

SENATE AMENDMENTS

2nd Printing

By: Davis of Harris, Raymond, Gooden, Fallon

H.B. No. 2523

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the investigation of fraud, waste, and abuse in certain
3 public benefits programs by the office of inspector general for the
4 Health and Human Services Commission.

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

6 SECTION 1. Subchapter B, Chapter 31, Human Resources Code,
7 is amended by adding Section 31.045 to read as follows:

8 Sec. 31.045. PEACE OFFICERS. The commission's office of
9 inspector general may employ and commission peace officers for the
10 purpose of assisting the office in the investigation of fraud,
11 waste, or abuse in the financial assistance program. A peace
12 officer employed and commissioned by the office is a peace officer
13 for purposes of Article 2.12, Code of Criminal Procedure.

14 SECTION 2. Subchapter A, Chapter 33, Human Resources Code,
15 is amended by adding Section 33.032 to read as follows:

16 Sec. 33.032. PEACE OFFICERS. The commission's office of
17 inspector general may employ and commission peace officers for the
18 purpose of assisting the office in the investigation of fraud,
19 waste, or abuse in the supplemental nutrition assistance program.
20 A peace officer employed and commissioned by the office is a peace
21 officer for purposes of Article 2.12, Code of Criminal Procedure.

22 SECTION 3. If before implementing any provision of this Act
23 a state agency determines that a waiver or authorization from a
24 federal agency is necessary for implementation of that provision,

1 the agency affected by the provision shall request the waiver or
2 authorization and may delay implementing that provision until the
3 waiver or authorization is granted.

4 SECTION 4. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2017.

ADOPTED

MAY 23 2017

Lataj Spaw
Secretary of the Senate

By: Davis, S

H.B. No. 2523

Substitute the following for __.B. No. _____:

By: *[Signature]*

C.S. H.B. No. 2523

A BILL TO BE ENTITLED

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AN ACT

relating to the investigation of fraud, waste, and abuse in certain public benefits programs by the office of inspector general for the Health and Human Services Commission.

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

SECTION 1. Section 531.102(t), Government Code, is amended to read as follows:

(t) At each quarterly meeting of any advisory council responsible for advising the executive commissioner on the operation of the commission, the inspector general shall submit a report to the executive commissioner, the governor, and the legislature on:

- (1) the office's activities;
- (2) the office's performance with respect to performance measures established by the executive commissioner for the office;
- (3) fraud trends identified by the office; ~~and~~
- (4) any recommendations for changes in policy to prevent or address fraud, waste, and abuse in the delivery of health and human services in this state; and
- (5) the amount of money recovered during the preceding quarter as a result of investigations involving peace officers employed and commissioned by the office for each program for which the office has investigative authority.

1 SECTION 2. Subchapter B, Chapter 31, Human Resources Code,
2 is amended by adding Section 31.045 to read as follows:

3 Sec. 31.045. PEACE OFFICERS. The commission's office of
4 inspector general may employ and commission peace officers for the
5 purpose of assisting the office in the investigation of fraud,
6 waste, or abuse in the financial assistance program. A peace
7 officer employed and commissioned by the office is a peace officer
8 for purposes of Article 2.12, Code of Criminal Procedure.

9 SECTION 3. Subchapter A, Chapter 33, Human Resources Code,
10 is amended by adding Section 33.032 to read as follows:

11 Sec. 33.032. PEACE OFFICERS. The commission's office of
12 inspector general may employ and commission peace officers for the
13 purpose of assisting the office in the investigation of fraud,
14 waste, or abuse in the supplemental nutrition assistance program.
15 A peace officer employed and commissioned by the office is a peace
16 officer for purposes of Article 2.12, Code of Criminal Procedure.

17 SECTION 4. This Act does not authorize the Health and Human
18 Services Commission's office of inspector general to commission
19 additional peace officers.

