

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Government Code
Chapter 523
9/12/22

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6 CHAPTER 523. HEALTH AND HUMAN SERVICES COMMISSION

7 SUBCHAPTER A. GENERAL PROVISIONS

8 Revised Law

9 Sec. 523.0001. HEALTH AND HUMAN SERVICES COMMISSION;
10 RESPONSIBILITY FOR DELIVERY OF HEALTH AND HUMAN SERVICES. (a) The
11 Health and Human Services Commission is an agency of this state.

12 (b) The commission is the state agency with primary
13 responsibility for ensuring the delivery of state health and human
14 services in a manner that:

15 (1) uses an integrated system to determine client
16 eligibility;

17 (2) maximizes the use of federal, state, and local
18 money; and

19 (3) emphasizes coordination, flexibility, and
20 decision-making at the local level. (Gov. Code, Sec. 531.002.)

21 Source Law

22 Sec. 531.002. HEALTH AND HUMAN SERVICES
23 COMMISSION; RESPONSIBILITY. (a) The Health and Human
24 Services Commission is an agency of the state.

25 (b) The commission is the state agency with
26 primary responsibility for ensuring the delivery of
27 state health and human services in a manner that:

28 (1) uses an integrated system to determine
29 client eligibility;

30 (2) maximizes the use of federal, state,
31 and local funds; and

32 (3) emphasizes coordination, flexibility,
33 and decision-making at the local level.

34 Revisor's Note

35 Section 531.002(b)(2), Government Code, refers
36 to federal, state, and local "funds." Throughout this
37 chapter, the revised law substitutes "money" for
38 "funds" because in context, the meaning is the same and
39 "money" is the more commonly used term.

1 Revised Law

2 Sec. 523.0002. GOALS. The commission's goals are to:

3 (1) maximize federal money through the efficient use
4 of available state and local resources;

5 (2) provide a system that delivers prompt,
6 comprehensive, effective services to individuals of this state by:

7 (A) improving access to health and human services
8 at the local level; and

9 (B) eliminating architectural, communication,
10 programmatic, and transportation barriers;

11 (3) promote the health of individuals of this state
12 by:

13 (A) reducing the incidence of disease and
14 disabling conditions;

15 (B) increasing the availability and improving
16 the quality of health care services;

17 (C) addressing the high incidence of certain
18 illnesses and conditions in minority populations;

19 (D) increasing the availability of trained
20 health care professionals;

21 (E) improving knowledge of health care needs;

22 (F) reducing infant death and disease;

23 (G) reducing the impacts of mental disorders in
24 adults and emotional disturbances in children;

25 (H) increasing nutritional education and
26 participation in nutrition programs; and

27 (I) reducing substance abuse;

28 (4) foster the development of responsible,
29 productive, and self-sufficient citizens by:

30 (A) improving workforce skills;

31 (B) increasing employment, earnings, and
32 benefits;

33 (C) increasing housing opportunities;

34 (D) increasing child-care and other

1 dependent-care services;

2 (E) improving education and vocational training
3 to meet specific career goals;

4 (F) reducing school dropouts and teen pregnancy;

5 (G) improving parental effectiveness;

6 (H) increasing support services for individuals
7 with disabilities and services to help those individuals maintain
8 or increase their independence;

9 (I) improving access to work sites,
10 accommodations, transportation, and other public places and
11 activities covered by the Americans with Disabilities Act of 1990
12 (42 U.S.C. Section 12101 et seq.); and

13 (J) improving services for juvenile offenders;

14 (5) provide needed resources and services to
15 individuals of this state when they cannot provide or care for
16 themselves by:

17 (A) increasing support services for adults and
18 their families during periods of unemployment, financial need, or
19 homelessness;

20 (B) reducing extended dependency on basic
21 support services; and

22 (C) increasing the availability and diversity of
23 long-term care provided to support individuals with chronic
24 conditions in settings that focus on community-based services, with
25 options ranging from their own homes to total-care facilities;

26 (6) protect the physical and emotional safety of all
27 individuals of this state by:

28 (A) reducing abuse, neglect, and exploitation of
29 elderly individuals and adults with disabilities;

30 (B) reducing child abuse and neglect;

31 (C) reducing family violence;

32 (D) increasing services to children who are
33 truant or who run away, or who are at risk of truancy or running
34 away, and their families;

- 1 (E) reducing crime and juvenile delinquency;
2 (F) reducing community health risks; and
3 (G) improving regulation of human services
4 providers; and
5 (7) improve the coordination and delivery of
6 children's services. (Gov. Code, Sec. 531.003.)

