. 40.0027. REFERENCES IN LAW MEANING COMMISSIONER OR
12 DESIGNEE. In this code or in any other law, a reference to the
13 commissioner or the executive commissioner in relation to a
14 function described by Section 40.0025(b) or an administrative
15 support function for the department means the commissioner. [~~A~~
16 ~~reference in law to the commissioner in relation to any other~~
17 ~~function has the meaning assigned by Section 531.0012, Government~~
18 ~~Code.~~]

19 SECTION 25. Subchapter B, Chapter 40, Human Resources Code,
20 is amended by adding Sections 40.021, 40.022, 40.023, 40.024,
21 40.025, and 40.026 to read as follows:

22 Sec. 40.021. FAMILY AND PROTECTIVE SERVICES COUNCIL. (a)
23 The Family and Protective Services Council is created to assist the
24 commissioner in developing rules and policies for the department.

25 (b) The council is composed of the following nine members:

26 (1) three members of the public appointed by the
27 governor, at least one of whom must be either a court-appointed

1 volunteer advocate or a staff member or volunteer of a children's
2 advocacy center;

3 (2) three members of the public appointed by the
4 lieutenant governor, at least one of whom must be a current or
5 former foster parent; and

6 (3) three members of the public appointed by the
7 speaker of the house of representatives, at least one of whom must
8 be a current or former foster child.

9 (c) The council shall study and make recommendations to the
10 commissioner regarding the management and operation of the
11 department, including policies and rules governing the delivery of
12 services to persons who are served by the department and the rights
13 and duties of persons who are served or regulated by the department.

14 (d) Chapter 551, Government Code, applies to the council.

15 (e) Chapter 2110, Government Code, does not apply to the
16 council.

17 (f) A majority of the members of the council constitute a
18 quorum for the transaction of business.

19 Sec. 40.022. APPOINTMENTS. (a) Appointments to the
20 council shall be made without regard to the race, color,
21 disability, sex, religion, age, or national origin of the
22 appointees.

23 (b) Appointments to the council shall be made so that each
24 geographic area of the state is represented on the council.
25 Notwithstanding Subsection (a), appointments to the council must
26 reflect the ethnic diversity of this state.

27 Sec. 40.023. TRAINING PROGRAM FOR COUNCIL MEMBERS. (a) A

1 person who is appointed as a member of the council may not vote,
2 deliberate, or be counted as a member in attendance at a meeting of
3 the council until the person completes a training program that
4 complies with this section.

5 (b) The training program must provide information to the
6 member regarding:

7 (1) the legislation that created the department and
8 the council;

9 (2) the programs operated by the department;

10 (3) the role and functions of the department and the
11 council, including detailed information regarding the advisory
12 responsibilities of the council;

13 (4) the rules of the department, with an emphasis on
14 rules that relate to disciplinary and investigatory authority;

15 (5) the current budget for the department;

16 (6) the results of the most recent formal audit of the
17 department;

18 (7) the requirements of the:

19 (A) open meetings law, Chapter 551, Government
20 Code;

21 (B) public information law, Chapter 552,
22 Government Code; and

23 (C) administrative procedure law, Chapter 2001,
24 Government Code;

25 (8) the requirements of the conflict-of-interest laws
26 and other laws relating to public officials; and

27 (9) any applicable ethics policies adopted by the

1 commissioner or the Texas Ethics Commission.

2 Sec. 40.024. TERMS; VACANCY. (a) Members of the council
3 serve for staggered six-year terms, with the terms of three members
4 expiring February 1 of each odd-numbered year.

5 (b) A member of the council may not serve more than two
6 consecutive full terms as a council member.

7 (c) A vacancy on the council shall be filled in the same
8 manner as the original appointment.

9 Sec. 40.025. REIMBURSEMENT FOR EXPENSES. A council member
10 may not receive compensation for service as a member of the council
11 but is entitled to reimbursement for travel expenses incurred by
12 the member while conducting the business of the council as provided
13 by the General Appropriations Act.

14 Sec. 40.026. PRESIDING OFFICER; OTHER OFFICERS; MEETINGS.

15 (a) The governor shall designate a member of the council as the
16 presiding officer to serve in that capacity at the pleasure of the
17 governor.

18 (b) The members of the council shall elect any other
19 necessary officers.

20 (c) The council shall meet quarterly and at other times at
21 the call of the presiding officer. The council may hold meetings in
22 different areas of the state.

23 SECTION 26. Section 40.027, Human Resources Code, is
24 amended to read as follows:

25 Sec. 40.027. COMMISSIONER. (a) The governor [~~executive~~
26 ~~commissioner~~] shall appoint a commissioner [~~in accordance with~~
27 ~~Section 531.0056, Government Code~~]. The commissioner is to be

1 selected according to education, training, experience, and
2 demonstrated ability.

3 (b) The commissioner serves at the pleasure of the governor
4 [~~executive commissioner~~].

