

1-1 By: Frank, et al. (Senate Sponsor - Schwertner) H.B. No. 5  
1-2 (In the Senate - Received from the House March 6, 2017;  
1-3 March 28, 2017, read first time and referred to Committee on Health  
1-4 & Human Services; May 15, 2017, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 15, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Schwertner	X			
1-9 Uresti	X			
1-10 Buckingham	X			
1-11 Burton	X			
1-12 Kolkhorst	X			
1-13 Miles	X			
1-14 Perry	X			
1-15 Taylor of Collin	X			
1-16 Watson	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 5 By: Watson

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the powers and duties of the Department of Family and  
1-22 Protective Services and the transfer of certain powers and duties  
1-23 from the Health and Human Services Commission.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 58.0051(a)(2), Family Code, is amended  
1-26 to read as follows:

1-27 (2) "Juvenile service provider" means a governmental  
1-28 entity that provides juvenile justice or prevention, medical,  
1-29 educational, or other support services to a juvenile. The term  
1-30 includes:

1-31 (A) a state or local juvenile justice agency as  
1-32 defined by Section 58.101;

1-33 (B) health and human services agencies, as  
1-34 defined by Section 531.001, Government Code, and the Health and  
1-35 Human Services Commission;

1-36 (C) the Department of Family and Protective  
1-37 Services;

1-38 (D) the Department of Public Safety;

1-39 (E) [D] the Texas Education Agency;

1-40 (F) [E] an independent school district;

1-41 (G) [F] a juvenile justice alternative  
1-42 education program;

1-43 (H) [G] a charter school;

1-44 (I) [H] a local mental health or mental  
1-45 retardation authority;

1-46 (J) [I] a court with jurisdiction over  
1-47 juveniles;

1-48 (K) [J] a district attorney's office;

1-49 (L) [K] a county attorney's office; and

1-50 (M) [L] a children's advocacy center

1-51 established under Section 264.402.

1-52 SECTION 2. Section 58.0072(c), Family Code, is amended to  
1-53 read as follows:

1-54 (c) The Texas Juvenile Justice Department may grant the  
1-55 following entities access to juvenile justice information for  
1-56 research and statistical purposes or for any other purpose approved  
1-57 by the department:

1-58 (1) criminal justice agencies as defined by Section  
1-59 411.082, Government Code;

1-60 (2) the Texas Education Agency, as authorized under

2-1 Section 37.084, Education Code;  
 2-2 (3) any agency under the authority of the Health and  
 2-3 Human Services Commission; ~~[or]~~  
 2-4 (4) the Department of Family and Protective Services;  
 2-5 or  
 2-6 (5) a public or private university.

2-7 SECTION 3. Section 107.152(c), Family Code, is amended to  
 2-8 read as follows:

2-9 (c) The pre-placement and post-placement parts of an  
 2-10 adoption evaluation conducted by a licensed child-placing agency or  
 2-11 the department are governed by rules adopted by the ~~[executive]~~  
 2-12 commissioner of the department ~~[Health and Human Services~~  
 2-13 ~~Commission]~~.

2-14 SECTION 4. Section 107.159(a), Family Code, is amended to  
 2-15 read as follows:

2-16 (a) Unless otherwise agreed to by the court, the  
 2-17 pre-placement part of an adoption evaluation must comply with the  
 2-18 minimum requirements for the pre-placement part of an adoption  
 2-19 evaluation under rules adopted by the ~~[executive]~~ commissioner of  
 2-20 the department ~~[Health and Human Services Commission]~~.

2-21 SECTION 5. Section 107.160(a), Family Code, is amended to  
 2-22 read as follows:

2-23 (a) Unless otherwise agreed to by the court, the  
 2-24 post-placement part of an adoption evaluation must comply with the  
 2-25 minimum requirements for the post-placement part of an adoption  
 2-26 evaluation under rules adopted by the ~~[executive]~~ commissioner of  
 2-27 the department ~~[Health and Human Services Commission]~~.

