

1-1 By: Frank, et al. (Senate Sponsor - Schwertner) H.B. No. 5
 1-2 (In the Senate - Received from the House March 6, 2017;
 1-3 March 28, 2017, read first time and referred to Committee on Health
 1-4 & Human Services; May 15, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 May 15, 2017, 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. 5 By: Watson

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

1-21 relating to the powers and duties of the Department of Family and
 1-22 Protective Services and the transfer of certain powers and duties
 1-23 from the Health and Human Services Commission.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 58.0051(a)(2), Family Code, is amended
 1-26 to read as follows:

1-27 (2) "Juvenile service provider" means a governmental
 1-28 entity that provides juvenile justice or prevention, medical,
 1-29 educational, or other support services to a juvenile. The term
 1-30 includes:

1-31 (A) a state or local juvenile justice agency as
 1-32 defined by Section 58.101;

1-33 (B) health and human services agencies, as
 1-34 defined by Section 531.001, Government Code, and the Health and
 1-35 Human Services Commission;

1-36 (C) the Department of Family and Protective
 1-37 Services;

1-38 (D) the Department of Public Safety;

1-39 ~~(E) the Texas Education Agency;~~

1-40 ~~(F) an independent school district;~~

1-41 ~~(G) a juvenile justice alternative~~
 1-42 ~~education program;~~

1-43 ~~(H) a charter school;~~

1-44 ~~(I) a local mental health or mental~~
 1-45 ~~retardation authority;~~

1-46 ~~(J) a court with jurisdiction over~~
 1-47 ~~juveniles;~~

1-48 ~~(K) a district attorney's office;~~

1-49 ~~(L) a county attorney's office; and~~

1-50 ~~(M) a children's advocacy center~~
 1-51 ~~established under Section 264.402.~~

1-52 SECTION 2. Section 58.0072(c), Family Code, is amended to
 1-53 read as follows:

1-54 (c) The Texas Juvenile Justice Department may grant the
 1-55 following entities access to juvenile justice information for
 1-56 research and statistical purposes or for any other purpose approved
 1-57 by the department:

1-58 (1) criminal justice agencies as defined by Section
 1-59 411.082, Government Code;

1-60 (2) the Texas Education Agency, as authorized under

2-1 Section 37.084, Education Code;

2-2 (3) any agency under the authority of the Health and
2-3 Human Services Commission; ~~[or]~~

2-4 (4) the Department of Family and Protective Services;
2-5 or

2-6 (5) a public or private university.

2-7 SECTION 3. Section 107.152(c), Family Code, is amended to
2-8 read as follows:

2-9 (c) The pre-placement and post-placement parts of an
2-10 adoption evaluation conducted by a licensed child-placing agency or
2-11 the department are governed by rules adopted by the ~~[executive]~~
2-12 commissioner of the department ~~[Health and Human Services~~
2-13 ~~Commission]~~.

2-14 SECTION 4. Section 107.159(a), Family Code, is amended to
2-15 read as follows:

2-16 (a) Unless otherwise agreed to by the court, the
2-17 pre-placement part of an adoption evaluation must comply with the
2-18 minimum requirements for the pre-placement part of an adoption
2-19 evaluation under rules adopted by the ~~[executive]~~ commissioner of
2-20 the department ~~[Health and Human Services Commission]~~.

2-21 SECTION 5. Section 107.160(a), Family Code, is amended to
2-22 read as follows:

2-23 (a) Unless otherwise agreed to by the court, the
2-24 post-placement part of an adoption evaluation must comply with the
2-25 minimum requirements for the post-placement part of an adoption
2-26 evaluation under rules adopted by the ~~[executive]~~ commissioner of
2-27 the department ~~[Health and Human Services Commission]~~.

2-28 SECTION 6. Sections 162.304(b-2) and (g), Family Code, are
2-29 amended to read as follows:

2-30 (b-2) The ~~[executive]~~ commissioner of the department
2-31 ~~[Health and Human Services Commission]~~ shall adopt rules necessary
2-32 to implement Subsection (b-1), including rules that:

2-33 (1) limit eligibility for the subsidy under that
2-34 subsection to a child whose adoptive family income is less than 300
2-35 percent of the federal poverty level;

2-36 (2) provide for the manner in which the department
2-37 shall pay the subsidy under that subsection; and

2-38 (3) specify any documentation required to be provided
2-39 by an adoptive parent as proof that the subsidy is used to obtain
2-40 and maintain health benefits coverage for the adopted child.

