

By: Miles

S.B. No. 1628

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Health and Human Services Commission's office of the ombudsman to resolve complaints against the Department of Family and Protective Services.

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

SECTION 1. Sections 40.0041(a), (b), (c), (d), (e), and (f), Human Resources Code, are amended to read as follows:

(a) The executive commissioner by rule shall develop and implement a uniform process for the commission's office of the ombudsman to receive ~~[receiving]~~ and resolve ~~[resolving]~~ complaints against the department throughout the state. The process shall include:

(1) statewide procedures through which the public, consumers, and service recipients are informed:

(A) of the right to make a complaint against the department, including the mailing addresses and telephone numbers of appropriate ~~[department]~~ personnel within the office of the ombudsman responsible for receiving complaints and providing related assistance; and

(B) of the ~~[department's]~~ procedures of the office of the ombudsman for resolving a complaint, including the right to appeal a decision made at the local level by department personnel;

(2) development and statewide distribution of a form

1 or telephone system that may be used to make a complaint;

2 (3) a requirement that the office of the ombudsman  
3 [~~department~~] provide information by mail or telephone regarding the  
4 [~~department's~~] procedures of the office of the ombudsman for  
5 investigating and resolving a complaint to each person who makes a  
6 complaint; and

7 (4) a requirement that the office of the ombudsman  
8 [~~department~~] provide status information at least quarterly to a  
9 person with a pending complaint against the department, unless the  
10 information would jeopardize an undercover investigation.

11 (b) In addition to other appropriate methods, the  
12 commission and the department may provide the information specified  
13 by Subsection (a)(1):

14 (1) on each registration form, application, or written  
15 contract for services of a person regulated by the commission  
16 [~~department~~];

17 (2) on a sign prominently displayed in the place of  
18 business of each person regulated by the commission [~~department~~];  
19 or

20 (3) in a bill for service provided by a person  
21 regulated by the commission [~~department~~].

22 (c) The commission's office of the ombudsman [~~department~~]  
23 shall keep an information file about each complaint made against  
24 the department that the office of the ombudsman [~~department~~] has  
25 authority to resolve.

26 (d) The executive commissioner shall develop a consistent,  
27 statewide process for encouraging the submission of complaints to

1 local department personnel before contacting the commission's  
2 office of the ombudsman to allow department staff [~~addressing an~~  
3 ~~appeal by a person dissatisfied with the resolution of a complaint~~  
4 ~~at the regional level. The process shall include~~] an opportunity to  
5 resolve the complaints [~~for appeal of a complaint without the~~  
6 ~~participation of the department's ombudsman office~~].

7 (e) The commission's office of the ombudsman [~~department~~]  
8 shall develop and maintain a centralized tracking system to gather  
9 information concerning all complaints made against the department  
10 throughout the state. The department shall require its personnel  
11 to provide information regarding each complaint for inclusion in  
12 records maintained under the tracking system [~~at the department's~~  
13 ~~state headquarters~~], regardless of the location or level at which  
14 the complaint is initiated or resolved. The office of the ombudsman  
15 [~~department~~] shall require at least the following information to be  
16 maintained for each complaint:

- 17 (1) the date the complaint is received;
- 18 (2) the name of the person making the complaint;
- 19 (3) the subject matter of the complaint;
- 20 (4) a record of all persons contacted by the office of  
21 the ombudsman [~~department~~] in relation to the complaint;
- 22 (5) a summary of the results of the review or  
23 investigation of the complaint; and
- 24 (6) for each complaint determined by the office of the  
25 ombudsman [~~department~~] to require no corrective action, an  
26 explanation of the reason that the complaint was closed without  
27 action.

1           (f) The commission's office of the ombudsman [~~department~~]  
2 shall periodically prepare and deliver reports to the executive  
3 commissioner and the commissioner regarding the number, type, and  
4 resolution of complaints made in the state against the department.

5           SECTION 2. (a) Not later than January 1, 2022, the  
6 executive commissioner of the Health and Human Services Commission  
7 shall adopt the rules necessary to implement the changes in law made  
8 by this Act.

9           (b) Section [40.0041](#), Human Resources Code, as amended by  
10 this Act, applies only to a complaint filed on or after January 1,  
11 2022.

12           SECTION 3. This Act takes effect September 1, 2021.