7 Source Law

8 Sec. 531.003. GOALS. The commission's goals are
9 to:

10 (1) maximize federal funds through the
11 efficient use of available state and local resources;

12 (2) provide a system that delivers prompt,
13 comprehensive, effective services to the people of
14 this state by:

15 (A) improving access to health and
16 human services at the local level; and

17 (B) eliminating architectural,
18 communications, programmatic, and transportation
19 barriers;

20 (3) promote the health of the people of
21 this state by:

22 (A) reducing the incidence of disease
23 and disabling conditions;

24 (B) increasing the availability of
25 health care services;

26 (C) improving the quality of health
27 care services;

28 (D) addressing the high incidence of
29 certain illnesses and conditions of minority
30 populations;

31 (E) increasing the availability of
32 trained health care professionals;

33 (F) improving knowledge of health
34 care needs;

35 (G) reducing infant death and
36 disease;

37 (H) reducing the impact of mental
38 disorders in adults;

39 (I) reducing the impact of emotional
40 disturbances in children;

41 (J) increasing participation in
42 nutrition programs;

43 (K) increasing nutritional
44 education; and

45 (L) reducing substance abuse;
46 (4) foster the development of responsible,
47 productive, and self-sufficient citizens by:

48 (A) improving workforce skills;
49 (B) increasing employment, earnings,
50 and benefits;

51 (C) increasing housing
52 opportunities;

53 (D) increasing child-care and other
54 dependent-care services;

55 (E) improving education and
56 vocational training to meet specific career goals;

57 (F) reducing school dropouts;

58 (G) reducing teen pregnancy;

59 (H) improving parental
60 effectiveness;

1 (I) increasing support services for
2 people with disabilities;

3 (J) increasing services to help
4 people with disabilities maintain or increase their
5 independence;

6 (K) improving access to work sites,
7 accommodations, transportation, and other public
8 places and activities covered by the federal Americans
9 with Disabilities Act of 1990 (42 U.S.C. Section 12101
10 et seq.); and

11 (L) improving services to juvenile
12 offenders;

13 (5) provide needed resources and services
14 to the people of this state when they cannot provide or
15 care for themselves by:

16 (A) increasing support services for
17 adults and their families during periods of
18 unemployment, financial need, or homelessness;

19 (B) reducing extended dependency on
20 basic support services; and

21 (C) increasing the availability and
22 diversity of long-term care provided to support people
23 with chronic conditions in settings that focus on
24 community-based services with options ranging from
25 their own homes to total-care facilities;

26 (6) protect the physical and emotional
27 safety of all the people of this state by:

28 (A) reducing abuse, neglect, and
29 exploitation of elderly people and adults with
30 disabilities;

31 (B) reducing child abuse and neglect;

32 (C) reducing family violence;

33 (D) increasing services to truants
34 and runaways, children at risk of truancy or running
35 away, and their families;

36 (E) reducing crime and juvenile
37 delinquency;

38 (F) reducing community health risks;

39 and

40 (G) improving regulation of human
41 services providers; and

42 (7) improve the coordination and delivery
43 of children's services.

44 Revisor's Note

45 Section 531.003(2), Government Code, refers to
46 delivering services to the "people" of this state.
47 Throughout this chapter, the revised law substitutes
48 "individuals" or "individual" for "people" or
49 "person," respectively, for clarity and consistency
50 where the context makes clear that the referenced
51 person is an individual and not an entity described by
52 the definition of "person" provided by Section
53 311.005, Government Code (Code Construction Act),
54 applicable to this code.

1 Revised Law

2 Sec. 523.0003. SUNSET PROVISION. The Health and Human
3 Services Commission is subject to Chapter 325 (Texas Sunset Act).
4 Unless continued in existence as provided by that chapter, the
5 commission is abolished September 1, 2027, and Chapter 531 and
6 revised provisions derived from Chapter 531, as that chapter
7 existed on March 31, 2025, expire on that date. (Gov. Code, Sec.
8 531.004.)

9 Source Law

10 Sec. 531.004. SUNSET PROVISION. The Health and
11 Human Services Commission is subject to Chapter 325
12 (Texas Sunset Act). Unless continued in existence as
13 provided by that chapter, the commission is abolished
14 and this chapter expires September 1, 2027.

