By:  Noble H.B. No. 2375

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of authority regarding the review and resolution of complaints against the Department of Family and Protective Services to the Health and Human Services Commission's office of inspector general.

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

SECTION 1.  Section 40.0041, Human Resources Code, is amended by amending Subsections (a), (c), (d), (e), and (f) and adding Subsections (a-1) and (g-1) to read as follows:

(a)  The Health and Human Services Commission's office of inspector general shall receive complaints against the department from members of the public, consumers, department employees, and recipients of department services regarding any investigation conducted or action taken by the department. The office of inspector general shall review and resolve each complaint against the department filed with the office not later than the 45th day after the date the office receives the complaint. The executive commissioner of the Health and Human Services Commission, in consultation with the commissioner and the inspector general, by rule shall develop and implement a uniform process for receiving and resolving complaints against the department throughout the state. The process shall include:

(1)  statewide procedures through which the public, consumers, department employees, 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 in the office of inspector general who are responsible for receiving complaints and providing related assistance; and

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

(2)  development and statewide distribution of a form or telephone system that may be used to make a complaint;

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

(4)  a requirement that the office of inspector general periodically [~~department~~] provide status information, orally or in writing, [~~at least quarterly~~] to a person with a pending complaint against the department, unless the information would jeopardize an undercover investigation.

(a-1)  In performing the functions described by Subsection (a), the office of inspector general may:

(1)  recommend corrective and remedial actions the department shall take regarding a complaint and ensure the department's compliance with the recommendations;

(2)  obtain any department data necessary for reviewing and resolving a complaint; and

(3) open any investigation the office determines necessary to ensure the department's compliance with state and federal law or department procedures and policies.

(c)  The office of inspector general [~~department~~] shall keep an information file about each complaint made against the department that the office of inspector general [~~department~~] has authority to resolve.

(d)  The executive commissioner of the Health and Human Services Commission, in consultation with the commissioner and the inspector general, shall develop a consistent, statewide process for addressing an appeal by a person dissatisfied with the resolution of a complaint at the regional level. [~~The process shall include an opportunity for appeal of a complaint without the participation of the department's ombudsman office.~~]

(e)  The office of inspector general [~~department~~] shall develop and maintain a centralized tracking system to gather information concerning all complaints made against the department throughout the state. The office of inspector general [~~department~~] shall require its personnel to provide information regarding each complaint for inclusion in records maintained under the tracking system at the Health and Human Services Commission's [~~department's~~] state headquarters, regardless of the location or level at which the complaint is initiated or resolved. The office of inspector general [~~department~~] shall maintain [~~require at least~~] the following information, at a minimum, [~~to be maintained~~] for each complaint:

(1)  the date the complaint is received;

(2)  the name of the person making the complaint;

(3)  the subject matter of the complaint;

(4)  a record of all persons contacted by the office of inspector general [~~department~~] in relation to the complaint;

(5)  a summary of the results of the review [~~or investigation~~] of the complaint; and

(6)  for each complaint determined by the office of inspector general [~~department~~] to require no corrective action, an explanation of the reason that the complaint was closed without action.

(f)  The office of inspector general [~~department~~] shall periodically prepare and deliver reports to the executive commissioner of the Health and Human Services Commission, [~~and~~] the commissioner, the governor, and the chairs of the standing legislative committees with primary jurisdiction over the department regarding the number, type, and resolution of complaints made in the state against the department.

(g-1)  The department shall cooperate with the office of inspector general regarding any review or corrective action to resolve a complaint filed against the department. The department shall provide any data or other information requested by the office of inspector general in connection with a review not later than the 14th day after the date the department receives the request.

SECTION 2.  Section 531.102, Government Code, is amended by amending Subsection (a) and adding Subsection (a-9) to read as follows:

(a)  The commission's office of inspector general is responsible for:

(1)  the prevention, detection, audit, inspection, review, and investigation of fraud, waste, and abuse in the provision and delivery of all health and human services in the state, including:

(A)  services through any state-administered health or human services program that is wholly or partly federally funded; or

(B)  services provided by the Department of Family and Protective Services;

(2)  [~~, and~~] the enforcement of state law relating to the provision of [~~those~~] services described by Subdivision (1); and

(3)  receiving, reviewing, and resolving complaints against the Department of Family and Protective Services as authorized by Section 40.0041, Human Resources Code. [~~The commission may obtain any information or technology necessary to enable the office to meet its responsibilities under this subchapter or other law.~~]

(a-9)  The commission may obtain any information or technology necessary to enable the office to meet its responsibilities under this subchapter or other law.

SECTION 3.  (a) As soon as practicable after the effective date of this Act, but not later than December 1, 2023, the commissioner of the Department of Family and Protective Services shall transfer any department funds, resources, including information technology, documents, and personnel allocated for the investigation of complaints to the Health and Human Services Commission's office of inspector general to allow the office to perform the functions described under Section 40.0041, Human Resources Code, as amended by this Act.

(b)  Notwithstanding the effective date of this Act, the Health and Human Services Commission's office of inspector general is not required to comply with changes to Section 40.0041, Human Resources Code, and Section 531.102(a), Government Code, made by this Act until the transfer required by Subsection (a) of this section is completed.

SECTION 4.  This Act takes effect September 1, 2023.