

SUBJECT:	Transferring certain investigative functions from DFPS to HHSC
COMMITTEE:	Human Services — committee substitute recommended
VOTE:	9 ayes — Frank, Rose, Campos, Hull, Klick, Manuel, Noble, Ramos, Shaheen 0 nays
WITNESSES:	For — Carmen Tilton, Texas Assisted Living Association (<i>Registered, but did not testify</i> : Alyse Meyer, LeadingAge Texas; Eric Knustrom, Private Providers Association of Texas; Heather Asek, Provider Alliance for Community Services of Texas; Leela Rice, Texas Council of Community Centers; Jennifer Allmon, The Texas Catholic Conference of Bishops) Against — None On — John Woodley, Advocates for Disability Access (<i>Registered, but did not testify</i> : Kezeli Wold, Stephen Black, Christine Steinberg, DFPS; Michelle Dionne-Vahalik, Jordan Dixon, Health and Human Services Commission)
BACKGROUND:	Some have suggested that, due to the different duties of Health and Human Services Commission (HHSC) and the Department of Family and Protective Services (DFPS), requiring the HHSC to conduct certain investigations could allow reports of abuse, neglect, and exploitation to be addressed more efficiently.
DIGEST:	CSHB 4696 would transfer certain functions from DFPS to HHSC. Under the bill, HHSC would be required to investigate reports of abuse, neglect, or exploitation of a child receiving services from certain providers, including: <ul style="list-style-type: none">• certain facilities providing community services for people with mental illness or intellectual disabilities or a person contracting with a health and human services agency to provide inpatient

- mental health services;
- intermediate care facilities for individuals with intellectual disabilities;
- certain providers providing services related to mental health, behavioral health, and intellectual and developmental disabilities;
- certain providers providing home and community-based services;
- managed care organizations; and
- certain individuals involved in the consumer-directed service option.

This list also would be amended to include residential child-care facilities at which an elderly person or a person with disabilities resided or was in the facility's care.

Other providers also would be required report the abuse, neglect, or exploitation of an elderly person, a person with a disability, or an individual receiving services from certain providers to HHSC. These providers would include:

- a provider under the home and community-based services waiver program;
- a provider under the Texas home living waiver program;
- a licensed intermediate care facility; and
- a licensed home and community support services agency.

Procedures for receiving and investigating certain reports of abuse, neglect, or exploitation that previously applied to DFPS would apply to HHSC. The bill also would specify specific timelines in which the reports for certain facilities should be submitted, investigated, and responded to. DFPS would be required to forward relevant reports to HHSC.

If a home and community support services agency had cause to believe that a person receiving services had been abused, neglected, or exploited by an employee, the agency would be required to report the information to HHSC rather than DFPS. A person who had cause to believe that a resident of an intermediate care facility had been subjected to abuse,

neglect, or exploitation would have to report that information to HHSC, and HHSC would investigate the allegation. HHSC would be required to file a petition for temporary care and protection of a resident of an intermediate care facility before completing an investigation if it determined that immediate removal was necessary to protect the resident.

HHSC would be required to investigate allegations of abuse, neglect, or exploitation of a resident at nursing facilities and related institutions and assisted living facilities. The bill would specify a process for these facilities or service providers to report allegations to HHSC and amend provisions related to investigation procedures.

CSHB 4696 would amend the definition of “facility” for the purposes of the employee misconduct registry to include nursing facilities, intermediate care facilities, assisted living facilities, and certain other facilities licensed by HHSC. HHSC would amend certain provisions related to the posting of required notices and signage in intermediate facilities, specifying that such notices and signage be prescribed by and make reference to HHSC.

CSHB 4696 would require DFPS to immediately notify the HHSC of reports related to a child with an intellectual disability receiving services in a state supported living center. The bill also would repeal certain provisions requiring DFPS to receive, investigate, and disclose reports on these allegations of abuse, neglect, or exploitation.

As soon as practicable after the effective date, but by December 1, 2024, the commissioner of DFPS would transfer any DFPS funds and resources allocated to the investigation of such reports to HHSC. HHSC would not be required to comply with any of the bill’s changes until the transfer was complete.

The bill would take effect September 1, 2023.

NOTES:

According to the Legislative Budget Board, CSHB 4696 would have a negative impact of \$272,686 on general revenue related funds for fiscal

2024-25.