15 Revised Law

16 Sec. 523.0004. APPLICABILITY OF OTHER LAW. The commission
17 is subject to Chapters 2001 and 2002. (Gov. Code, Sec. 531.032.)

18 Source Law

19 Sec. 531.032. APPLICATION OF OTHER LAWS. The
20 commission is subject to Chapters 2001 and 2002.

21 SUBCHAPTER B. EXECUTIVE COMMISSIONER; PERSONNEL

22 Revised Law

23 Sec. 523.0051. EXECUTIVE COMMISSIONER. (a) The commission
24 is governed by an executive commissioner.

25 (b) The governor appoints the executive commissioner with
26 the advice and consent of the senate, and shall make the appointment
27 without regard to race, color, disability, sex, religion, age, or
28 national origin. (Gov. Code, Sec. 531.005.)

29 Source Law

30 Sec. 531.005. EXECUTIVE COMMISSIONER. (a) The
31 commission is governed by an executive commissioner
32 appointed by the governor with the advice and consent
33 of the senate.

34 (b) The executive commissioner shall be
35 appointed without regard to race, color, disability,
36 sex, religion, age, or national origin.

37 Revised Law

38 Sec. 523.0052. ELIGIBILITY FOR APPOINTMENT AS EXECUTIVE
39 COMMISSIONER OR TO SERVE IN CERTAIN EMPLOYMENT POSITIONS. (a) In

1 this section, "Texas trade association" means a cooperative and
2 voluntarily joined statewide association of business or
3 professional competitors in this state designed to assist its
4 members and its industry or profession in dealing with mutual
5 business or professional problems and in promoting their common
6 interest.

7 (b) An individual may not be appointed as executive
8 commissioner or be a commission employee employed in a "bona fide
9 executive, administrative, or professional capacity," as that
10 phrase is used for purposes of establishing an exemption to the
11 overtime provisions of the Fair Labor Standards Act of 1938 (29
12 U.S.C. Section 201 et seq.), if:

13 (1) the individual is an officer, employee, or paid
14 consultant of a Texas trade association in the field of health and
15 human services; or

16 (2) the individual's spouse is an officer, manager, or
17 paid consultant of a Texas trade association in the field of health
18 and human services.

19 (c) An individual may not be appointed as executive
20 commissioner or act as the commission's general counsel if the
21 individual is required to register as a lobbyist under Chapter 305
22 because of the individual's activities for compensation on behalf
23 of a profession related to the commission's operation.

24 (d) An individual may not be appointed as executive
25 commissioner if the individual has a financial interest in a
26 corporation, organization, or association under contract with:

27 (1) the commission or a health and human services
28 agency;

29 (2) a local mental health or intellectual and
30 developmental disability authority; or

31 (3) a community center. (Gov. Code, Secs. 531.006(a),
32 (a-1) (part), (b), (c).)

33 Source Law

34 Sec. 531.006. ELIGIBILITY FOR APPOINTMENT AS

1 EXECUTIVE COMMISSIONER; EMPLOYEE RESTRICTIONS.
2 (a) In this section, "Texas trade association" means
3 a cooperative and voluntarily joined statewide
4 association of business or professional competitors in
5 this state designed to assist its members and its
6 industry or profession in dealing with mutual business
7 or professional problems and in promoting their common
8 interest.

9 (a-1) A person may not be appointed as executive
10 commissioner, . . . may not be a commission employee
11 employed in a "bona fide executive, administrative, or
12 professional capacity," as that phrase is used for
13 purposes of establishing an exemption to the overtime
14 provisions of the federal Fair Labor Standards Act of
15 1938 (29 U.S.C. Section 201 et seq.) if:

16 (1) the person is an officer, employee, or
17 paid consultant of a Texas trade association in the
18 field of health and human services; or

19 (2) the person's spouse is an officer,
20 manager, or paid consultant of a Texas trade
21 association in the field of health and human services.

22 (b) A person may not be appointed as executive
23 commissioner or act as general counsel of the
24 commission if the person is required to register as a
25 lobbyist under Chapter 305 because of the person's
26 activities for compensation on behalf of a profession
27 related to the operation of the commission.

