HOUSE
RESEARCH
ORGANIZATION bill analysis   5/20/2017

SB 687
Uresti, et al.
(Rose)

SUBJECT: Using risk mapping for prevention and early intervention services

COMMITTEE: Human Services — favorable, without amendment

VOTE: 5 ayes — Raymond, Keough, Miller, Rose, Wu

                3 nays — Frank, Klick, Swanson

                1 absent — Minjarez

SENATE VOTE: On final passage, April 27 — 28-3 (Hall, Huffines, Kolkhorst)

WITNESSES: No public hearing

DIGEST: SB 687 would establish requirements for the disclosure and use of
                collected data for risk mapping systems and assessments for prevention
                and early intervention (PEI) services.

                Risk mapping. The bill would allow the Department of Family and
                Protective Services (DFPS) to develop and use risk mapping, including
                risk terrain modeling systems, predictive analytic systems, or geographic
                risk assessments to:

                - identify geographic areas of the state that have a high incidence of
                  child maltreatment and child fatalities resulting from abuse or
                  neglect;
                - identify family dynamics and other factors indicating a high risk of
                  child maltreatment and child fatalities resulting from abuse or
                  neglect;
                - offer opportunities to provide voluntary prevention services to
                  individuals who exhibit certain risk factors or who live in an area
                  with a high incidence of child maltreatment and child fatalities; and
                - guide decisions about the allocation of resources for prevention and
                  early intervention (PEI) programs and services.

The bill would allow the Health and Human Services Commission (HHSC), on behalf of DFPS, to enter into agreements with higher education institutions to develop or adapt, in coordination with DFPS, a risk mapping system or assessment.

Review of PEI services. Subject to available funds, the bill would require HHSC, on behalf of DFPS, to enter into agreements with higher education institutions to conduct efficacy reviews of any PEI programs that had not previously been evaluated for effectiveness through a scientific research evaluation process.

The bill also would require DFPS, subject to available funds, to create and track indicators of child well-being to determine the effectiveness of PEI services.

Data limitations. Unless a governmental entity gathered or received information under other authority, the bill would prohibit the governmental entity from using information that identified an individual or family to provide targeted involuntary intervention services. A governmental entity that gathered or received information that identified an individual or family would be required to adopt rules to ensure that:

- the use or disclosure of the information was restricted to the risk mapping system or PEI program efficacy review; and
- only individuals with a justified and documented business need were allowed to access the information.

Collected information for the risk mapping system or PEI program efficacy review would be confidential and not subject to disclosure under the Public Information Act. The information also would be subject to all applicable state and federal privacy laws and rules.

The bill would require the HHSC executive commissioner to adopt rules on the use and disclosure of information gathered or received for the risk mapping system or PEI program efficacy review, including rules:

- identifying persons who could receive the information;
- creating security procedures to protect the information, including requiring the use of nondisclosure agreements; and
- enacting any other restriction the HHSC executive commissioner deemed appropriate.

Data sharing. The bill would require the Texas Education Agency, the Texas Juvenile Justice Department, the Department of State Health Services, the Department of Public Safety, and HHSC to disclose information relevant to preventing or reducing the risk factors for child abuse or neglect or juvenile delinquency to the PEI services division at DFPS.

Criminal penalty. The bill would establish a criminal offense for violating the restrictions on use or disclosure of information as specified in the bill or adopted rules. A first-time offense would be a state-jail felony (180 days to two years in a state jail and an optional fine of up to $10,000). A subsequent offense would be a third-degree felony (two to 10 years in prison and an optional fine of up to $10,000).

Effective date. The bill would take effect September 1, 2017.

SUPPORTERS
SAY:

SB 687 would enable the Department of Family and Protective Services (DFPS) to allocate its resources more effectively by using a risk mapping system to identify gaps in prevention and early intervention (PEI) services for geographic areas susceptible to high rates of child maltreatment and child fatalities. Developing a risk mapping system and requiring certain agencies to disclose data to the PEI division would provide DFPS with essential data to help prevent and minimize fatalities, abuse, and neglect among vulnerable populations of children.

The bill explicitly would prohibit governmental entities from using acquired information to target individuals or families with involuntary intervention services. The risk mapping system would be an effective tool for DFPS to take proactive measures to protect children and families in various communities.

OPPONENTS
SAY:

SB 687 would expand the ability of the Department of Family and Protective Services (DFPS) to target specific geographic areas based on vague risk factors. Requiring multiple governmental agencies to disclose data to the PEI division at DFPS would raise privacy concerns. The bill should clearly delineate the content of information subject to disclosure from other agencies to the PEI division because different agencies could consider different actions as risk factors for child abuse or neglect.