2-28 SECTION 6. Sections 162.304(b-2) and (g), Family Code, are  
 2-29 amended to read as follows:

2-30 (b-2) The ~~[executive]~~ commissioner of the department  
 2-31 ~~[Health and Human Services Commission]~~ shall adopt rules necessary  
 2-32 to implement Subsection (b-1), including rules that:

2-33 (1) limit eligibility for the subsidy under that  
 2-34 subsection to a child whose adoptive family income is less than 300  
 2-35 percent of the federal poverty level;

2-36 (2) provide for the manner in which the department  
 2-37 shall pay the subsidy under that subsection; and

2-38 (3) specify any documentation required to be provided  
 2-39 by an adoptive parent as proof that the subsidy is used to obtain  
 2-40 and maintain health benefits coverage for the adopted child.

2-41 (g) The ~~[executive]~~ commissioner of the department ~~[Health~~  
 2-42 ~~and Human Services Commission]~~ by rule shall provide that the  
 2-43 maximum amount of the subsidy under Subsection (b) that may be paid  
 2-44 to an adoptive parent of a child under an adoption assistance  
 2-45 agreement is an amount that is equal to the amount that would have  
 2-46 been paid to the foster parent of the child, based on the child's  
 2-47 foster care service level on the date the department and the  
 2-48 adoptive parent enter into the adoption assistance agreement. This  
 2-49 subsection applies only to a child who, based on factors specified  
 2-50 in rules of the department, the department determines would  
 2-51 otherwise have been expected to remain in foster care until the  
 2-52 child's 18th birthday and for whom this state would have made foster  
 2-53 care payments for that care. Factors the department may consider in  
 2-54 determining whether a child is eligible for the amount of the  
 2-55 subsidy authorized by this subsection include the following:

2-56 (1) the child's mental or physical disability, age,  
 2-57 and membership in a sibling group; and

2-58 (2) the number of prior placement disruptions the  
 2-59 child has experienced.

2-60 SECTION 7. Section 162.3041(a-1), Family Code, is amended  
 2-61 to read as follows:

2-62 (a-1) Notwithstanding Subsection (a), if the department  
 2-63 first entered into an adoption assistance agreement with a child's  
 2-64 adoptive parents after the child's 16th birthday, the department  
 2-65 shall, in accordance with rules adopted by the ~~[executive]~~  
 2-66 commissioner of the department ~~[Health and Human Services~~  
 2-67 ~~Commission]~~, offer adoption assistance after the child's 18th  
 2-68 birthday to the child's adoptive parents under an existing adoption  
 2-69 agreement until the last day of the month of the child's 21st

3-1 birthday, provided the child is:

3-2 (1) regularly attending high school or enrolled in a  
3-3 program leading toward a high school diploma or high school  
3-4 equivalency certificate;

3-5 (2) regularly attending an institution of higher  
3-6 education or a postsecondary vocational or technical program;

3-7 (3) participating in a program or activity that  
3-8 promotes, or removes barriers to, employment;

3-9 (4) employed for at least 80 hours a month; or

3-10 (5) incapable of doing any of the activities described  
3-11 by Subdivisions (1)-(4) due to a documented medical condition.

3-12 SECTION 8. Subchapter A, Chapter 261, Family Code, is  
3-13 amended by adding Section 261.004 to read as follows:

3-14 Sec. 261.004. REFERENCE TO EXECUTIVE COMMISSIONER OR  
3-15 COMMISSION. In this chapter:

3-16 (1) a reference to the executive commissioner or the  
3-17 executive commissioner of the Health and Human Services Commission  
3-18 means the commissioner of the department; and

3-19 (2) a reference to the Health and Human Services  
3-20 Commission means the department.

3-21 SECTION 9. Section 263.009(a), Family Code, is amended to  
3-22 read as follows:

3-23 (a) The department shall hold a permanency planning meeting  
3-24 for each child for whom the department is appointed temporary  
3-25 managing conservator in accordance with a schedule adopted by the  
3-26 ~~executive~~ commissioner of the ~~department~~ ~~Health and Human~~  
3-27 ~~Services Commission~~ by rule that is designed to allow the child to  
3-28 exit the managing conservatorship of the department safely and as  
3-29 soon as possible and be placed with an appropriate adult caregiver  
3-30 who will permanently assume legal responsibility for the child.

3-31 SECTION 10. Subchapter A, Chapter 264, Family Code, is  
3-32 amended by adding Section 264.0011 to read as follows:

3-33 Sec. 264.0011. REFERENCE TO EXECUTIVE COMMISSIONER OR  
3-34 COMMISSION. In this chapter:

3-35 (1) a reference to the executive commissioner or the  
3-36 executive commissioner of the Health and Human Services Commission  
3-37 means the commissioner of the department; and

3-38 (2) a reference to the commission or the Health and  
3-39 Human Services Commission means the department.