28 (c) A person may not be appointed as executive
29 commissioner if the person has a financial interest in
30 a corporation, organization, or association under
31 contract with:

32 (1) the commission or a health and human
33 services agency;

34 (2) a local mental health or intellectual
35 and developmental disability authority; or

36 (3) a community center.

37 Revised Law

38 Sec. 523.0053. TERM. The executive commissioner serves a
39 two-year term expiring February 1 of each odd-numbered year. (Gov.
40 Code, Sec. 531.007.)

41 Source Law

42 Sec. 531.007. TERM. The executive
43 commissioner serves a two-year term expiring February
44 1 of each odd-numbered year.

45 Revised Law

46 Sec. 523.0054. MEDICAL DIRECTOR; OTHER PERSONNEL. The
47 executive commissioner:

48 (1) shall employ a medical director to provide medical
49 expertise to the executive commissioner and the commission; and

50 (2) may employ other personnel necessary to administer
51 the commission's duties. (Gov. Code, Sec. 531.009(a).)

52 Source Law

53 Sec. 531.009. PERSONNEL. (a) The executive

1 commissioner shall employ a medical director to
2 provide medical expertise to the executive
3 commissioner and the commission and may employ other
4 personnel necessary to administer the commission's
5 duties.

6 Revised Law

7 Sec. 523.0055. CAREER LADDER PROGRAM; PERFORMANCE
8 EVALUATIONS. (a) The executive commissioner shall develop an
9 intra-agency career ladder program. The program must require the
10 intra-agency posting of all non-entry-level positions concurrently
11 with any public posting.

12 (b) The executive commissioner shall develop a system of
13 annual performance evaluations based on measurable job tasks. All
14 merit pay for commission employees must be based on the system
15 established under this subsection. (Gov. Code, Secs. 531.009(b),
16 (c).)

17 Source Law

18 (b) The executive commissioner shall develop an
19 intra-agency career ladder program, one part of which
20 must require the intra-agency posting of all
21 non-entry-level positions concurrently with any
22 public posting.

23 (c) The executive commissioner shall develop a
24 system of annual performance evaluations based on
25 measurable job tasks. All merit pay for commission
26 employees must be based on the system established
27 under this subsection.

28 Revised Law

29 Sec. 523.0056. MERIT SYSTEM. (a) The commission may
30 establish a merit system for commission employees.

31 (b) The merit system may be maintained in conjunction with
32 other state agencies that are required by federal law to operate
33 under a merit system. (Gov. Code, Sec. 531.010.)

34 Source Law

35 Sec. 531.010. MERIT SYSTEM. (a) The commission
36 may establish a merit system for its employees.

37 (b) The merit system may be maintained in
38 conjunction with other state agencies that are
39 required by federal law to operate under a merit
40 system.

41 Revised Law

42 Sec. 523.0057. QUALIFICATIONS AND STANDARDS OF CONDUCT
43 INFORMATION. The executive commissioner shall provide to

1 commission employees as often as necessary information regarding
2 their qualifications under this chapter and their responsibilities
3 under applicable laws relating to standards of conduct for state
4 employees. (Gov. Code, Sec. 531.009(d).)

5 Source Law

6 (d) The executive commissioner shall provide to
7 commission employees as often as is necessary
8 information regarding their qualifications under this
9 chapter and their responsibilities under applicable
10 laws relating to standards of conduct for state
11 employees.

12 Revisor's Note

13 Section 531.009(d), Government Code, refers to
14 qualifications for Health and Human Services
15 Commission employees under "this chapter," meaning
16 Chapter 531, Government Code. Chapter 531 is revised
17 throughout Subtitle I, Title 4, Government Code.
18 However, the relevant portions of Chapter 531
19 concerning qualifications for commission employees
20 are revised in this chapter, and the revised law is
21 drafted accordingly.

22 Revised Law

23 Sec. 523.0058. EQUAL EMPLOYMENT OPPORTUNITY POLICY. (a)
24 The executive commissioner shall prepare and maintain a written
25 policy statement that implements a program of equal employment
26 opportunity to ensure that all personnel transactions are made
27 without regard to race, color, disability, sex, religion, age, or
28 national origin.

29 (b) The policy statement must include:

30 (1) personnel policies, including policies relating
31 to recruitment, evaluation, selection, training, and promotion of
32 personnel, that show the commission's intent to avoid the unlawful
33 employment practices described by Chapter 21, Labor Code; and

34 (2) an analysis of the extent to which the composition
35 of the commission's personnel is in accordance with state and
36 federal law and a description of reasonable methods to achieve

1 compliance with state and federal law.