20 SECTION 5. If before implementing any provision of this Act
21 a state agency determines that a waiver or authorization from a
22 federal agency is necessary for implementation of that provision,
23 the agency affected by the provision shall request the waiver or
24 authorization and may delay implementing that provision until the
25 waiver or authorization is granted.

26 SECTION 6. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2017.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 24, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2523** by Davis, Sarah (Relating to the investigation of fraud, waste, and abuse in certain public benefits programs by the office of inspector general for the Health and Human Services Commission.), **As Passed 2nd House**

<p>Depending upon the amount collected by the Office of Inspector General in certain public benefits program, there would be an indeterminate positive fiscal impact to the state.</p>

The bill would amend the Government Code and Human Resources Code to expand the investigations conducted by commissioned peace officers employed by the Health and Human Service Commission's (HHSC) Office of Inspector General (IG) to include the Temporary Assistance for Needy Families Program (TANF) and the Supplemental Nutrition Assistance Program (SNAP) and require the IG include certain information related to recoveries by commissioned peace officers in reports provided to the Executive Commissioner of HHSC, the Governor, and the Legislature. Currently commissioned peace officers employed by the IG are only authorized to investigate fraud, waste, and abuse in Medicaid.

The bill would take effect immediately upon a two-thirds vote from all members of each house or, is such a vote is not received, on September 1, 2017.

Based on Legislative Budget Board (LBB) analysis of HHSC and the IG, duties and responsibilities associated with requiring the IG to include information in reports and allowing the IG to utilize commissioned peace officers to investigate fraud, waste, and abuse in TANF and SNAP could be accomplished by utilizing existing resources.

According to the Comptroller of Public Accounts and the IG, the amount of potential collections that would result from expanding investigations by commissioned peace officers cannot be determined. Based on the LBB analysis, there would be an indeterminate positive impact to the state depending upon the amount collected.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission

LBB Staff: UP, SD, TBo, KCA, KK, EP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 18, 2017

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2523** by Davis, Sarah (Relating to the investigation of fraud, waste, and abuse in certain public benefits programs by the office of inspector general for the Health and Human Services Commission.), **Committee Report 2nd House, Substituted**

Depending upon the amount collected by the Office of Inspector General in certain public benefits program, there would be an indeterminate positive fiscal impact to the state.

The bill would amend the Government Code and Human Resources Code to expand the investigations conducted by commissioned peace officers employed by the Health and Human Service Commission's (HHSC) Office of Inspector General (IG) to include the Temporary Assistance for Needy Families Program (TANF) and the Supplemental Nutrition Assistance Program (SNAP) and require the IG include certain information related to recoveries by commissioned peace officers in reports provided to the Executive Commissioner of HHSC, the Governor, and the Legislature. Currently commissioned peace officers employed by the IG are only authorized to investigate fraud, waste, and abuse in Medicaid.

The bill would take effect immediately upon a two-thirds vote from all members of each house or, if such a vote is not received, on September 1, 2017.

Based on Legislative Budget Board (LBB) analysis of HHSC and the IG, duties and responsibilities associated with requiring the IG to include information in reports and allowing the IG to utilize commissioned peace officers to investigate fraud, waste, and abuse in TANF and SNAP could be accomplished by utilizing existing resources.

According to the Comptroller of Public Accounts and the IG, the amount of potential collections that would result from expanding investigations by commissioned peace officers cannot be determined. Based on the LBB analysis, there would be an indeterminate positive impact to the state depending upon the amount collected.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission

LBB Staff: UP, TBo, KCA, KK, EP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 12, 2017

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2523 by Davis, Sarah (Relating to the investigation of fraud, waste, and abuse in certain public benefits programs by the office of inspector general for the Health and Human Services Commission.), **As Engrossed**

Depending upon the amount collected by the Office of Inspector General in certain public benefits program, there would be an indeterminate positive fiscal impact to the state.