3-40 SECTION 11. Section 265.105, Family Code, as added by  
3-41 Chapter 1257 (H.B. 2630), Acts of the 84th Legislature, Regular  
3-42 Session, 2015, is amended to read as follows:

3-43 Sec. 265.105. RULES. The ~~executive~~ commissioner of the  
3-44 ~~department~~ ~~Health and Human Services Commission~~ may adopt rules  
3-45 as necessary to implement this subchapter.

3-46 SECTION 12. Section 265.106, Family Code, is amended to  
3-47 read as follows:

3-48 Sec. 265.106. PARTNERSHIP PROGRAM STANDARDS. The  
3-49 ~~executive~~ commissioner, with the assistance of the Nurse-Family  
3-50 Partnership National Service Office, shall adopt standards for the  
3-51 partnership programs funded under this subchapter. The standards  
3-52 must adhere to the Nurse-Family Partnership National Service Office  
3-53 program model standards and guidelines that were developed in  
3-54 multiple, randomized clinical trials and have been tested and  
3-55 replicated in multiple communities.

3-56 SECTION 13. Section 265.109(a), Family Code, is amended to  
3-57 read as follows:

3-58 (a) The department, with the assistance of the Nurse-Family  
3-59 Partnership National Service Office, shall:

3-60 (1) adopt performance indicators that are designed to  
3-61 measure a grant recipient's performance with respect to the  
3-62 partnership program standards adopted by the ~~executive~~  
3-63 commissioner under Section 265.106;

3-64 (2) use the performance indicators to continuously  
3-65 monitor and formally evaluate on an annual basis the performance of  
3-66 each grant recipient; and

3-67 (3) prepare and submit an annual report, not later  
3-68 than December 1 of each year, to the Senate Health and Human  
3-69 Services Committee, or its successor, and the House Human Services

4-1 Committee, or its successor, regarding the performance of each  
4-2 grant recipient during the preceding state fiscal year with respect  
4-3 to providing partnership program services.

4-4 SECTION 14. Section 266.001, Family Code, is amended by  
4-5 adding Subdivision (1-b) to read as follows:

4-6 (1-b) "Commissioner" means the commissioner of the  
4-7 Department of Family and Protective Services.

4-8 SECTION 15. Section 266.003, Family Code, is amended to  
4-9 read as follows:

4-10 Sec. 266.003. MEDICAL SERVICES FOR CHILD ABUSE AND NEGLECT  
4-11 VICTIMS. (a) The department [commission] shall collaborate with  
4-12 the commission and health care and child welfare professionals to  
4-13 design a comprehensive, cost-effective medical services delivery  
4-14 model, either directly or by contract, to meet the needs of children  
4-15 served by the department. The medical services delivery model must  
4-16 include:

4-17 (1) the designation of health care facilities with  
4-18 expertise in the forensic assessment, diagnosis, and treatment of  
4-19 child abuse and neglect as pediatric centers of excellence;

4-20 (2) a statewide telemedicine system to link department  
4-21 investigators and caseworkers with pediatric centers of excellence  
4-22 or other medical experts for consultation;

4-23 (3) identification of a medical home for each foster  
4-24 child on entering foster care at which the child will receive an  
4-25 initial comprehensive assessment as well as preventive treatments,  
4-26 acute medical services, and therapeutic and rehabilitative care to  
4-27 meet the child's ongoing physical and mental health needs  
4-28 throughout the duration of the child's stay in foster care;

4-29 (4) the development and implementation of health  
4-30 passports as described in Section 266.006;

4-31 (5) establishment and use of a management information  
4-32 system that allows monitoring of medical care that is provided to  
4-33 all children in foster care;

4-34 (6) the use of medical advisory committees and medical  
4-35 review teams, as appropriate, to establish treatment guidelines and  
4-36 criteria by which individual cases of medical care provided to  
4-37 children in foster care will be identified for further, in-depth  
4-38 review;

4-39 (7) development of the training program described by  
4-40 Section 266.004(h);

4-41 (8) provision for the summary of medical care  
4-42 described by Section 266.007; and

4-43 (9) provision for the participation of the person  
4-44 authorized to consent to medical care for a child in foster care in  
4-45 each appointment of the child with the provider of medical care.