2 (c) The policy statement must be:

3 (1) updated annually;

4 (2) reviewed by the Texas Workforce Commission civil
5 rights division for compliance with Subsection (b)(1); and

6 (3) filed with the governor's office. (Gov. Code,
7 Secs. 531.009(e), (f), (g).)

8 Source Law

9 (e) The executive commissioner shall prepare
10 and maintain a written policy statement that
11 implements a program of equal employment opportunity
12 to ensure that all personnel transactions are made
13 without regard to race, color, disability, sex,
14 religion, age, or national origin.

15 (f) The policy statement described by
16 Subsection (e) must include:

17 (1) personnel policies, including
18 policies relating to recruitment, evaluation,
19 selection, training, and promotion of personnel, that
20 show the intent of the commission to avoid the unlawful
21 employment practices described by Chapter 21, Labor
22 Code; and

23 (2) an analysis of the extent to which the
24 composition of the commission's personnel is in
25 accordance with state and federal law and a
26 description of reasonable methods to achieve
27 compliance with state and federal law.

28 (g) The policy statement described by
29 Subsection (e) must:

30 (1) be updated annually;

31 (2) be reviewed by the Texas Workforce
32 Commission civil rights division for compliance with
33 Subsection (f)(1); and

34 (3) be filed with the governor's office.

35 Revised Law

36 Sec. 523.0059. USE OF AGENCY STAFF. To the extent the
37 commission requests, a health and human services agency shall
38 assign existing staff to perform a function imposed under Chapter
39 531 or one or more revised provisions derived from Chapter 531, as
40 that chapter existed on March 31, 2025. (Gov. Code, Sec. 531.0242.)

41 Source Law

42 Sec. 531.0242. USE OF AGENCY STAFF. To the
43 extent requested by the commission, a health and human
44 services agency shall assign existing staff to perform
45 a function imposed under this chapter.

46 Revised Law

47 Sec. 523.0060. CRIMINAL HISTORY BACKGROUND CHECKS. (a) In
48 this section, "eligible individual" means an individual whose

1 criminal history record information the executive commissioner or
2 the executive commissioner's designee is entitled to obtain from
3 the Department of Public Safety under Section 411.1106.

4 (b) The executive commissioner may require an eligible
5 individual to submit fingerprints in a form and of a quality
6 acceptable to the Department of Public Safety and the Federal
7 Bureau of Investigation for use in conducting a criminal history
8 background check by obtaining criminal history record information
9 under Sections 411.087 and 411.1106.

10 (c) Criminal history record information the executive
11 commissioner obtains under Sections 411.087 and 411.1106 may be
12 used only to evaluate the qualification or suitability for
13 employment, including continued employment, of an eligible
14 individual.

15 (d) Notwithstanding Subsection (c), the executive
16 commissioner or the executive commissioner's designee may release
17 or disclose criminal history record information obtained under
18 Section 411.087 only to a governmental entity or as otherwise
19 authorized by federal law, including federal regulations and
20 executive orders. (Gov. Code, Sec. 531.00554.)

21 Source Law

22 Sec. 531.00554. CRIMINAL BACKGROUND CHECKS.

23 (a) In this section, "eligible person" means a person
24 whose criminal history record information the
25 executive commissioner, or the executive
26 commissioner's designee, is entitled to obtain from
27 the Department of Public Safety under Section
28 411.1106.

29 (b) The executive commissioner may require an
30 eligible person to submit fingerprints in a form and of
31 a quality acceptable to the Department of Public
32 Safety and the Federal Bureau of Investigation for use
33 in conducting a criminal history background check by
34 obtaining criminal history record information under
35 Sections 411.1106 and 411.087.

36 (c) Criminal history record information
37 obtained by the executive commissioner under Sections
38 411.1106 and 411.087 may be used only to evaluate the
39 qualification or suitability for employment,
40 including continued employment, of an eligible person.

41 (d) Notwithstanding Subsection (c), the
42 executive commissioner or the executive commissioner's
43 designee may release or disclose criminal history
44 record information obtained under Section 411.087 only
45 to a governmental entity or as otherwise authorized by
46 federal law, including federal regulations and

1 executive orders.

