

By: Noble

H.B. No. 4351

Substitute the following for H.B. No. 4351:

By: Klick

C.S.H.B. No. 4351

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the training program required for certain employees of  
3 the Department of Family and Protective Services.

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

5 SECTION 1. Section 40.035, Human Resources Code, is amended  
6 by amending Subsections (a) and (b) and adding Subsection (a-1) to  
7 read as follows:

8 (a) The department shall develop and implement a training  
9 program that, except as provided by Subsection (a-1), each newly  
10 hired or assigned department employee must successfully complete  
11 before:

12 (1) initiating an investigation of a report of alleged  
13 abuse, neglect, or exploitation of an elderly person or person with  
14 a disability under Chapter 48; or

15 (2) providing protective services to elderly persons  
16 or persons with disabilities under that chapter.

17 (a-1) A newly hired or assigned department employee may  
18 initiate an investigation of a report of alleged abuse, neglect, or  
19 exploitation of an elderly person or a person with a disability  
20 under Chapter 48 or provide protective services to an elderly  
21 person or a person with a disability under that chapter only if the  
22 employee:

23 (1) is in the process of receiving the training  
24 required by Subsection (a); and

1           (2) initiates the investigation or provides  
2 protective services under the direct supervision of the person who  
3 is providing the training to the employee.

4           (b) The training program must:

5                 (1) provide the employee [~~person~~] with appropriate  
6 comprehensive information regarding:

7                         (A) the incidence and types of reports of abuse,  
8 neglect, and exploitation of elderly persons or persons with  
9 disabilities that are received by the department, including  
10 information concerning false reports; and

11                        (B) the use and proper implementation of:

12                                 (i) the risk assessment criteria developed  
13 under Section [48.004](#);

14                                 (ii) the criteria used by caseworkers to  
15 determine whether elderly persons or persons with disabilities lack  
16 capacity to consent to receive protective services; and

17                                 (iii) the legal procedures available under  
18 Chapter [48](#) for the protection of elderly persons or persons with  
19 disabilities, including the procedures for obtaining a court order  
20 for emergency protective services under Section [48.208](#);

21                 (2) include best practices for management of a case  
22 from the intake process to the provision of protective services,  
23 including criteria that specify the circumstances under which an  
24 employee should:

25                         (A) consult a supervisor regarding a case; or

26                         (B) refer an elderly person or person with a  
27 disability to an appropriate public agency or community service

1 provider for guardianship or other long-term services after the  
2 delivery of protective services to that person has been completed;

3 (3) provide appropriate specialized training in any  
4 necessary topics, including:

5 (A) investigation of suspected identity theft  
6 and other forms of financial exploitation and suspected  
7 self-neglect; and

8 (B) establishment and maintenance of working  
9 relationships with community organizations and other local  
10 providers who provide services to elderly persons and persons with  
11 disabilities;

12 (4) include on-the-job training, which must require  
13 another department caseworker with more experience to accompany and  
14 train the caseworker in the field;

15 (5) provide for the development of individualized  
16 training plans;

17 (6) include training in working with law enforcement  
18 agencies and the court system when legal intervention is sought for  
19 investigations or emergency orders;

20 (7) to the maximum extent possible, include nationally  
21 recognized best practices in addition to the best practices  
22 required under Subdivision (2); and

23 (8) include testing, progress reports, or other  
24 evaluations to assess the performance of trainees.

25 SECTION 2. Section 40.035, Human Resources Code, as amended  
26 by this Act, applies to an employee who is enrolled in the training  
27 program on or after the effective date of this Act.

1 SECTION 3. This Act takes effect September 1, 2023.