4-46 (b) The department [commission] shall collaborate with  
4-47 health and human services agencies, community partners, the health  
4-48 care community, and federal health and social services programs to  
4-49 maximize services and benefits available under this section.

4-50 (c) The [executive] commissioner shall adopt rules  
4-51 necessary to implement this chapter.

4-52 (d) The commission is responsible for administering  
4-53 contracts with managed care providers for the provision of medical  
4-54 care to children in foster care. The department shall collaborate  
4-55 with the commission to ensure that medical care services provided  
4-56 by managed care providers match the needs of children in foster  
4-57 care.

4-58 SECTION 16. Sections 266.006(a), (b), and (e), Family Code,  
4-59 are amended to read as follows:

4-60 (a) The commission, in conjunction with the department, and  
4-61 with the assistance of physicians and other health care providers  
4-62 experienced in the care of foster children and children with  
4-63 disabilities and with the use of electronic health records, shall  
4-64 develop and provide a health passport for each foster child. The  
4-65 passport must be maintained in an electronic format and use [the  
4-66 commission's and] the department's existing computer resources to  
4-67 the greatest extent possible.

4-68 (b) The executive commissioner, in collaboration with the  
4-69 commissioner, shall adopt rules specifying the information

required to be included in the passport. The required information may include:

(1) the name and address of each of the child's physicians and health care providers;

(2) a record of each visit to a physician or other health care provider, including routine checkups conducted in accordance with the Texas Health Steps program;

(3) an immunization record that may be exchanged with ImmTrac;

(4) a list of the child's known health problems and allergies;

(5) information on all medications prescribed to the child in adequate detail to permit refill of prescriptions, including the disease or condition that the medication treats; and

(6) any other available health history that physicians and other health care providers who provide care for the child determine is important.

(e) The commission, in collaboration with the department, shall provide training or instructional materials to foster parents, physicians, and other health care providers regarding use of the health passport.

SECTION 17. Sections 266.008(a) and (d), Family Code, are amended to read as follows:

(a) The department [~~commission~~] shall develop an education passport for each foster child. The department [~~commission, in conjunction with the department,~~] shall determine the format of the passport. The passport may be maintained in an electronic format. The passport must contain educational records of the child, including the names and addresses of educational providers, the child's grade-level performance, and any other educational information the department [~~commission~~] determines is important.

(d) The department [and the commission] shall collaborate with the Texas Education Agency to develop policies and procedures to ensure that the needs of foster children are met in every school district.

SECTION 18. Chapter 266, Family Code, is amended by adding Section 266.013 to read as follows:

Sec. 266.013. CONTINUITY OF SERVICES PROVIDED BY COMMISSION. (a) In addition to the requirements of Section 266.003(d), the commission shall continue to provide any services to children in the conservatorship of the department that the commission provided to those children before September 1, 2017.

(b) Subsection (a) does not apply to any services provided by the commission in relation to a child's education passport created under Section 266.008.

SECTION 19. Section 531.001(4), Government Code, is amended to read as follows:

(4) "Health and human services agencies" includes the:

- (A) Department of Aging and Disability Services;
- (B) Department of State Health Services; and
- (C) Department of Assistive and Rehabilitative Services [; and Services] [ (D) Department of Family and Protective Services]

SECTION 20. Section 531.00553, Government Code, as added by Chapter 837 (S.B. 200), Acts of the 84th Legislature, Regular Session, 2015, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), in [In] this section, the term "administrative support services" includes strategic planning and evaluation, audit, legal, human resources, information resources, purchasing, contracting, financial management, and accounting services.

(a-1) In relation to the Department of Family and Protective Services, the term "administrative support services" does not include legal, human resources, contracting, or strategic planning and evaluation services.

(b) Subject to Subsection (c), the executive commissioner shall plan and implement an efficient and effective centralized

system of administrative support services for the health and human services system and the Department of Family and Protective Services, as applicable. The performance of administrative support services for the health and human services system is the responsibility of the commission.