The bill would amend the Human Resources Code to expand the investigations conducted by commissioned peace officers employed by the Health and Human Service Commission's (HHSC) Office of Inspector General (IG) to include the Temporary Assistance for Needy Families Program (TANF) and the Supplemental Nutrition Assistance Program (SNAP). Currently commissioned peace officers employed by the IG are only authorized to investigate fraud, waste, and abuse in Medicaid.

The bill would take effect immediately upon a two-thirds vote from all members of each house or, if such a vote is not received, on September 1, 2017.

Based on Legislative Budget Board (LBB) analysis of HHSC and the IG, duties and responsibilities associated with allowing the IG to utilize commissioned peace officers to investigate fraud, waste, and abuse in TANF and SNAP could be accomplished by utilizing existing resources.

According to the Comptroller of Public Accounts and the IG, the amount of potential collections that would result from expanding investigations by commissioned peace officers cannot be determined. Based on the LBB analysis, there would be an indeterminate positive impact to the state depending upon the amount collected.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission

LBB Staff: UP, KCA, TBo, KK, EP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 1, 2017

TO: Honorable Sarah Davis, Chair, House Committee on General Investigating & Ethics

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2523 by Davis, Sarah (relating to the investigation of fraud, waste, and abuse in certain public benefits programs by the office of inspector general for the Health and Human Services Commission.), **Committee Report 1st House, Substituted**

<p>Depending upon the amount collected by the Office of Inspector General in certain public benefits program, there would be an indeterminate positive fiscal impact to the state.</p>

The bill would amend the Human Resources Code to expand the investigations conducted by commissioned peace officers employed by the Health and Human Service Commission's (HHSC) Office of Inspector General (IG) to include the Temporary Assistance for Needy Families Program (TANF) and the Supplemental Nutrition Assistance Program (SNAP). Currently commissioned peace officers employed by the IG are only authorized to investigate fraud, waste, and abuse in Medicaid.

The bill would take effect immediately upon a two-thirds vote from all members of each house or, if such a vote is not received, on September 1, 2017.

Based on Legislative Budget Board (LBB) analysis of HHSC and the IG, duties and responsibilities associated with allowing the IG to utilize commissioned peace officers to investigate fraud, waste, and abuse in TANF and SNAP could be accomplished by utilizing existing resources.

According to the Comptroller of Public Accounts and the IG, the amount of potential collections that would result from expanding investigations by commissioned peace officers cannot be determined. Based on the LBB analysis, there would be an indeterminate positive impact to the state depending upon the amount collected.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission

LBB Staff: UP, TBo, KK, EP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 19, 2017

TO: Honorable Sarah Davis, Chair, House Committee on General Investigating & Ethics

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2523 by Davis, Sarah (Relating to the investigation of fraud, waste, and abuse in certain public benefits programs by the office of inspector general for the Health and Human Services Commission.), **As Introduced**

<p>Depending upon the amount collected by the Office of Inspector General in certain public benefits program, there would be an indeterminate positive fiscal impact to the state.</p>

The bill would amend the Government Code to expand the investigations conducted by commissioned peace officers employed by the Health and Human Service Commission's (HHSC) Office of Inspector General (IG) to include the Temporary Assistance for Needy Families Program (TANF), the Supplemental Nutrition Assistance Program (SNAP), and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). Currently commissioned peace officers employed by the IG are only authorized to investigate fraud, waste, and abuse in Medicaid.

The bill would take effect immediately upon a two-thirds vote from all members of each house or, if such a vote is not received, on September 1, 2017.

Based on Legislative Budget Board (LBB) analysis of HHSC and the IG, duties and responsibilities associated with allowing the IG to utilize commissioned peace officers to investigate fraud, waste, and abuse in TANF, SNAP, and WIC could be accomplished by utilizing existing resources.

According to the Comptroller of Public Accounts and the IG, the amount of potential collections that would result from expanding investigations by commissioned peace officers cannot be determined. Based on the LBB analysis, there would be an indeterminate positive impact to the state depending upon the amount collected.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission

LBB Staff: UP, KK, EP, TBo