

By: Noble

H.B. No. 142

A BILL TO BE ENTITLED

AN ACT

relating to the administration, authority, and duties of 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 544.0106, Government Code, as effective April 1, 2025, is amended to read as follows:

Sec. 544.0106. PROCUREMENT OF [CONTRACT FOR] REVIEW [OF INVESTIGATIVE FINDINGS] BY QUALIFIED EXPERT ON BEHALF OF OFFICE OF INSPECTOR GENERAL. A qualified expert retained by the commission on behalf of the office of inspector general is considered an expert witness for purposes of Section 2151.005 [(a) If the commission does not receive any responsive bids under Chapter 2155 on a competitive solicitation for the services of a qualified expert to review investigative findings under Section 544.0104 or 544.0105 and the number of contracts to be awarded under this subsection is not otherwise limited, the commission may negotiate with and award a contract for the services to a qualified expert on the basis of:

[(1) the contractor's agreement to a set fee, either as a range or lump-sum amount; and

[(2) the contractor's affirmation and the office of inspector general's verification that the contractor possesses the necessary occupational licenses and experience].

[(b) Notwithstanding Sections 2155.083 and 2261.051, a contract awarded under Subsection (a) is not subject to competitive

~~advertising and proposal evaluation requirements.]~~

SECTION 2. Subchapter C, Chapter 544, Government Code, as effective April 1, 2025, is amended by adding Section 544.0115 to read as follows:

Sec. 544.0115. PERMITTED DISCLOSURE OF CERTAIN INFORMATION. For purposes of performing the duties of the office of inspector general under this subchapter, the office may disclose information obtained in the course of conducting the office's administrative oversight activities to:

(1) a federal, state, or local governmental entity, including:

(A) a federal agency or an agency of this state or another state;

(B) the criminal, civil, or administrative department, division, bureau, or other entity with enforcement or prosecutorial authority of:

(i) this state;

(ii) the United States;

(iii) another state; or

(iv) a local governmental entity of this state or another state; and

(C) a political subdivision of this state; or

(2) a person authorized by the office to receive the information.

SECTION 3. Section 544.0153(b), Government Code, as effective April 1, 2025, is amended to read as follows:

(b) Except as required by federal law, to ~~[To]~~ determine a

1 health care professional's eligibility to participate as a Medicaid
2 provider, the office of inspector general may not conduct a
3 fingerprint-based criminal history record information check of a
4 health care professional who the office has confirmed under
5 Subsection (a) is licensed and in good standing. This subsection
6 does not prohibit the office from conducting a criminal history
7 record information check of a provider that is required or
8 appropriate for other reasons, including for conducting an
9 investigation of fraud, waste, or abuse.

10 SECTION 4. Section 544.0202(b), Government Code, as
11 effective April 1, 2025, is amended to read as follows:

12 (b) The commission shall:

13 (1) aggressively publicize successful fraud
14 prosecutions and fraud-prevention programs through all available
15 means, including the use of statewide press releases; and

16 (2) ensure that the commission or a health and human
17 services agency maintains and promotes an appropriate
18 communications system [~~a toll-free telephone hotline~~] for
19 reporting suspected fraud in programs the commission or a health
20 and human services agency administers.

21 SECTION 5. The following provisions of the Government Code
22 are repealed:

23 (1) Section 544.0201; and

24 (2) Section 544.0252(a).

25 SECTION 6. If before implementing any provision of this Act
26 a state agency determines that a waiver or authorization from a
27 federal agency is necessary for implementation of that provision,

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1 the agency affected by the provision shall request the waiver or
2 authorization and may delay implementing that provision until the
3 waiver or authorization is granted.

4 SECTION 7. This Act takes effect September 1, 2025.