2 SUBCHAPTER C. EXECUTIVE COUNCIL

3 Revised Law

4 Sec. 523.0101. HEALTH AND HUMAN SERVICES COMMISSION
5 EXECUTIVE COUNCIL. The Health and Human Services Commission
6 Executive Council is established to receive public comment and
7 advise the executive commissioner regarding the commission's
8 operation. (Gov. Code, Sec. 531.0051(a) (part).)

9 Source Law

10 Sec. 531.0051. HEALTH AND HUMAN SERVICES
11 COMMISSION EXECUTIVE COUNCIL. (a) The Health and
12 Human Services Commission Executive Council is
13 established to receive public input and advise the
14 executive commissioner regarding the operation of the
15 commission. . . .

16 Revised Law

17 Sec. 523.0102. POWERS AND DUTIES. (a) The executive
18 council shall seek and receive public comment on:

- 19 (1) proposed rules;
- 20 (2) advisory committee recommendations;
- 21 (3) legislative appropriations requests or other
22 documents related to the appropriations process;
- 23 (4) the operation of health and human services
24 programs; and
- 25 (5) other items the executive commissioner determines
26 appropriate.

27 (b) The executive council does not have authority to make
28 administrative or policy decisions. (Gov. Code, Secs. 531.0051(a)
29 (part), (b).)

30 Source Law

31 (a) . . . The council shall seek and receive
32 public comment on:

- 33 (1) proposed rules;
- 34 (2) recommendations of advisory
35 committees;
- 36 (3) legislative appropriations requests
37 or other documents related to the appropriations
38 process;
- 39 (4) the operation of health and human
40 services programs; and
- 41 (5) other items the executive commissioner
42 determines appropriate.

43 (b) The council does not have authority to make

1 administrative or policy decisions.

2 Revised Law

3 Sec. 523.0103. COMPOSITION. (a) The executive council is
4 composed of:

5 (1) the executive commissioner;

6 (2) the director of each division the executive
7 commissioner established under former Section 531.008(c) before
8 the expiration of that subsection on September 1, 2023;

9 (3) the commissioner of a health and human services
10 agency;

11 (4) the commissioner of the Department of Family and
12 Protective Services, regardless of whether that agency continues as
13 a state agency separate from the commission; and

14 (5) other individuals the executive commissioner
15 appoints as the executive commissioner determines necessary.

16 (b) To the extent the executive commissioner appoints
17 members to the executive council under Subsection (a)(5), the
18 executive commissioner shall make every effort to ensure that those
19 appointments result in the executive council including:

20 (1) a balanced representation of a broad range of
21 health and human services industry and consumer interests; and

22 (2) representation from broad geographic regions of
23 this state.

24 (c) An executive council member appointed under Subsection
25 (a)(5) serves at the executive commissioner's pleasure. (Gov.
26 Code, Secs. 531.0051(c), (c-1), (e) (part).)

27 Source Law

28 (c) The council is composed of:

29 (1) the executive commissioner;

30 (2) the director of each division
31 established by the executive commissioner under
32 Section 531.008(c);

33 (3) the commissioner of a health and human
34 services agency;

35 (4) the commissioner of the Department of
36 Family and Protective Services, regardless of whether
37 that agency continues as a state agency separate from
38 the commission; and

39 (5) other individuals appointed by the
40 executive commissioner as the executive commissioner
41 determines necessary.

1 (c-1) To the extent the executive commissioner
2 appoints members to the council under Subsection
3 (c)(4), the executive commissioner shall make every
4 effort to ensure that those appointments result in a
5 council membership that includes:

6 (1) a balanced representation of a broad
7 range of health and human services industry and
8 consumer interests; and

9 (2) representation from broad geographic
10 regions of this state.

11 (e) Members of the council appointed under
12 Subsection (c)(4):

13 (2) serve at the pleasure of the executive
14 commissioner.
15

16 Revisor's Note

17 (1) Section 531.0051(c)(2), Government Code,
18 refers to "each division established by the executive
19 commissioner under Section 531.008(c)" of that code.
20 Section 531.008(c), Government Code, requires the
21 executive commissioner to establish certain divisions
22 and offices within the Health and Human Services
23 Commission. That subsection expires September 1, 2023,
24 in accordance with Section 531.008(d), Government
25 Code. The revised law will take effect on a date later
26 than the expiration date for the requirement in
27 Section 531.008(c) to establish specified divisions
28 and offices. However, some or all divisions and
29 offices established under that subsection may continue
30 to exist after the requirement to establish them
31 expires. For that reason, the revised law substitutes
32 for the quoted language a reference to "each division
33 the executive commissioner established under former
34 Section 531.008(c) before the expiration of that
35 subsection on September 1, 2023."