2-41 (g) The ~~[executive]~~ commissioner of the department ~~[Health~~
2-42 ~~and Human Services Commission]~~ by rule shall provide that the
2-43 maximum amount of the subsidy under Subsection (b) that may be paid
2-44 to an adoptive parent of a child under an adoption assistance
2-45 agreement is an amount that is equal to the amount that would have
2-46 been paid to the foster parent of the child, based on the child's
2-47 foster care service level on the date the department and the
2-48 adoptive parent enter into the adoption assistance agreement. This
2-49 subsection applies only to a child who, based on factors specified
2-50 in rules of the department, the department determines would
2-51 otherwise have been expected to remain in foster care until the
2-52 child's 18th birthday and for whom this state would have made foster
2-53 care payments for that care. Factors the department may consider in
2-54 determining whether a child is eligible for the amount of the
2-55 subsidy authorized by this subsection include the following:

2-56 (1) the child's mental or physical disability, age,
2-57 and membership in a sibling group; and

2-58 (2) the number of prior placement disruptions the
2-59 child has experienced.

2-60 SECTION 7. Section 162.3041(a-1), Family Code, is amended
2-61 to read as follows:

2-62 (a-1) Notwithstanding Subsection (a), if the department
2-63 first entered into an adoption assistance agreement with a child's
2-64 adoptive parents after the child's 16th birthday, the department
2-65 shall, in accordance with rules adopted by the ~~[executive]~~
2-66 commissioner of the department ~~[Health and Human Services~~
2-67 ~~Commission]~~, offer adoption assistance after the child's 18th
2-68 birthday to the child's adoptive parents under an existing adoption
2-69 agreement until the last day of the month of the child's 21st

- 3-1 birthday, provided the child is:
- 3-2 (1) regularly attending high school or enrolled in a
- 3-3 program leading toward a high school diploma or high school
- 3-4 equivalency certificate;
- 3-5 (2) regularly attending an institution of higher
- 3-6 education or a postsecondary vocational or technical program;
- 3-7 (3) participating in a program or activity that
- 3-8 promotes, or removes barriers to, employment;
- 3-9 (4) employed for at least 80 hours a month; or
- 3-10 (5) incapable of doing any of the activities described
- 3-11 by Subdivisions (1)-(4) due to a documented medical condition.

3-12 SECTION 8. Subchapter A, Chapter 261, Family Code, is

3-13 amended by adding Section 261.004 to read as follows:

3-14 Sec. 261.004. REFERENCE TO EXECUTIVE COMMISSIONER OR

3-15 COMMISSION. In this chapter:

3-16 (1) a reference to the executive commissioner or the

3-17 executive commissioner of the Health and Human Services Commission

3-18 means the commissioner of the department; and

3-19 (2) a reference to the Health and Human Services

3-20 Commission means the department.

3-21 SECTION 9. Section 263.009(a), Family Code, is amended to

3-22 read as follows:

3-23 (a) The department shall hold a permanency planning meeting

3-24 for each child for whom the department is appointed temporary

3-25 managing conservator in accordance with a schedule adopted by the

3-26 ~~[executive] commissioner of the department [Health and Human~~

3-27 ~~Services Commission]~~ by rule that is designed to allow the child to

3-28 exit the managing conservatorship of the department safely and as

3-29 soon as possible and be placed with an appropriate adult caregiver

3-30 who will permanently assume legal responsibility for the child.

3-31 SECTION 10. Subchapter A, Chapter 264, Family Code, is

3-32 amended by adding Section 264.0011 to read as follows:

3-33 Sec. 264.0011. REFERENCE TO EXECUTIVE COMMISSIONER OR

3-34 COMMISSION. In this chapter:

3-35 (1) a reference to the executive commissioner or the

3-36 executive commissioner of the Health and Human Services Commission

3-37 means the commissioner of the department; and

3-38 (2) a reference to the commission or the Health and

3-39 Human Services Commission means the department.

3-40 SECTION 11. Section 265.105, Family Code, as added by

3-41 Chapter 1257 (H.B. 2630), Acts of the 84th Legislature, Regular

3-42 Session, 2015, is amended to read as follows:

3-43 Sec. 265.105. RULES. The ~~[executive] commissioner of the~~

3-44 ~~department [Health and Human Services Commission]~~ may adopt rules

3-45 as necessary to implement this subchapter.

