

By: Miles

S.B. No. 181

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the Health and Human Services
3 Commission's office of the ombudsman to resolve complaints against
4 the Department of Family and Protective Services.

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

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

8 (a) The executive commissioner by rule shall develop and
9 implement a uniform process for the Health and Human Services
10 Commission's office of the ombudsman to receive [~~receiving~~] and
11 resolve [~~resolving~~] complaints against the department throughout
12 the state. The process shall include:

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

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

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

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

24 (3) a requirement that the office [~~department~~] provide

1 information by mail or telephone regarding the office's
2 [~~department's~~] procedures for investigating and resolving a
3 complaint to each person who makes a complaint; and

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

8 (b) In addition to other appropriate methods, the
9 commission and the department may provide the information specified
10 by Subsection (a)(1):

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

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

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

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

23 (d) The executive commissioner shall develop a consistent,
24 statewide process for encouraging the submission of complaints to
25 local department personnel before contacting the commission's
26 office of the ombudsman to allow department staff [~~addressing an~~
27 ~~appeal by a person dissatisfied with the resolution of a complaint~~

1 ~~at the regional level. The process shall include~~ an opportunity to
2 resolve the complaints [~~for appeal of a complaint without the~~
3 ~~participation of the department's ombudsman office~~].

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

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

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

1 SECTION 2. (a) Not later than January 1, 2024, the
2 executive commissioner of the Health and Human Services Commission
3 shall adopt the rules necessary to implement the changes in law made
4 by this Act.

5 (b) Section [40.0041](#), Human Resources Code, as amended by
6 this Act, applies only to a complaint filed on or after January 1,
7 2024.

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