36 (2) Sections 531.0051(c-1) and (e), Government
37 Code, refer to members of the Health and Human Services
38 Commission Executive Council appointed under
39 Subsection (c)(4) of Section 531.0051. Chapter 312
40 (S.B. 1021), Acts of the 85th Legislature, Regular
41 Session, 2017, renumbered Subsection (c)(4) as

1 Subsection (c)(5) without amending the
2 cross-references to the subsection in Subsections
3 (c-1) and (e) to correctly refer to Subsection (c)(5).
4 Because it is clear from the context that the
5 references should be to the substance contained in
6 Subsection (c)(5) of the source law, the revised law
7 substitutes references to the correct provision.

8 Revised Law

9 Sec. 523.0104. ELIGIBILITY TO SERVE ON EXECUTIVE COUNCIL.

10 (a) In this section, "Texas trade association" has the meaning
11 assigned by Section 523.0052.

12 (b) An individual may not serve on the executive council if:

13 (1) the individual is an officer, employee, or paid
14 consultant of a Texas trade association in the field of health and
15 human services; or

16 (2) the individual's spouse is an officer, manager, or
17 paid consultant of a Texas trade association in the field of health
18 and human services. (Gov. Code, Secs. 531.0051(e) (part),
19 531.006(a), (a-1) (part).)

20 Source Law

21 [Sec. 531.0051]

22 (e) Members of the council appointed under
23 Subsection (c)(4):

24 (1) are subject to the restrictions
25 applicable to service on the council provided by
26 Section 531.006(a-1); and
27 . . .

28 Sec. 531.006. ELIGIBILITY FOR APPOINTMENT AS
29 EXECUTIVE COMMISSIONER; EMPLOYEE RESTRICTIONS.

30 (a) In this section, "Texas trade association" means
31 a cooperative and voluntarily joined statewide
32 association of business or professional competitors in
33 this state designed to assist its members and its
34 industry or profession in dealing with mutual business
35 or professional problems and in promoting their common
36 interest.

37 (a-1) A person . . . may not serve on the
38 commission's executive council, and . . . if:

39 (1) the person is an officer, employee, or
40 paid consultant of a Texas trade association in the
41 field of health and human services; or

42 (2) the person's spouse is an officer,
43 manager, or paid consultant of a Texas trade
44 association in the field of health and human services.

1 Revised Law

2 Sec. 523.0105. PRESIDING OFFICER; RULES FOR OPERATION. The
3 executive commissioner serves as the chair of the executive council
4 and shall adopt rules for the council's operation. (Gov. Code, Sec.
5 531.0051(d).)

6 Source Law

7 (d) The executive commissioner serves as the
8 chair of the council and shall adopt rules for the
9 operation of the council.

10 Revised Law

11 Sec. 523.0106. MEETINGS; QUORUM. (a) The executive
12 council shall meet at the executive commissioner's call at least
13 quarterly. The executive commissioner may call additional meetings
14 as the executive commissioner determines necessary.

15 (b) A majority of the executive council members constitutes
16 a quorum for the transaction of business.

17 (c) The executive council shall comply with the
18 requirements of _____ [[[Section 531.0165]]]. The archived video
19 and audio recording of a council meeting must be made available
20 through the commission's Internet website.

21 (d) A meeting of individual executive council members that
22 occurs in the ordinary course of commission operation is not a
23 council meeting, and the requirements of Subsection (c) do not
24 apply to the meeting. (Gov. Code, Secs. 531.0051(f), (g), (h),
25 (k).)

26 Source Law

27 (f) The council shall meet at the call of the
28 executive commissioner at least quarterly. The
29 executive commissioner may call additional meetings as
30 the executive commissioner determines necessary.

31 (g) The council shall comply with the
32 requirements of Section 531.0165. The archived video
33 and audio of a council meeting must be made available
34 through the commission's Internet website.

35 (h) A majority of the members of the council
36 constitute a quorum for the transaction of business.

37 (k) A meeting of individual members of the
38 council that occurs in the ordinary course of
39 commission operation is not a meeting of the council,
40 and the requirements of Subsection (g) do not apply.