5 (c) The [~~Subject to the control of the executive~~
6 ~~commissioner, the~~] commissioner shall:

7 (1) act as the department's chief administrative
8 officer;

9 (2) oversee [~~in accordance with the procedures~~
10 ~~prescribed by Section 531.00551, Government Code, assist the~~
11 ~~executive commissioner in~~] the development and implementation of
12 policies and guidelines needed for the administration of the
13 department's functions;

14 (3) oversee [~~in accordance with the procedures adopted~~
15 ~~by the executive commissioner under Section 531.00551, Government~~
16 ~~Code, assist the executive commissioner in~~] the development of
17 rules relating to the matters within the department's jurisdiction,
18 including the delivery of services to persons and the rights and
19 duties of persons who are served or regulated by the department; and

20 (4) serve as a liaison between the department and
21 commission.

22 (d) The commissioner shall administer this chapter and
23 other laws relating to the department [~~under operational policies~~
24 ~~established by the executive commissioner and in accordance with~~
25 ~~the memorandum of understanding under Section 531.0055(k),~~
26 ~~Government Code, between the commissioner and the executive~~
27 ~~commissioner, as adopted by rule~~].

1 (e) Notwithstanding any other law, the commissioner shall
2 adopt rules and policies for the operation of and the provision of
3 services by the department.

4 SECTION 27. Section 40.030, Human Resources Code, is
5 amended to read as follows:

6 Sec. 40.030. ADVISORY COMMITTEES. (a) The ~~[executive]~~
7 commissioner or the ~~[executive]~~ commissioner's designee may
8 appoint advisory committees in accordance with Chapter 2110,
9 Government Code.

10 (b) The ~~[executive]~~ commissioner shall adopt rules, in
11 compliance with Chapter 2110, Government Code, regarding the
12 purpose, structure, and use of advisory committees by the
13 department. The rules may include provisions governing:

14 (1) an advisory committee's size and quorum
15 requirements;

16 (2) qualifications for membership of an advisory
17 committee, including:

18 (A) requirements relating to experience and
19 geographic representation; and

20 (B) requirements for the department to include as
21 members of advisory committees youth who have aged out of foster
22 care and parents who have successfully completed family service
23 plans and whose children were returned to the parents, as
24 applicable;

25 (3) appointment procedures for an advisory committee;

26 (4) terms for advisory committee members; and

27 (5) compliance with Chapter 551, Government Code.

1 SECTION 28. Section 40.0505, Human Resources Code, is
2 amended to read as follows:

3 Sec. 40.0505. DIVISIONS OF DEPARTMENT [~~POWERS AND DUTIES OF~~
4 ~~COMMISSIONER; EFFECT OF CONFLICT WITH OTHER LAW~~]. (a) The
5 commissioner shall establish the following divisions and offices
6 within the department:

7 (1) an investigations division;

8 (2) a contracting division that oversees the
9 following:

10 (A) quality assurance;

11 (B) vendor oversight;

12 (C) contract adherence;

13 (D) contracting; and

14 (E) oversight of single source continuum
15 contractors providing foster care services;

16 (3) an office of consumer affairs;

17 (4) a consolidated data division; and

18 (5) a legal division that oversees the following:

19 (A) human resources, as necessary to manage the
20 department's workforce and establish the department's hiring and
21 termination policies;

22 (B) open records;

23 (C) privacy and confidentiality;

24 (D) litigation; and

25 (E) contract compliance.

26 (b) The commissioner may establish additional divisions
27 within the department as the commissioner determines appropriate.

1 (c) The commissioner may assign department functions among
2 the department's divisions. [~~To the extent a power or duty given to~~
3 ~~the commissioner by this chapter or another law conflicts with~~
4 ~~Section 531.0055, Government Code, Section 531.0055 controls.~~]

5 SECTION 29. Section 40.058, Human Resources Code, is
6 amended by adding Subsection (i) to read as follows:

7 (i) The department and the commission shall enter into
8 contracts for the provision of shared administrative services,
9 subject to approval by the governor, including payroll,
10 procurement, information resources, rate setting, and regional
11 administrative services.

12 SECTION 30. Subchapter A, Chapter 48, Human Resources Code,
13 is amended by adding Section 48.0021 to read as follows:

14 Sec. 48.0021. REFERENCE TO COMMISSION OR EXECUTIVE
15 COMMISSIONER. In this chapter:

16 (1) a reference to the Health and Human Services
17 Commission means the Department of Family and Protective Services;
18 and

19 (2) a reference to the executive commissioner means
20 the commissioner of the Department of Family and Protective
21 Services.

22 SECTION 31. The following provisions are repealed:

23 (1) Sections 261.001(7) and 264.001(2) and (3), Family
24 Code; and

25 (2) Sections 40.0506 and 40.0507, Human Resources
26 Code.

27 SECTION 32. As soon as possible after the effective date of

1 this Act, the executive commissioner of the Health and Human
2 Services Commission shall transfer the appropriate divisions,
3 resources, and personnel to the Department of Family and Protective
4 Services to allow the department to perform the general functions
5 of the department under Chapter 40, Human Resources Code, as
6 amended by this Act.

7 SECTION 33. Except as otherwise provided by this Act, this
8 Act takes effect September 1, 2017.