SECTION 21. (a) Section [531.02013](#), Government Code, is amended to read as follows:

Sec. 531.02013. FUNCTIONS REMAINING WITH CERTAIN AGENCIES. The following functions are not subject to transfer under Sections [531.0201](#) and [531.02011](#):

(1) the functions of the Department of Family and Protective Services, including the statewide intake of reports and other information, related to the following:

(A) child protective services, including services that are required by federal law to be provided by this state's child welfare agency;

(B) adult protective services, including [other than] investigations of the alleged abuse, neglect, or exploitation of an elderly person or person with a disability:

(i) in a facility operated, or in a facility or by a person licensed, certified, or registered, by a state agency; or

(ii) by a provider that has contracted to provide home and community-based services; [and]

(C) prevention and early intervention services; and

(D) investigations of alleged abuse, neglect, or exploitation occurring at a child-care facility, including a residential child-care facility, as those terms are defined by Section [42.002](#), Human Resources Code; and

(2) the public health functions of the Department of State Health Services, including health care data collection and maintenance of the Texas Health Care Information Collection program.

(b) Notwithstanding any provision of Subchapter A-1, Chapter [531](#), Government Code, or any other law, the responsibility for conducting investigations of reports of abuse, neglect, or exploitation occurring at a child-care facility, including a residential child-care facility, as those terms are defined by Section [42.002](#), Human Resources Code, may not be transferred to the Health and Human Services Commission and remains the responsibility of the Department of Family and Protective Services.

(c) As soon as possible after the effective date of this section, the commissioner of the Department of Family and Protective Services shall transfer the responsibility for conducting investigations of reports of abuse, neglect, or exploitation occurring at a child-care facility, including a residential child-care facility, as those terms are defined by Section [42.002](#), Human Resources Code, to the child protective services division of the department. The commissioner shall transfer appropriate investigators and staff as necessary to implement this section.

(d) This section takes effect immediately if this Act receives a vote of two-thirds of all the members of each house, as provided by Section [39](#), Article III, Texas Constitution. If this Act does not receive the vote necessary for this section to take immediate effect, this section takes effect on the 91st day after the last day of the legislative session.

SECTION 22. Section [531.0202\(a\)](#), Government Code, is amended to read as follows:

(a) Each of the following state agencies and entities is abolished on a date that is within the period prescribed by Section [531.02001\(1\)](#), that is specified in the transition plan required under Section [531.0204](#) for the abolition of the agency or entity, and that occurs after all of the agency's or entity's functions have been transferred in accordance with Section [531.0201](#):

(1) the Department of Assistive and Rehabilitative Services;

(2) the Health and Human Services Council;

(3) the Aging and Disability Services Council;  
(4) the Assistive and Rehabilitative Services Council;  
(5) ~~the Family and Protective Services Council;~~  
~~(6)~~ the State Health Services Council; and  
(6) ~~(7)~~ the Texas Council on Autism and Pervasive Developmental Disorders.

SECTION 23. Section 531.0206(a), Government Code, is amended to read as follows:

(a) The Sunset Advisory Commission shall conduct a limited-scope review of the commission during the state fiscal biennium ending August 31, 2023, in the manner provided by Chapter 325 (Texas Sunset Act). The review must provide:

(1) an update on the commission's progress with respect to the consolidation of the health and human services system mandated by this subchapter, including the commission's compliance with the transition plan required under Section 531.0204;

(2) an evaluation and recommendations regarding the need to continue [the Department of Family and Protective Services and] the Department of State Health Services as a state agency [agencies] separate from the commission; and

(3) any additional information the Sunset Advisory Commission determines appropriate, including information regarding any additional organizational changes the Sunset Advisory Commission recommends.

SECTION 24. Section 531.102(a), Government Code, is amended to read as follows:

(a) The commission's office of inspector general is responsible for the prevention, detection, audit, inspection, review, and investigation of fraud, waste, and abuse in the provision and delivery of all health and human services in the state, including services through any state-administered health or human services program that is wholly or partly federally funded or services provided by the Department of Family and Protective Services, and the enforcement of state law relating to the provision of those services. The commission may obtain any information or technology necessary to enable the office to meet its responsibilities under this subchapter or other law.

