

BILL ANALYSIS

Senate Research Center

S.B. 71
By: Nelson
Health & Human Services
9/6/2011
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 71 eliminates obsolete and redundant reports required of the health and human services agencies, and reduces the frequency of reports when appropriate. This will allow the health and human services agencies to focus state resources on providing information that is current and relevant to the governor, the legislature, and the public.

S.B. 71 amends current law relating to certain reports submitted and analyses conducted regarding health and human services.

[**Note:** While the statutory reference in this bill is to the Texas Department of Mental Health and Mental Retardation (TXMHMR), the following amendments affect the Department of Aging and Disability Services, as the successor agency to TXMHMR.]

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is rescinded in SECTION 21 (Section 531.0243, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 264.701(h), Family Code, to delete existing text requiring the Child Abuse Program Evaluation Committee (committee) to report annually to the Board of Protective and Regulatory Services, governor, lieutenant governor, and speaker of the house of representatives on the results of the committee's evaluation process.

SECTION 2. Amends the heading to Section 531.0274, Government Code, to read as follows:

Sec. 531.0274. COORDINATION AND APPROVAL OF CASELOAD ESTIMATES.

SECTION 3. Amends Section 531.1235(b), Government Code, as follows:

(b) Requires the Guardianship Advisory Board (advisory board) to prepare a biennial report, rather than an annual report, with respect to the recommendations of the advisory board under Subsection (a). Requires the advisory board to file the report with the Texas Health and Human Services Commission (HHSC), the Department of Aging and Disability Services, the governor, the lieutenant governor, and the speaker of the house of representatives not later than December 15 of each even-numbered year, rather than December 15 of each year.

SECTION 4. Amends Section 531.124(b), Government Code, to make a conforming change.

SECTION 5. Amends Section 11.0045(b), Health and Safety Code, to delete existing text requiring the Texas Board of Health (TBH) at a minimum to send printed copies of the plan to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and the committees of the senate and house of representatives that have oversight responsibilities regarding TBH and the Texas Department of Health (TDH).

SECTION 6. Amends the heading to Section 32.017, Health and Safety Code, to read as follows:

Sec. 32.017. RECORDS.

SECTION 7. Amends the heading to Section 36.012, Health and Safety Code, to read as follows:

Sec. 36.012. RESEARCH.

SECTION 8. Amends Section 83.005(a), Health and Safety Code, to prohibit the identity of a veteran about whom a report has been made under Section 83.002 (Reports to Department), rather than under Section 83.002 or 83.004 (Reports by Department), from being disclosed unless the veteran consents to the disclosure.

SECTION 9. Amends Section 83.009, Health and Safety Code, to provide that Section 83.002 does not apply, rather than Sections 83.002 and 83.004 do not apply, to veterans treated before January 1, 1982, for symptoms typical of a person who has been exposed to a chemical defoliant or herbicide or other causative agent, including Agent Orange.

SECTION 10. Amends Section 94.001(c), Health and Safety Code, to delete existing text requiring TDH, not later than October 1 of each even-numbered year, to file the state plan with the governor, lieutenant governor, and speaker of the house of representatives.

SECTION 11. Amends Section 108.0065(h), Health and Safety Code, to authorize HHSC, using existing funds, to contract with an entity to comply with the requirements under Subsection (e) (relating to requiring HHSC to analyze certain data), rather than under Subsections (e) and (f) (relating to a report by HHSC on certain information).

SECTION 12. Amends Section 533.032(g), Health and Safety Code, to require the Texas Department of Mental Health and Mental Retardation (TXMHMR) to attach the report required by Subsection (c) (relating to a report regarding the most efficient long-term use and management of certain facilities), rather than the reports required by Subsections (c) and (e) (relating to a report analyzing state and federally funded residential services for persons with mental retardation), to TXMHMR's legislative appropriations request for each biennium. Makes conforming changes.

SECTION 13. Amends Section 533.0415(a), Health and Safety Code, to delete existing text requiring that the joint memorandum of understanding to develop interagency training for the staffs of the agencies involved in the functions of assessment, case planning, case management, and in-home or direct delivery of services to children, youth, and their families submit a report to the governor, lieutenant governor, and speaker of the house of representatives by October 15 of each even-numbered year.

SECTION 14. Amends Section 22.005(d), Human Resources Code, to delete existing text relating to the reporting on handling of the Texas Department of Human Services' (TDHS) unencumbered balances at the end of each fiscal biennium.

SECTION 15. Amends Section 33.002(d), Human Resources Code, to delete existing text relating to the reporting of TDHS' monitoring of expedited issuance of food stamp benefits and the degree of compliance with federal regulations on a region-by-region basis after the end of each fiscal year.

SECTION 16. Amends Section 34.006, Human Resources Code, to delete existing text requiring the inclusion of certain information and recommendations by the Texas Workforce Commission in the report required by Section 34.007 (Report).

SECTION 17. Amends Section 52.001(b), Human Resources Code, to delete existing text requiring the Department of Family and Protective Services (DFPS), consistent with the provisions of the Memorandum of Understanding on Family Planning Services required by

Section 22.012, Human Resources Code, to submit a report each regular session to the legislature on the status of school age pregnancy programs in the state and DFPS' progress in meeting the requirements of this section.