3-46 SECTION 12. Section 265.106, Family Code, is amended to

3-47 read as follows:

3-48 Sec. 265.106. PARTNERSHIP PROGRAM STANDARDS. The

3-49 ~~[executive] commissioner~~, with the assistance of the Nurse-Family

3-50 Partnership National Service Office, shall adopt standards for the

3-51 partnership programs funded under this subchapter. The standards

3-52 must adhere to the Nurse-Family Partnership National Service Office

3-53 program model standards and guidelines that were developed in

3-54 multiple, randomized clinical trials and have been tested and

3-55 replicated in multiple communities.

3-56 SECTION 13. Section 265.109(a), Family Code, is amended to

3-57 read as follows:

3-58 (a) The department, with the assistance of the Nurse-Family

3-59 Partnership National Service Office, shall:

3-60 (1) adopt performance indicators that are designed to

3-61 measure a grant recipient's performance with respect to the

3-62 partnership program standards adopted by the ~~[executive]~~

3-63 commissioner under Section 265.106;

3-64 (2) use the performance indicators to continuously

3-65 monitor and formally evaluate on an annual basis the performance of

3-66 each grant recipient; and

3-67 (3) prepare and submit an annual report, not later

3-68 than December 1 of each year, to the Senate Health and Human

3-69 Services Committee, or its successor, and the House Human Services

4-1 Committee, or its successor, regarding the performance of each
 4-2 grant recipient during the preceding state fiscal year with respect
 4-3 to providing partnership program services.

4-4 SECTION 14. Section 266.001, Family Code, is amended by
 4-5 adding Subdivision (1-b) to read as follows:

4-6 (1-b) "Commissioner" means the commissioner of the
 4-7 Department of Family and Protective Services.

4-8 SECTION 15. Section 266.003, Family Code, is amended to
 4-9 read as follows:

4-10 Sec. 266.003. MEDICAL SERVICES FOR CHILD ABUSE AND NEGLECT
 4-11 VICTIMS. (a) The department [~~commission~~] shall collaborate with
 4-12 the commission and health care and child welfare professionals to
 4-13 design a comprehensive, cost-effective medical services delivery
 4-14 model, either directly or by contract, to meet the needs of children
 4-15 served by the department. The medical services delivery model must
 4-16 include:

4-17 (1) the designation of health care facilities with
 4-18 expertise in the forensic assessment, diagnosis, and treatment of
 4-19 child abuse and neglect as pediatric centers of excellence;

4-20 (2) a statewide telemedicine system to link department
 4-21 investigators and caseworkers with pediatric centers of excellence
 4-22 or other medical experts for consultation;

4-23 (3) identification of a medical home for each foster
 4-24 child on entering foster care at which the child will receive an
 4-25 initial comprehensive assessment as well as preventive treatments,
 4-26 acute medical services, and therapeutic and rehabilitative care to
 4-27 meet the child's ongoing physical and mental health needs
 4-28 throughout the duration of the child's stay in foster care;

4-29 (4) the development and implementation of health
 4-30 passports as described in Section 266.006;

4-31 (5) establishment and use of a management information
 4-32 system that allows monitoring of medical care that is provided to
 4-33 all children in foster care;

4-34 (6) the use of medical advisory committees and medical
 4-35 review teams, as appropriate, to establish treatment guidelines and
 4-36 criteria by which individual cases of medical care provided to
 4-37 children in foster care will be identified for further, in-depth
 4-38 review;

4-39 (7) development of the training program described by
 4-40 Section 266.004(h);

4-41 (8) provision for the summary of medical care
 4-42 described by Section 266.007; and

4-43 (9) provision for the participation of the person
 4-44 authorized to consent to medical care for a child in foster care in
 4-45 each appointment of the child with the provider of medical care.

4-46 (b) The department [~~commission~~] shall collaborate with
 4-47 health and human services agencies, community partners, the health
 4-48 care community, and federal health and social services programs to
 4-49 maximize services and benefits available under this section.

4-50 (c) The [~~executive~~] commissioner shall adopt rules
 4-51 necessary to implement this chapter.

4-52 (d) The commission is responsible for administering
 4-53 contracts with managed care providers for the provision of medical
 4-54 care to children in foster care. The department shall collaborate
 4-55 with the commission to ensure that medical care services provided
 4-56 by managed care providers match the needs of children in foster
 4-57 care.

4-58 SECTION 16. Sections 266.006(a), (b), and (e), Family Code,
 4-59 are amended to read as follows:

4-60 (a) The commission, in conjunction with the department, and
 4-61 with the assistance of physicians and other health care providers
 4-62 experienced in the care of foster children and children with
 4-63 disabilities and with the use of electronic health records, shall
 4-64 develop and provide a health passport for each foster child. The
 4-65 passport must be maintained in an electronic format and use [~~the~~
 4-66 ~~commission's and~~] the department's existing computer resources to
 4-67 the greatest extent possible.