SECTION 25. Sections [40.0026](#) and [40.0027](#), Human Resources Code, as effective September 1, 2017, are amended to read as follows:

Sec. 40.0026. REFERENCES IN LAW MEANING DEPARTMENT. In this code or any other law, a reference to the department or the commission in relation to a function described by Section 40.0025(b) or a legal, human resources, contracting, or strategic planning and evaluation function for the department means the department. [A reference in law to the department in relation to any other function has the meaning assigned by Section 531.0011, Government Code.]

Sec. 40.0027. REFERENCES IN LAW MEANING COMMISSIONER OR DESIGNEE. In this code or in any other law, a reference to the commissioner or the executive commissioner in relation to a function described by Section 40.0025(b) or a legal, human resources, contracting, or strategic planning and evaluation function for the department means the commissioner. [A reference in law to the commissioner in relation to any other function has the meaning assigned by Section 531.0012, Government Code.]

SECTION 26. Subchapter B, Chapter 40, Human Resources Code, is amended by adding Sections 40.021, 40.022, 40.023, 40.024, 40.025, and 40.026 to read as follows:

Sec. 40.021. FAMILY AND PROTECTIVE SERVICES COUNCIL. (a)  
The Family and Protective Services Council is created to assist the commissioner in developing rules and policies for the department.

(b) The council is composed of nine members of the public appointed by the governor with the advice and consent of the senate. In making appointments to the council, the governor shall consider persons who have a demonstrated knowledge of the department and the health and human services system in general, including former

8-1 department employees, court-appointed special advocates, foster  
8-2 care providers, and employees of child advocacy centers.

8-3 (c) The council shall study and make recommendations to the  
8-4 commissioner regarding the management and operation of the  
8-5 department, including policies and rules governing the delivery of  
8-6 services to persons who are served by the department, the rights and  
8-7 duties of persons who are served or regulated by the department, and  
8-8 the consolidation of the provision of administrative support  
8-9 services as provided by Section 531.00553, Government Code. The  
8-10 council may not develop policies or rules relating to  
8-11 administrative support services provided by the commission for the  
8-12 department.

8-13 (d) Chapter 551, Government Code, applies to the council.

8-14 (e) Chapter 2110, Government Code, does not apply to the  
8-15 council.

8-16 (f) A majority of the members of the council constitute a  
8-17 quorum for the transaction of business.

8-18 Sec. 40.022. APPOINTMENTS. (a) Appointments to the  
8-19 council shall be made without regard to the race, color,  
8-20 disability, sex, religion, age, or national origin of the  
8-21 appointees.

8-22 (b) Appointments to the council shall be made so that each  
8-23 geographic area of the state is represented on the council.  
8-24 Notwithstanding Subsection (a), appointments to the council must  
8-25 reflect the ethnic diversity of this state.

8-26 Sec. 40.023. TRAINING PROGRAM FOR COUNCIL MEMBERS. (a) A  
8-27 person who is appointed as a member of the council may not vote,  
8-28 deliberate, or be counted as a member in attendance at a meeting of  
8-29 the council until the person completes a training program that  
8-30 complies with this section.

8-31 (b) The training program must provide information to the  
8-32 member regarding:

8-33 (1) the legislation that created the department and  
8-34 the council;

8-35 (2) the programs operated by the department;

8-36 (3) the role and functions of the department and the  
8-37 council, including detailed information regarding the advisory  
8-38 responsibilities of the council;

8-39 (4) the role of the commission and the  
8-40 responsibilities of the commission in relation to the department;

8-41 (5) the rules of the department, with an emphasis on  
8-42 rules that relate to disciplinary and investigatory authority;

8-43 (6) the current budget for the department;

8-44 (7) the results of the most recent formal audit of the  
8-45 department;

8-46 (8) the requirements of the:

8-47 (A) open meetings law, Chapter 551, Government  
8-48 Code;

8-49 (B) public information law, Chapter 552,  
8-50 Government Code; and

8-51 (C) administrative procedure law, Chapter 2001,  
8-52 Government Code;

8-53 (9) the requirements of the conflict-of-interest laws  
8-54 and other laws relating to public officials; and

8-55 (10) any applicable ethics policies adopted by the  
8-56 commissioner or the Texas Ethics Commission.

8-57 Sec. 40.024. TERMS; VACANCY. (a) Members of the council  
8-58 serve for staggered six-year terms, with the terms of three members  
8-59 expiring February 1 of each odd-numbered year.

8-60 (b) A member of the council may not serve more than two  
8-61 consecutive full terms as a council member.