SECTION 18. Amends Section 131.005, Human Resources Code, as follows:

Sec. 131.005. REPORTING AND ACCOUNTING SYSTEM. Requires each health and human services agency that provides, purchases, or otherwise funds transportation services for clients to comply with the standardized system of reporting and accounting established by the office under Section 131.003(a)(3) (relating to the establishment of a standardized system of reporting and accounting to be used by all health and human services agencies providing client transportation) and make any changes to agency data collection systems that are necessary to enable the agency to comply with the standardized system. Deletes existing text relating to submitting a report relating to transportation services not later than August 31 of each year.

SECTION 19. Amends Section 131.006, Human Resources Code, to delete existing text relating to submitting a report relating to transportation services by electronic mail and by hand delivery to certain persons not later than September 30 each even-numbered year.

SECTION 20. Repealer: Section 264.205(c) (relating to a report on the success of swift adoption teams), Family Code.

SECTION 21. (a) Repealer: Section 531.0243 (Reports on Delivery of Services), Government Code;

Repealer: Section 531.0273(b) (relating to the filing of the coordinated information resources strategic plan), Government Code;

Repealers: Sections 531.0274(c) (relating to a report of caseload estimates by health and human services agencies), (d) (relating to explaining certain information regarding the caseload estimates), and (e) (relating to attaching a copy of the report to the consolidated health and human services budget recommendation), Government Code;

Repealer: Section 531.029 (Annual Funds Report), Government Code;

Repealer: Section 531.0311 (Annual Work Plan), Government Code;

Repealer: Section 531.056(b) (relating to an annual report regarding the findings of a review), Government Code;

Repealer: Section 531.070(1) (defining "labeler"), Government Code;

Repealer: Section 531.110(f) (relating to a biennial report of the results of the electronic data matching program), Government Code;

Repealer: Section 531.603 (Report), Government Code;

Repealer: Section 752.005 (Annual Report on State Legalization Impact Assistance Grant (SLIAG) and Refugee Assistance Programs), Government Code;

Repealer: Section 752.006 (Spending Plan for Federal Funds), Government Code; and

Repealer: Subchapter G (Legislative Oversight for Texas Integrated Enrollment Services), Chapter 531 (Health and Human Services Commission), Government Code.

SECTION 22. Repealers: Sections 32.017(c) (relating to a report on the review of records, information, and reports), (d) (relating to the required information in the report), and (e) (relating to computing the number of individuals required to be reported), Health and Safety Code;

Repealer: Section 36.012(b) (relating to a report describing the conduct of the screening and remedial services program and certain other information), Health and Safety Code;

Repealer: Section 62.104(e) (relating to a report containing certain information regarding the child health plan), Health and Safety Code;

Repealer: Section 83.004 (Reports by Department), Health and Safety Code;

Repealers: Sections 108.0065(f) (relating to a report regarding certain information related to Medicaid) and (g) (relating to authorizing consolidation of the report with certain other reports), Health and Safety Code;

Repealer: Section 121.0067 (Evaluation and Report of Delivery of Essential Public Health Services), Health and Safety Code;

Repealer: Section 532.021(i) (relating to a report by the citizens' planning advisory committee), Health and Safety Code;

Repealers: Sections 533.032(e) (relating to a report analyzing state and federally funded residential services for certain persons) and (f) (relating to requirements for the report), Health and Safety Code;

Repealer: Section 533.033(e) (relating to a report regarding certain mental health information), Health and Safety Code;

Repealer: Section 533.036 (Report on Application for Services), Health and Safety Code;

Repealer: Section 533.049(b) (relating to a report on any proposals by private service providers for state schools), Health and Safety Code;

Repealer: Section 533.050(b) (relating to a report on any proposals by private service providers for state mental hospitals), Health and Safety Code;

Repealer: Section 534.022(d) (relating to a review of the issuance of bonds or notes), Health and Safety Code;

Repealer: Section 571.0065(d) (relating to a report regarding certain treatment methods), Health and Safety Code; and

Repealer: Section 1001.031 (Annual Report), Health and Safety Code.

SECTION 23. Repealer: Section 22.025(b) (relating to a report detailing progress made toward reaching goals and other certain information), Human Resources Code;

Repealer: Section 22.0255(c) (relating to the biennial report), Human Resources Code;

Repealer: Section 31.0034 (Annual Report), Human Resources Code;

Repealer: Section 31.0325(d) (relating to the quarterly report), Human Resources Code;

Repealer: Section 32.021(s) (relating to submitting a report to the legislature regarding certain information), Human Resources Code;

Repealer: Section 32.048(d) (relating to a report on the effectiveness of the comprehensive plan), Human Resources Code;

Repealer: Section 32.055(d) (relating to a report on the implementation of the system and certain other information), Human Resources Code;

Repealer: Section 32.257 (Biennial Report), Human Resources Code;

Repealer: Section 32.0022(c) (relating to a report to the Public Assistance Fraud Oversight Task Force), Human Resources Code;

Repealer: Section 34.007 (Report), Human Resources Code;

Repealer: Section 52.001(c) (relating to submitting a report), Human Resources Code;

Repealer: Section 117.031 (Annual Report), Human Resources Code; and

Repealer: Section 161.031 (Annual Report), Human Resources Code.

SECTION 24. Repealers: Sections 505.207 (Annual Report Regarding Licensing), and 603.157 (Annual Fiscal Report), Occupations Code.

SECTION 25. Repealer: Section 1.23 (Transition Plan), Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003.

SECTION 26. Effective date: September 1, 2011.