4-68 (b) The executive commissioner, in collaboration with the
 4-69 commissioner, shall adopt rules specifying the information

5-1 required to be included in the passport. The required information
5-2 may include:

5-3 (1) the name and address of each of the child's
5-4 physicians and health care providers;

5-5 (2) a record of each visit to a physician or other
5-6 health care provider, including routine checkups conducted in
5-7 accordance with the Texas Health Steps program;

5-8 (3) an immunization record that may be exchanged with
5-9 ImmTrac;

5-10 (4) a list of the child's known health problems and
5-11 allergies;

5-12 (5) information on all medications prescribed to the
5-13 child in adequate detail to permit refill of prescriptions,
5-14 including the disease or condition that the medication treats; and

5-15 (6) any other available health history that physicians
5-16 and other health care providers who provide care for the child
5-17 determine is important.

5-18 (e) The commission, in collaboration with the department,
5-19 shall provide training or instructional materials to foster
5-20 parents, physicians, and other health care providers regarding use
5-21 of the health passport.

5-22 SECTION 17. Sections 266.008(a) and (d), Family Code, are
5-23 amended to read as follows:

5-24 (a) The department ~~[commission]~~ shall develop an education
5-25 passport for each foster child. The department ~~[commission, in~~
5-26 ~~conjunction with the department,]~~ shall determine the format of the
5-27 passport. The passport may be maintained in an electronic format.
5-28 The passport must contain educational records of the child,
5-29 including the names and addresses of educational providers, the
5-30 child's grade-level performance, and any other educational
5-31 information the department ~~[commission]~~ determines is important.

5-32 (d) The department ~~[and the commission]~~ shall collaborate
5-33 with the Texas Education Agency to develop policies and procedures
5-34 to ensure that the needs of foster children are met in every school
5-35 district.

5-36 SECTION 18. Chapter 266, Family Code, is amended by adding
5-37 Section 266.013 to read as follows:

5-38 Sec. 266.013. CONTINUITY OF SERVICES PROVIDED BY
5-39 COMMISSION. (a) In addition to the requirements of Section
5-40 266.003(d), the commission shall continue to provide any services
5-41 to children in the conservatorship of the department that the
5-42 commission provided to those children before September 1, 2017.

5-43 (b) Subsection (a) does not apply to any services provided
5-44 by the commission in relation to a child's education passport
5-45 created under Section 266.008.

5-46 SECTION 19. Section 531.001(4), Government Code, is amended
5-47 to read as follows:

5-48 (4) "Health and human services agencies" includes the:

5-49 (A) Department of Aging and Disability Services;

5-50 (B) Department of State Health Services; and

5-51 (C) Department of Assistive and Rehabilitative
5-52 Services ~~[, and~~

5-53 ~~[(D) Department of Family and Protective~~
5-54 ~~Services].~~

5-55 SECTION 20. Section 531.00553, Government Code, as added by
5-56 Chapter 837 (S.B. 200), Acts of the 84th Legislature, Regular
5-57 Session, 2015, is amended by amending Subsections (a) and (b) and
5-58 adding Subsection (a-1) to read as follows:

5-59 (a) Except as provided by Subsection (a-1), in [In] this
5-60 section, the term "administrative support services" includes
5-61 strategic planning and evaluation, audit, legal, human resources,
5-62 information resources, purchasing, contracting, financial
5-63 management, and accounting services.

5-64 (a-1) In relation to the Department of Family and Protective
5-65 Services, the term "administrative support services" does not
5-66 include legal, human resources, contracting, or strategic planning
5-67 and evaluation services.

5-68 (b) Subject to Subsection (c), the executive commissioner
5-69 shall plan and implement an efficient and effective centralized

6-1 system of administrative support services for the health and human
6-2 services system and the Department of Family and Protective
6-3 Services, as applicable. The performance of administrative
6-4 support services for the health and human services system is the
6-5 responsibility of the commission.