8-62 (c) A vacancy on the council shall be filled in the same  
8-63 manner as the original appointment.

8-64 Sec. 40.025. REIMBURSEMENT FOR EXPENSES. A council member  
8-65 may not receive compensation for service as a member of the council  
8-66 but is entitled to reimbursement for travel expenses incurred by  
8-67 the member while conducting the business of the council as provided  
8-68 by the General Appropriations Act.

8-69 Sec. 40.026. PRESIDING OFFICER; OTHER OFFICERS; MEETINGS.

9-1 (a) The governor shall designate a member of the council as the  
 9-2 presiding officer to serve in that capacity at the pleasure of the  
 9-3 governor.

9-4 (b) The members of the council shall elect any other  
 9-5 necessary officers.

9-6 (c) The council shall meet quarterly and at other times at  
 9-7 the call of the presiding officer. The council may hold meetings in  
 9-8 different areas of the state.

9-9 SECTION 27. Section 40.027, Human Resources Code, is  
 9-10 amended to read as follows:

9-11 Sec. 40.027. COMMISSIONER. (a) The governor, with the  
 9-12 advice and consent of the senate, [executive commissioner] shall  
 9-13 appoint a commissioner [in accordance with Section 531.0056,  
 9-14 Government Code]. The commissioner is to be selected according to  
 9-15 education, training, experience, and demonstrated ability.

9-16 (b) The commissioner serves a term of two years [at the  
 9-17 pleasure of the executive commissioner].

9-18 (c) The [Subject to the control of the executive  
 9-19 commissioner, the] commissioner shall:

9-20 (1) act as the department's chief administrative  
 9-21 officer;

9-22 (2) oversee [in accordance with the procedures  
 9-23 prescribed by Section 531.00551, Government Code, assist the  
 9-24 executive commissioner in] the development and implementation of  
 9-25 policies and guidelines needed for the administration of the  
 9-26 department's functions;

9-27 (3) oversee [in accordance with the procedures adopted  
 9-28 by the executive commissioner under Section 531.00551, Government  
 9-29 Code, assist the executive commissioner in] the development of  
 9-30 rules relating to the matters within the department's jurisdiction,  
 9-31 including the delivery of services to persons and the rights and  
 9-32 duties of persons who are served or regulated by the department; and

9-33 (4) serve as a liaison between the department and  
 9-34 commission.

9-35 (d) The commissioner shall administer this chapter and  
 9-36 other laws relating to the department [under operational policies  
 9-37 established by the executive commissioner and in accordance with  
 9-38 the memorandum of understanding under Section 531.0055(k),  
 9-39 Government Code, between the commissioner and the executive  
 9-40 commissioner, as adopted by rule].

9-41 (e) Notwithstanding any other law, the commissioner shall  
 9-42 adopt rules and policies for the operation of and the provision of  
 9-43 services by the department.

9-44 SECTION 28. Section 40.030, Human Resources Code, is  
 9-45 amended to read as follows:

9-46 Sec. 40.030. ADVISORY COMMITTEES. (a) The [executive]  
 9-47 commissioner or the [executive] commissioner's designee may  
 9-48 appoint advisory committees in accordance with Chapter 2110,  
 9-49 Government Code.

9-50 (b) The [executive] commissioner shall adopt rules, in  
 9-51 compliance with Chapter 2110, Government Code, regarding the  
 9-52 purpose, structure, and use of advisory committees by the  
 9-53 department. The rules may include provisions governing:

9-54 (1) an advisory committee's size and quorum  
 9-55 requirements;

9-56 (2) qualifications for membership of an advisory  
 9-57 committee, including:

9-58 (A) requirements relating to experience and  
 9-59 geographic representation; and

9-60 (B) requirements for the department to include as  
 9-61 members of advisory committees youth who have aged out of foster  
 9-62 care and parents who have successfully completed family service  
 9-63 plans and whose children were returned to the parents, as  
 9-64 applicable;

9-65 (3) appointment procedures for an advisory committee;

9-66 (4) terms for advisory committee members; and

9-67 (5) compliance with Chapter 551, Government Code.

