

## **BILL ANALYSIS**

Senate Research Center  
86R990 MM-D

S.B. 195  
By: Perry  
Health & Human Services  
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As Filed

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

In 2013, the Texas Legislature passed H.B. 1396, requiring the Department of Family and Protective Services (DFPS) and the Department of State Health Services (DSHS) to conduct a study on alcohol and controlled substances statistics.

The study examined whether either agency has data to determine:

- the number of children who were reported to DFPS as testing positive for drugs at birth;
- the drugs for which those children tested positive;
- the number of children removed from their homes who have medical conditions as a result of controlled substances or alcohol; and
- the number of parents who tested positive during a CPS investigation.

Unfortunately, the report could not be completed because of the limited data that is tracked. Although this data may currently be entered under "contact narratives," to pull this information would be costly and time-consuming since the data is manually entered on a case by case basis and not searchable.

The Analysis Summary of the report stated that DFPS and DSHS have concluded that DFPS is the most appropriate agency to compile the information required in the study and it is believed to be most cost-effective and efficient for DFPS to obtain this information directly.

This bill requires DFPS to update its case tracking system to allow the department to better track children and keep statistics regarding alcohol and controlled substances if the department has been appropriated a sufficient amount of funds for the update. If the department is not appropriated the funds, it would be required to be included in the next system update.

As proposed, S.B. 195 amends current law relating to collecting and reporting by the Department of Family and Protective Services of certain information relating to certain alcohol and controlled substance use.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of the Department of Family and Protective Services in SECTION 2 (Section 264.019, Family Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 162.007(a), Family Code, as follows:

(a) Requires the health history of a child to include information about:

(1) makes no change to this subdivision;

(2) the child's birth, neonatal, and other medical, psychological, psychiatric, and dental history information, including to the extent known by the Department of Family and Protective Services (DFPS) based on the information collected under Section 264.019, rather than information known by the department:

(A)–(B) makes no changes to these paragraphs; and

(3)–(4) makes no changes to these subdivisions.

SECTION 2. Amends Subchapter A, Chapter 264, Family Code, by adding Section 264.019, as follows:

Sec. 264.019. COLLECTION AND REPORTING OF ALCOHOL AND CONTROLLED SUBSTANCE STATISTICS. (a) Requires DFPS to collect the following information and update DFPS's automated case tracking and information management system to allow caseworkers to record:

(1) the number of children reported to DFPS who at birth tested positive for the presence of alcohol or a controlled substance;

(2) the controlled substance for which the children described in Subdivision (1) tested positive;

(3) the number of children described by Subdivision (1) who were removed from their homes and have been diagnosed as having a disability or chronic medical condition resulting from the presence of alcohol or controlled substances; and

(4) the number of parents who test positive for the presence of a controlled substance during a DFPS investigation of a report of abuse or neglect of the parent's child.

(b) Requires DFPS, not later than November 1 of each year, to:

(1) prepare for the preceding year a report containing the information collected under Subsection (a);

(2) post a copy of the report prepared under Subdivision (1) on DFPS's Internet website; and

(3) electronically submit to the legislature a copy of the report.

(c) Requires the commissioner of DFPS (commissioner) to adopt rules necessary to implement this section.

(d) Requires DFPS to implement this section in a state fiscal biennium only if the commissioner determines that the legislature has specifically appropriated an amount sufficient to update DFPS's automated case tracking and information management system. Requires DFPS, if the commissioner does not make a determination, to implement this section not later than the date of DFPS's next update of the automated case tracking and information management system.

SECTION 3. Effective date: September 1, 2019.