6-6 SECTION 21. (a) Section 531.02013, Government Code, is
6-7 amended to read as follows:

6-8 Sec. 531.02013. FUNCTIONS REMAINING WITH CERTAIN AGENCIES.
6-9 The following functions are not subject to transfer under Sections
6-10 531.0201 and 531.02011:

6-11 (1) the functions of the Department of Family and
6-12 Protective Services, including the statewide intake of reports and
6-13 other information, related to the following:

6-14 (A) child protective services, including
6-15 services that are required by federal law to be provided by this
6-16 state's child welfare agency;

6-17 (B) adult protective services, including [other
6-18 than] investigations of the alleged abuse, neglect, or exploitation
6-19 of an elderly person or person with a disability:

6-20 (i) in a facility operated, or in a facility
6-21 or by a person licensed, certified, or registered, by a state
6-22 agency; or

6-23 (ii) by a provider that has contracted to
6-24 provide home and community-based services; ~~and~~

6-25 (C) prevention and early intervention services;
6-26 and

6-27 (D) investigations of alleged abuse, neglect, or
6-28 exploitation occurring at a child-care facility, including a
6-29 residential child-care facility, as those terms are defined by
6-30 Section 42.002, Human Resources Code; and

6-31 (2) the public health functions of the Department of
6-32 State Health Services, including health care data collection and
6-33 maintenance of the Texas Health Care Information Collection
6-34 program.

6-35 (b) Notwithstanding any provision of Subchapter A-1,
6-36 Chapter 531, Government Code, or any other law, the responsibility
6-37 for conducting investigations of reports of abuse, neglect, or
6-38 exploitation occurring at a child-care facility, including a
6-39 residential child-care facility, as those terms are defined by
6-40 Section 42.002, Human Resources Code, may not be transferred to the
6-41 Health and Human Services Commission and remains the responsibility
6-42 of the Department of Family and Protective Services.

6-43 (c) As soon as possible after the effective date of this
6-44 section, the commissioner of the Department of Family and
6-45 Protective Services shall transfer the responsibility for
6-46 conducting investigations of reports of abuse, neglect, or
6-47 exploitation occurring at a child-care facility, including a
6-48 residential child-care facility, as those terms are defined by
6-49 Section 42.002, Human Resources Code, to the child protective
6-50 services division of the department. The commissioner shall
6-51 transfer appropriate investigators and staff as necessary to
6-52 implement this section.

6-53 (d) This section takes effect immediately if this Act
6-54 receives a vote of two-thirds of all the members of each house, as
6-55 provided by Section 39, Article III, Texas Constitution. If this
6-56 Act does not receive the vote necessary for this section to take
6-57 immediate effect, this section takes effect on the 91st day after
6-58 the last day of the legislative session.

6-59 SECTION 22. Section 531.0202(a), Government Code, is
6-60 amended to read as follows:

6-61 (a) Each of the following state agencies and entities is
6-62 abolished on a date that is within the period prescribed by Section
6-63 531.02001(1), that is specified in the transition plan required
6-64 under Section 531.0204 for the abolition of the agency or entity,
6-65 and that occurs after all of the agency's or entity's functions have
6-66 been transferred in accordance with Section 531.0201:

6-67 (1) the Department of Assistive and Rehabilitative
6-68 Services;

6-69 (2) the Health and Human Services Council;

- 7-1 (3) the Aging and Disability Services Council;
- 7-2 (4) the Assistive and Rehabilitative Services
- 7-3 Council;
- 7-4 (5) ~~[the Family and Protective Services Council,~~
- 7-5 ~~[(6)]~~ the State Health Services Council; and
- 7-6 (6) ~~[(7)]~~ the Texas Council on Autism and Pervasive
- 7-7 Developmental Disorders.

7-8 SECTION 23. Section 531.0206(a), Government Code, is

7-9 amended to read as follows:
7-10 (a) The Sunset Advisory Commission shall conduct a

7-11 limited-scope review of the commission during the state fiscal
7-12 biennium ending August 31, 2023, in the manner provided by Chapter
7-13 325 (Texas Sunset Act). The review must provide:
7-14 (1) an update on the commission's progress with

7-15 respect to the consolidation of the health and human services
7-16 system mandated by this subchapter, including the commission's
7-17 compliance with the transition plan required under Section
7-18 531.0204;

7-19 (2) an evaluation and recommendations regarding the
7-20 need to continue ~~[the Department of Family and Protective Services~~
7-21 ~~and]~~ the Department of State Health Services as a state agency
7-22 ~~[agencies]~~ separate from the commission; and

7-23 (3) any additional information the Sunset Advisory
7-24 Commission determines appropriate, including information regarding
7-25 any additional organizational changes the Sunset Advisory
7-26 Commission recommends.

