

BILL ANALYSIS

S.B. 195
By: Perry
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 83rd Texas Legislature passed H.B. 1396 relating to a study on alcohol and controlled substance statistics prepared by the Department of Family and Protective Services (DFPS) and the Department of State Health Services. It has been noted that the study determined DFPS to be the most appropriate agency to compile certain statistics relating to the effects of alcohol and controlled substances on children's health but found that the necessary data is not currently tracked in a form appropriate for large-scale analysis. S.B. 195 seeks to improve the available relevant data by setting certain data collection and reporting requirements for DFPS and the Health and Human Services Commission.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of the Department of Family and Protective Services in SECTION 2 of this bill.

ANALYSIS

S.B. 195 amends the Family Code to require the Department of Family and Protective Services (DFPS) to collect and update the DFPS automated case tracking and information management system to allow caseworkers to record the following information:

- the number of children reported to DFPS who at birth tested positive for the presence of alcohol or a controlled substance;
- the controlled substances for which such children tested positive;
- the number of such children who were removed from their homes and have been diagnosed as having a disability or chronic medical condition resulting from the presence of alcohol or controlled substances; and
- the number of parents who test positive for the presence of a controlled substance during a DFPS investigation of a report of abuse or neglect of the parent's child.

S.B. 195 requires DFPS, not later than November 1 of each year, to prepare for the preceding year a report containing that collected information and certain data required by the bill to be collected by the Health and Human Services Commission (HHSC), post a copy of the prepared report on the DFPS website, and electronically submit a copy of the report to the legislature. The bill requires the commissioner of DFPS to adopt rules necessary to implement the bill's provisions relating to the collection and reporting of specified alcohol and controlled substance statistics. The bill requires DFPS to implement those provisions in a state fiscal biennium only if the commissioner determines that the legislature has specifically appropriated an amount sufficient to update the DFPS automated case tracking and information management system,

and otherwise requires DFPS to implement those provisions not later than the date of the department's next system update.

S.B. 195 specifies that information about whether a child's birth mother consumed alcohol during pregnancy and whether the child has been diagnosed with fetal alcohol spectrum disorder must be included in the health history portion of the health, social, education, and genetic history report of a child placed for adoption to the extent known by DFPS based on the information collected under the bill's provisions.

S.B. 195 amends the Government Code to require HHSC to collect hospital discharge data for Medicaid recipients regarding treatment of a newborn child for prenatal exposure to alcohol or a controlled substance and to provide the collected data to DFPS.

EFFECTIVE DATE

January 1, 2020.