

## **BILL ANALYSIS**

Senate Research Center  
82R23597 KLA-D

C.S.S.B. 1580  
By: Ogden  
Finance  
4/21/2011  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

C.S.S.B. 1580 amends current law relating to state fiscal matters related to health and human services and state agencies administering health and human services programs.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2.01 (Section 12.0111, Health and Safety Code) and SECTION 2.02 (Section 12.032, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

#### ARTICLE 1. REDUCTION OF EXPENDITURES AND IMPOSITION OF CHARGES AND COST-SAVING MEASURES GENERALLY

SECTION 1.01. Provides that this article applies to any state agency that receives an appropriation under Article II of the General Appropriations Act and to any program administered by any of those agencies.

SECTION 1.02. Authorizes each state agency to which this article applies, notwithstanding any other statute of this state, to reduce or recover expenditures by:

- (1) consolidating any reports or publications the agency is required to make and filing or delivering any of those reports or publications exclusively by electronic means;
- (2) extending the effective period of any license, permit, or registration the agency grants or administers;
- (3) entering into a contract with another governmental entity or with a private vendor to carry out any of the agency's duties;
- (4) adopting additional eligibility requirements consistent with federal law for persons who receive benefits under any law the agency administers to ensure that those benefits are received by the most deserving persons consistent with the purposes for which the benefits are provided, including under the following laws:
  - (A) Chapter 62 (Child Health Plan for Certain Low-Income Children), Health and Safety Code (child health plan program);
  - (B) Chapter 31 (Financial Assistance and Service Programs), Human Resources Code (temporary assistance for needy families program);
  - (C) Chapter 32 (Medical Assistance Program), Human Resources Code (Medicaid program);

(D) Chapter 33 (Nutritional Assistance Programs), Human Resources Code (supplemental nutrition assistance and other nutritional assistance programs); and

(E) Chapter 533 (Implementation of Medicaid Managed Care Program), Government Code (Medicaid managed care);

(5) providing that any communication between the agency and another person and any document required to be delivered to or by the agency, including any application, notice, billing statement, receipt, or certificate, may be made or delivered by e-mail or through the Internet;

(6) adopting and collecting fees or charges to cover any costs the agency incurs in performing its lawful functions; and

(7) modifying and streamlining processes used in:

(A) the conduct of eligibility determinations for programs listed in Subdivision (4) of this subsection by or under the direction of the Health and Human Services Commission (HHSC);

(B) the provision of child and adult protective services by the Department of Family and Protective Services (DFPS);

(C) the provision of services for the aging and disabled by the Department of Aging and Disability Services (DADS);

(D) the provision of services to children and other persons with disabilities by the Department of Assistive and Rehabilitative Services;

(E) the provision of community health services, consumer protection services, mental health services, and hospital facilities and services by the Department of State Health Services; and

(F) the provision or administration of other services provided or programs operated by HHSC or a health and human services agency, as defined by Section 531.001 (Definitions), Government Code.

## ARTICLE 2. FEES ASSESSED BY CERTAIN HEALTH AND HUMAN SERVICES AGENCIES FOR LICENSING, REGISTRATION, AND OTHER SERVICES

SECTION 2.01. Amends Section 12.0111, Health and Safety Code, by adding Subsection (e) to authorize the executive commissioner of HHSC (executive commissioner), on or after September 1, 2011, notwithstanding any other provision of law that places a limit on the amount of a fee that the Texas Department of Health (TDH) or a regulatory board or other agency under the jurisdiction of TDH or administratively attached to TDH may charge for issuing or renewing a license, to adopt rules increasing fees for issuing or renewing a license by up to five percent above the amount assessed immediately before September 1, 2011.

SECTION 2.02. Amends Section 12.032, Health and Safety Code, by amending Subsection (c) and adding Subsection (f), as follows:

(c) Requires that a fee charged for a public health service be set in an amount necessary to recover, at a minimum, all costs to TDH of administering the service, rather than prohibiting the amount of a fee charged for a public health service from exceeding the cost to TDH of providing the service.

(f) Authorizes the executive commissioner, on or after September 1, 2011, notwithstanding any other provision of law that places a limit on the amount of a fee charged for a public health service, to adopt rules increasing fees for public health

services administered by TDH by up to 12 percent above the amount assessed immediately before September 1, 2011.

SECTION 2.03. Amends Sections 42.054(a)-(e), Human Resources Code, as follows:

(a) Requires DFPS to charge an applicant a nonrefundable application fee of \$105, rather than \$35, for an initial license to operate a child-care facility or a child-planning agency.

(b) Requires DFPS to charge each child-care facility a fee of \$105, rather than \$35, for an initial license. Requires DFPS to charge each child-placing agency a fee of \$150, rather than \$50, for an initial license.

(c) Requires DFPS to charge each licensed child-care facility an annual license fee in the amount of \$105, plus \$3, rather than \$35 plus \$1, for each child the child-care facility is permitted to serve. Provides that the fee is due on the date on which DFPS issues the child-care facility's initial license and on the anniversary of that date.

(d) Requires DFPS to charge each licensed child-placing agency an annual license fee of \$300, rather than \$100. Provides that the fee is due on the date on which DFPS issues the child-placing agency's initial license and on the anniversary of that date.

(e) Requires DFPS to charge each family home that is listed or registered with TDH an annual fee to cover a part of DFPS's cost in regulating family homes. Provides that the amount of the fee is \$60, rather than \$20, for a listed home or \$105, rather than \$35, for a registered home. Provides that the fee is due on the date on which DFPS initially lists or registers the home and on the anniversary of that date.

SECTION 2.04. Makes application of Section 42.054, Human Resources Code, as amended by this Act, to an application filed with DFPS, or an initial or annual license assessed by DFPS, on or after the effective date of this Act, prospective.

### ARTICLE 3. EFFECTIVE DATE

SECTION 3.01. Effective date: September 1, 2011.