7-27 SECTION 24. Section 531.102(a), Government Code, is amended
7-28 to read as follows:

7-29 (a) The commission's office of inspector general is
7-30 responsible for the prevention, detection, audit, inspection,
7-31 review, and investigation of fraud, waste, and abuse in the
7-32 provision and delivery of all health and human services in the
7-33 state, including services through any state-administered health or
7-34 human services program that is wholly or partly federally funded or
7-35 services provided by the Department of Family and Protective
7-36 Services, and the enforcement of state law relating to the
7-37 provision of those services. The commission may obtain any
7-38 information or technology necessary to enable the office to meet
7-39 its responsibilities under this subchapter or other law.

7-40 SECTION 25. Sections 40.0026 and 40.0027, Human Resources
7-41 Code, as effective September 1, 2017, are amended to read as
7-42 follows:

7-43 Sec. 40.0026. REFERENCES IN LAW MEANING DEPARTMENT. In
7-44 this code or any other law, a reference to the department or the
7-45 commission in relation to a function described by Section
7-46 40.0025(b) or a legal, human resources, contracting, or strategic
7-47 planning and evaluation function for the department means the
7-48 department. ~~[A reference in law to the department in relation to~~
7-49 ~~any other function has the meaning assigned by Section 531.0011,~~
7-50 ~~Government Code.]~~

7-51 Sec. 40.0027. REFERENCES IN LAW MEANING COMMISSIONER OR
7-52 DESIGNEE. In this code or in any other law, a reference to the
7-53 commissioner or the executive commissioner in relation to a
7-54 function described by Section 40.0025(b) or a legal, human
7-55 resources, contracting, or strategic planning and evaluation
7-56 function for the department means the commissioner. ~~[A reference~~
7-57 ~~in law to the commissioner in relation to any other function has the~~
7-58 ~~meaning assigned by Section 531.0012, Government Code.]~~

7-59 SECTION 26. Subchapter B, Chapter 40, Human Resources Code,
7-60 is amended by adding Sections 40.021, 40.022, 40.023, 40.024,
7-61 40.025, and 40.026 to read as follows:

7-62 Sec. 40.021. FAMILY AND PROTECTIVE SERVICES COUNCIL. (a)
7-63 The Family and Protective Services Council is created to assist the
7-64 commissioner in developing rules and policies for the department.

7-65 (b) The council is composed of nine members of the public
7-66 appointed by the governor with the advice and consent of the senate.
7-67 In making appointments to the council, the governor shall consider
7-68 persons who have a demonstrated knowledge of the department and the
7-69 health and human services system in general, including former

8-1 department employees, court-appointed special advocates, foster
 8-2 care providers, and employees of child advocacy centers.

8-3 (c) The council shall study and make recommendations to the
 8-4 commissioner regarding the management and operation of the
 8-5 department, including policies and rules governing the delivery of
 8-6 services to persons who are served by the department, the rights and
 8-7 duties of persons who are served or regulated by the department, and
 8-8 the consolidation of the provision of administrative support
 8-9 services as provided by Section 531.00553, Government Code. The
 8-10 council may not develop policies or rules relating to
 8-11 administrative support services provided by the commission for the
 8-12 department.

8-13 (d) Chapter 551, Government Code, applies to the council.

8-14 (e) Chapter 2110, Government Code, does not apply to the
 8-15 council.

8-16 (f) A majority of the members of the council constitute a
 8-17 quorum for the transaction of business.

8-18 Sec. 40.022. APPOINTMENTS. (a) Appointments to the
 8-19 council shall be made without regard to the race, color,
 8-20 disability, sex, religion, age, or national origin of the
 8-21 appointees.

8-22 (b) Appointments to the council shall be made so that each
 8-23 geographic area of the state is represented on the council.
 8-24 Notwithstanding Subsection (a), appointments to the council must
 8-25 reflect the ethnic diversity of this state.

8-26 Sec. 40.023. TRAINING PROGRAM FOR COUNCIL MEMBERS. (a) A
 8-27 person who is appointed as a member of the council may not vote,
 8-28 deliberate, or be counted as a member in attendance at a meeting of
 8-29 the council until the person completes a training program that
 8-30 complies with this section.