9-68 SECTION 29. Section 40.0505, Human Resources Code, is  
 9-69 amended to read as follows:

10-1 Sec. 40.0505. DIVISIONS OF DEPARTMENT [POWERS AND DUTIES OF  
 10-2 COMMISSIONER; EFFECT OF CONFLICT WITH OTHER LAW]. (a) The  
 10-3 commissioner shall establish the following divisions and offices  
 10-4 within the department:

10-5 (1) an investigations division;  
 10-6 (2) a contracting division that oversees the following  
 10-7 in each programmatic division of the department:  
 10-8 (A) quality assurance;  
 10-9 (B) vendor oversight;  
 10-10 (C) contract adherence;  
 10-11 (D) contracting; and  
 10-12 (E) oversight of single source continuum  
 10-13 contractors providing foster care services;  
 10-14 (3) a consolidated data division;  
 10-15 (4) a legal division that oversees the following:  
 10-16 (A) legal matters relating to human resources, as  
 10-17 necessary to manage the department's workforce and establish the  
 10-18 department's hiring and termination policies;  
 10-19 (B) open records;  
 10-20 (C) privacy and confidentiality;  
 10-21 (D) litigation; and  
 10-22 (E) contract compliance; and  
 10-23 (5) an operations division that oversees department  
 10-24 operations and human resources functions of the department.

10-25 (b) The commissioner may establish additional divisions  
 10-26 within the department as the commissioner determines appropriate.  
 10-27 (c) The commissioner may assign department functions among  
 10-28 the department's divisions. [To the extent a power or duty given to  
 10-29 the commissioner by this chapter or another law conflicts with  
 10-30 Section 531.0055, Government Code, Section 531.0055 controls.]

10-31 SECTION 30. Subchapter C, Chapter 40, Human Resources Code,  
 10-32 is amended by adding Section 40.0512 to read as follows:

10-33 Sec. 40.0512. CONTINUITY OF SERVICES; INFORMATION SHARING.  
 10-34 The department shall make a good faith effort to share relevant and  
 10-35 appropriate information with health and human services agencies  
 10-36 regarding persons receiving services from the department to ensure  
 10-37 continuity of care and the best possible coordination of  
 10-38 state-funded resources among health and human services agencies.

10-39 SECTION 31. Section 40.058, Human Resources Code, is  
 10-40 amended by adding Subsections (i) and (j) to read as follows:

10-41 (i) The department and the commission shall enter into  
 10-42 contracts for the provision of all shared administrative services,  
 10-43 subject to approval by the governor. Shared administrative  
 10-44 services do not include legal, human resources, contracting, or  
 10-45 strategic planning and evaluation services.

10-46 (j) The department shall collaborate with the commission to  
 10-47 ensure the efficient provision of administrative support services  
 10-48 by the commission.

10-49 SECTION 32. Subchapter A, Chapter 48, Human Resources Code,  
 10-50 is amended by adding Section 48.0021 to read as follows:

10-51 Sec. 48.0021. REFERENCE TO COMMISSION OR EXECUTIVE  
 10-52 COMMISSIONER. In this chapter:

10-53 (1) a reference to the Health and Human Services  
 10-54 Commission means the Department of Family and Protective Services;  
 10-55 and

10-56 (2) a reference to the executive commissioner means  
 10-57 the commissioner of the Department of Family and Protective  
 10-58 Services.

10-59 SECTION 33. The following provisions are repealed:  
 10-60 (1) Sections 261.001(7) and 264.001(2) and (3), Family  
 10-61 Code; and

10-62 (2) Sections 40.0506 and 40.0507, Human Resources  
 10-63 Code.

10-64 SECTION 34. As soon as possible after the effective date of  
 10-65 this Act, the executive commissioner of the Health and Human  
 10-66 Services Commission shall transfer the appropriate divisions,  
 10-67 resources, and personnel to the Department of Family and Protective  
 10-68 Services to allow the department to perform the general functions  
 10-69 of the department under Chapter 40, Human Resources Code, as

11-1 amended by this Act, including any staff and associated resources  
11-2 previously transferred to the commission for the purpose of  
11-3 providing legal, human resources, contracting, or strategic  
11-4 planning and evaluation services to the department pursuant to the  
11-5 requirements of Chapter 837 (S.B. 200), Acts of the 84th  
11-6 Legislature, Regular Session, 2015.

11-7 SECTION 35. Except as otherwise provided by this Act, this  
11-8 Act takes effect September 1, 2017.

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