

BILL ANALYSIS

Senate Research Center
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S.B. 1698
By: Kolkhorst
Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Office of Inspector General (OIG) faces difficulty in recruiting and retaining qualified candidates as the cost of living and other agencies' salary levels have outpaced the current funding level.

S.B. 1698 would move the OIG peace officers into the Schedule C classification, designed for law enforcement positions, and provide salaries comparable to other state agencies that engage in law enforcement activities ensured in the General Appropriation Act, which governs commissioned law enforcement positions.

This bill would establish provisions relating to compensation and leave for certain peace officers. Duties of the law enforcement officers at the Health and Human Services Commission's (HHSC) OIG include conducting criminal investigations related to abuse, neglect and exploitation at state hospitals and state supported living centers, investigating allegations of use, misuse, or trafficking of Supplemental Nutrition Assistance Program (SNAP) benefits, and collaborating with other law enforcement agencies across the state to arrest and prosecute individuals who seek to defraud state health and human service programs.

S.B. 1698 defines a peace officer as a state employee, now including the HHSC officers who will assist all state and local law enforcement agencies in the investigation of an alleged criminal offense involving a state hospital patient or state supported living center (SSLC) patient. Peace officers' authority involves investigating fraud, waste, and abuse under Medicaid with the delegated authority from the OAG. The bill does not grant any additional rulemaking authority to peace officers.

OIG authority regarding peace officers is found in various state codes, including the Government Code, the Human Resources Code, and the Health and Safety Code. This bill would consolidate this authority into one section and add OIG peace officers to the list of peace officers in Article 2.12 of the Code of Criminal Procedure. These are technical changes and do not impact OIG operations. This change will improve the OIG's ability to offer competitive salaries and to attract and retain qualified professionals in these positions.

As proposed, S.B. 1698 amends current law relating to peace officers commissioned by the Health and Human Services Commission's office of inspector general.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 2.12, Code of Criminal Procedure, as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. Provides that certain persons are peace officers, including commissioned officers employed by the Health and Human Services Commission's (HHSC's) office of inspector general. Makes nonsubstantive changes.

SECTION 2. Amends Section 531.1022, Government Code, by amending Subsections (a), (b), and (d) and adding Subsections (b-1) and (e), as follows:

(a) Requires HHSC's office of inspector general to employ and commission peace officers, rather than employ and commission not more than five peace officers at any given time, for the purpose of assisting the office in carrying out the office's duties, rather than carrying out the duties of the office, relating to:

(1) assisting a state or local law enforcement agency in the investigation of an alleged criminal offense involving a state hospital patient or a state supported living center client or resident; and

(2) the investigation of fraud, waste, and abuse under Medicaid or the supplemental nutrition assistance program under Chapter 33 (Nutritional Assistance Programs), Human Resources Code.

Makes nonsubstantive changes.

(b) Provides that peace officers employed under Section 531.1022 (Peace Officers) to investigate fraud, waste, and abuse under Medicaid:

(1) are prohibited from exceeding five in number at any given time; and

(2) creates this subdivision from existing text.

(b-1) Creates this subsection from existing text. Makes nonsubstantive and conforming changes to this subsection.

(d) Requires HHSC's office of inspector general, rather than a peace officer employed and commissioned under this section, to obtain prior approval from the office of the attorney general before a peace officer employed under Subsection (b) carries out any duties requiring peace officer status, rather than before carrying out any duties requiring peace officer status.

(e) Requires HHSC's office of inspector general to ensure a peace officer employed under this section is compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act.

SECTION 3. Amends Section 659.301(5), Government Code, to redefine "state employee."

SECTION 4. Amends Section 661.918(a), Government Code, as follows:

(a) Provides that Section 661.918 (Injury Leave for Certain Peace Officers) applies to a peace officer under Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure, who is commissioned as a law enforcement officer or agent, including a ranger, by certain entities, including HHSC's office of inspector general. Makes nonsubstantive changes.

SECTION 5. (a) Requires the classification officer in the office of the state auditor to classify the position of commissioned peace officer employed as an investigator by HHSC's office of inspector general as a Schedule C position under the position classification plan maintained under Chapter 654 (Position Classification), Government Code.

(b) Provides that the change made by the classification officer as required by this section applies beginning with the state fiscal biennium beginning September 1, 2023.

(c) Provides that this section expires September 1, 2025.

SECTION 6. Makes application of Section 661.918(a), Government Code, as amended by this Act, prospective.

SECTION 7. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes a delay of implementation until such a waiver or authorization is granted.

SECTION 8. Effective date: September 1, 2023.