8-31 (b) The training program must provide information to the
 8-32 member regarding:

8-33 (1) the legislation that created the department and
 8-34 the council;

8-35 (2) the programs operated by the department;

8-36 (3) the role and functions of the department and the
 8-37 council, including detailed information regarding the advisory
 8-38 responsibilities of the council;

8-39 (4) the role of the commission and the
 8-40 responsibilities of the commission in relation to the department;

8-41 (5) the rules of the department, with an emphasis on
 8-42 rules that relate to disciplinary and investigatory authority;

8-43 (6) the current budget for the department;

8-44 (7) the results of the most recent formal audit of the
 8-45 department;

8-46 (8) the requirements of the:

8-47 (A) open meetings law, Chapter 551, Government
 8-48 Code;

8-49 (B) public information law, Chapter 552,
 8-50 Government Code; and

8-51 (C) administrative procedure law, Chapter 2001,
 8-52 Government Code;

8-53 (9) the requirements of the conflict-of-interest laws
 8-54 and other laws relating to public officials; and

8-55 (10) any applicable ethics policies adopted by the
 8-56 commissioner or the Texas Ethics Commission.

8-57 Sec. 40.024. TERMS; VACANCY. (a) Members of the council
 8-58 serve for staggered six-year terms, with the terms of three members
 8-59 expiring February 1 of each odd-numbered year.

8-60 (b) A member of the council may not serve more than two
 8-61 consecutive full terms as a council member.

8-62 (c) A vacancy on the council shall be filled in the same
 8-63 manner as the original appointment.

8-64 Sec. 40.025. REIMBURSEMENT FOR EXPENSES. A council member
 8-65 may not receive compensation for service as a member of the council
 8-66 but is entitled to reimbursement for travel expenses incurred by
 8-67 the member while conducting the business of the council as provided
 8-68 by the General Appropriations Act.

8-69 Sec. 40.026. PRESIDING OFFICER; OTHER OFFICERS; MEETINGS.

9-1 (a) The governor shall designate a member of the council as the
9-2 presiding officer to serve in that capacity at the pleasure of the
9-3 governor.

9-4 (b) The members of the council shall elect any other
9-5 necessary officers.

9-6 (c) The council shall meet quarterly and at other times at
9-7 the call of the presiding officer. The council may hold meetings in
9-8 different areas of the state.

9-9 SECTION 27. Section 40.027, Human Resources Code, is
9-10 amended to read as follows:

9-11 Sec. 40.027. COMMISSIONER. (a) The governor, with the
9-12 advice and consent of the senate, [executive commissioner] shall
9-13 appoint a commissioner [in accordance with Section 531.0056,
9-14 Government Code]. The commissioner is to be selected according to
9-15 education, training, experience, and demonstrated ability.

9-16 (b) The commissioner serves a term of two years [at the
9-17 pleasure of the executive commissioner].

9-18 (c) The [Subject to the control of the executive
9-19 commissioner, the] commissioner shall:

9-20 (1) act as the department's chief administrative
9-21 officer;

9-22 (2) oversee [in accordance with the procedures
9-23 prescribed by Section 531.00551, Government Code, assist the
9-24 executive commissioner in] the development and implementation of
9-25 policies and guidelines needed for the administration of the
9-26 department's functions;

9-27 (3) oversee [in accordance with the procedures adopted
9-28 by the executive commissioner under Section 531.00551, Government
9-29 Code, assist the executive commissioner in] the development of
9-30 rules relating to the matters within the department's jurisdiction,
9-31 including the delivery of services to persons and the rights and
9-32 duties of persons who are served or regulated by the department; and

9-33 (4) serve as a liaison between the department and
9-34 commission.

9-35 (d) The commissioner shall administer this chapter and
9-36 other laws relating to the department [under operational policies
9-37 established by the executive commissioner and in accordance with
9-38 the memorandum of understanding under Section 531.0055(k),
9-39 Government Code, between the commissioner and the executive
9-40 commissioner, as adopted by rule].

9-41 (e) Notwithstanding any other law, the commissioner shall
9-42 adopt rules and policies for the operation of and the provision of
9-43 services by the department.

9-44 SECTION 28. Section 40.030, Human Resources Code, is
9-45 amended to read as follows:

9-46 Sec. 40.030. ADVISORY COMMITTEES. (a) The [executive]
9-47 commissioner or the [executive] commissioner's designee may
9-48 appoint advisory committees in accordance with Chapter 2110,
9-49 Government Code.

9-50 (b) The [executive] commissioner shall adopt rules, in
9-51 compliance with Chapter 2110, Government Code, regarding the
9-52 purpose, structure, and use of advisory committees by the
9-53 department. The rules may include provisions governing:

9-54 (1) an advisory committee's size and quorum
9-55 requirements;

9-56 (2) qualifications for membership of an advisory
9-57 committee, including:

9-58 (A) requirements relating to experience and
9-59 geographic representation; and

9-60 (B) requirements for the department to include as
9-61 members of advisory committees youth who have aged out of foster
9-62 care and parents who have successfully completed family service
9-63 plans and whose children were returned to the parents, as
9-64 applicable;

9-65 (3) appointment procedures for an advisory committee;

9-66 (4) terms for advisory committee members; and

9-67 (5) compliance with Chapter 551, Government Code.

