

## **BILL ANALYSIS**

Senate Research Center  
86R8707 MM-D

C.S.S.B. 195  
By: Perry  
Health & Human Services  
3/12/2019  
Committee Report (Substituted)

### **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 their 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.

The substitute adds an additional requirement that the state (HHSC) track already available Medicaid discharge data from hospitals regarding treatment of a newborn child for prenatal exposure to alcohol or a controlled substance.

C.S.S.B. 195 amends current law relating to collecting and reporting by the Department of Family and Protective Services and the Health and Human Services Commission of certain information relating to certain alcohol and controlled substance use and treatment.

### **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 changes 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 DFPS:

(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 substances 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:

(A) the information collected under Subsection (a); and

(B) the data collected under Section 531.02143, Government Code;

(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 that 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. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.02143, as follows:

Sec. 531.02143. DATA REGARDING POSTNATAL ALCOHOL AND CONTROLLED SUBSTANCE TREATMENT. (a) Requires the Health and Human Services Commission (HHSC) to collect hospital discharge data for Medicaid recipients regarding treatment of a newborn child for prenatal exposure to alcohol or a controlled substance.

(b) Requires HHSC to provide the data collected under Subsection (a) to DFPS.

SECTION 4. Effective date: January 1, 2020.