

By: Perry

S.B. No. 1461

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. Notwithstanding any other law, Subtitle D, Title 10, does not apply to the commission's procuring of a contract for the services of a qualified expert to review investigative findings under Section 544.0104 or 544.0105 to the same extent that subtitle does not apply to the obtaining of an expert witness under 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.~~

1       ~~[(b) Notwithstanding Sections 2155.083 and 2261.051, a~~  
2 ~~contract awarded under Subsection (a) is not subject to competitive~~  
3 ~~advertising and proposal evaluation requirements.]~~

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

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

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

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

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

19                           (i) this state;

20                           (ii) the United States;

21                           (iii) another state; or

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

24                   (C) a political subdivision of this state; or

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

27       SECTION 3. Section 544.0153(b), Government Code, as

1 effective April 1, 2025, is amended to read as follows:

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

12 SECTION 4. Section [544.0202](#)(b), Government Code, as  
13 effective April 1, 2025, is amended to read as follows:

14 (b) The commission shall:

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

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

23 SECTION 5. The following provisions of the Government Code  
24 are repealed:

25 (1) Section [544.0201](#); and

26 (2) Section [544.0252](#)(a).

27 SECTION 6. If before implementing any provision of this Act

1 a state agency determines that a waiver or authorization from a  
2 federal agency is necessary for implementation of that provision,  
3 the agency affected by the provision shall request the waiver or  
4 authorization and may delay implementing that provision until the  
5 waiver or authorization is granted.

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