9-68 SECTION 29. Section 40.0505, Human Resources Code, is
9-69 amended to read as follows:

10-1 Sec. 40.0505. DIVISIONS OF DEPARTMENT [POWERS AND DUTIES OF
 10-2 COMMISSIONER; EFFECT OF CONFLICT WITH OTHER LAW]. (a) The
 10-3 commissioner shall establish the following divisions and offices
 10-4 within the department:

10-5 (1) an investigations division;
 10-6 (2) a contracting division that oversees the following
 10-7 in each programmatic division of the department:

10-8 (A) quality assurance;
 10-9 (B) vendor oversight;
 10-10 (C) contract adherence;
 10-11 (D) contracting; and
 10-12 (E) oversight of single source continuum
 10-13 contractors providing foster care services;

10-14 (3) a consolidated data division;
 10-15 (4) a legal division that oversees the following:
 10-16 (A) legal matters relating to human resources, as
 10-17 necessary to manage the department's workforce and establish the
 10-18 department's hiring and termination policies;

10-19 (B) open records;
 10-20 (C) privacy and confidentiality;
 10-21 (D) litigation; and
 10-22 (E) contract compliance; and

10-23 (5) an operations division that oversees department
 10-24 operations and human resources functions of the department.

10-25 (b) The commissioner may establish additional divisions
 10-26 within the department as the commissioner determines appropriate.

10-27 (c) The commissioner may assign department functions among
 10-28 the department's divisions. [To the extent a power or duty given to
 10-29 the commissioner by this chapter or another law conflicts with
 10-30 Section 531.0055, Government Code, Section 531.0055 controls.]

10-31 SECTION 30. Subchapter C, Chapter 40, Human Resources Code,
 10-32 is amended by adding Section 40.0512 to read as follows:

10-33 Sec. 40.0512. CONTINUITY OF SERVICES; INFORMATION SHARING.
 10-34 The department shall make a good faith effort to share relevant and
 10-35 appropriate information with health and human services agencies
 10-36 regarding persons receiving services from the department to ensure
 10-37 continuity of care and the best possible coordination of
 10-38 state-funded resources among health and human services agencies.

10-39 SECTION 31. Section 40.058, Human Resources Code, is
 10-40 amended by adding Subsections (i) and (j) to read as follows:

10-41 (i) The department and the commission shall enter into
 10-42 contracts for the provision of all shared administrative services,
 10-43 subject to approval by the governor. Shared administrative
 10-44 services do not include legal, human resources, contracting, or
 10-45 strategic planning and evaluation services.

10-46 (j) The department shall collaborate with the commission to
 10-47 ensure the efficient provision of administrative support services
 10-48 by the commission.

10-49 SECTION 32. Subchapter A, Chapter 48, Human Resources Code,
 10-50 is amended by adding Section 48.0021 to read as follows:

10-51 Sec. 48.0021. REFERENCE TO COMMISSION OR EXECUTIVE
 10-52 COMMISSIONER. In this chapter:

10-53 (1) a reference to the Health and Human Services
 10-54 Commission means the Department of Family and Protective Services;
 10-55 and

10-56 (2) a reference to the executive commissioner means
 10-57 the commissioner of the Department of Family and Protective
 10-58 Services.

10-59 SECTION 33. The following provisions are repealed:

10-60 (1) Sections 261.001(7) and 264.001(2) and (3), Family
 10-61 Code; and

10-62 (2) Sections 40.0506 and 40.0507, Human Resources
 10-63 Code.

10-64 SECTION 34. As soon as possible after the effective date of
 10-65 this Act, the executive commissioner of the Health and Human
 10-66 Services Commission shall transfer the appropriate divisions,
 10-67 resources, and personnel to the Department of Family and Protective
 10-68 Services to allow the department to perform the general functions
 10-69 of the department under Chapter 40, Human Resources Code, as

11-1 amended by this Act, including any staff and associated resources
11-2 previously transferred to the commission for the purpose of
11-3 providing legal, human resources, contracting, or strategic
11-4 planning and evaluation services to the department pursuant to the
11-5 requirements of Chapter 837 (S.B. 200), Acts of the 84th
11-6 Legislature, Regular Session, 2015.

11-7 SECTION 35. Except as otherwise provided by this Act, this
11-8 Act takes effect September 1, 2017.

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