1 Revisor's Note

2 Section 531.0051(g), Government Code, requires
3 the Health and Human Services Commission Executive
4 Council to comply with the requirements of Section
5 531.0165, Government Code, which is revised in this
6 subtitle as _____ [[[Section 531.0165]]], and
7 requires that an "archived video and audio" of an
8 executive council meeting be made available through
9 the Health and Human Services Commission's Internet
10 website. Section 531.0165(b), Government Code,
11 revised in this subtitle as Section _____,
12 requires that a "video and audio recording" be made of
13 a live video and audio broadcast of a meeting, and that
14 the recording be archived and made available on the
15 Internet. It is clear from the context that the
16 reference to "archived video and audio" in Section
17 531.0051(g) is to the recorded and not the
18 contemporaneous video and audio. For clarity and
19 consistency in terminology throughout this subtitle,
20 the revised law substitutes "archived video and audio
21 recording" for "archived video and audio."

22 Revised Law

23 Sec. 523.0107. COMPENSATION; REIMBURSEMENT FOR EXPENSES.
24 An executive council member appointed under Section 523.0103(a)(5)
25 may not receive compensation for service as a council member but is
26 entitled to reimbursement for travel expenses the member incurs
27 while conducting council business as provided by the General
28 Appropriations Act. (Gov. Code, Sec. 531.0051(i).)

29 Source Law

30 (i) A council member appointed under Subsection
31 (c)(4) may not receive compensation for service as a
32 member of the council but is entitled to reimbursement
33 for travel expenses incurred by the member while
34 conducting the business of the council as provided by
35 the General Appropriations Act.

1 Revisor's Note

2 Section 531.0051(i), Government Code, refers to a
3 member of the Health and Human Services Commission
4 Executive Council appointed under Subdivision (4) of
5 Section 531.0051(c), which is revised in this chapter
6 as Section 523.0103(a). The revised law substitutes a
7 reference to Subdivision (5) of that subsection for
8 the reason stated in Revisor's Note (2) to Section
9 523.0103 of this chapter.

10 Revised Law

11 Sec. 523.0108. PUBLIC COMMENT. The executive commissioner
12 shall develop and implement policies that provide the public with a
13 reasonable opportunity to appear before the executive council which
14 may include holding meetings in various geographic areas across
15 this state or allowing public comment at teleconferencing centers
16 in various geographic areas across this state and to speak on any
17 issue under the commission's jurisdiction. (Gov. Code, Sec.
18 531.0051(j).)

19 Source Law

20 (j) The executive commissioner shall develop
21 and implement policies that provide the public with a
22 reasonable opportunity to appear before the council
23 which may include holding meetings in various
24 geographic areas across this state, or through
25 allowing public comment at teleconferencing centers in
26 various geographic areas across this state and to
27 speak on any issue under the jurisdiction of the
28 commission.

29 Revised Law

30 Sec. 523.0109. CONSTRUCTION OF SUBCHAPTER. This subchapter
31 does not limit the executive commissioner's authority to establish
32 additional advisory committees or councils. (Gov. Code, Sec.
33 531.0051(l).)

34 Source Law

35 (l) This section does not limit the authority of
36 the executive commissioner to establish additional
37 advisory committees or councils.

38 Revised Law

39 Sec. 523.0110. INAPPLICABILITY OF CERTAIN OTHER LAW.

1 Except as provided by Section _____ [[[Section 531.0165(d)]]],
2 Chapters 551 and 2110 do not apply to the executive council. (Gov.
3 Code, Sec. 531.0051(m).)

4 Source Law

5 (m) Except as provided by Section 531.0165(d),
6 Chapters 551 and 2110 do not apply to the council.

7 SUBCHAPTER D. COMMISSION ORGANIZATION

8 Revised Law

9 Sec. 523.0151. COMMISSION DIVISIONS. (a) The executive
10 commissioner shall establish divisions within the commission along
11 functional lines as necessary for effective administration and the
12 discharge of the commission's functions.

13 (b) The executive commissioner may allocate and reallocate
14 functions among the commission's divisions. (Gov. Code, Secs.
15 531.008(a), (b).)

16 Source Law

17 Sec. 531.008. DIVISIONS OF COMMISSION.
18 (a) The executive commissioner shall establish
19 divisions within the commission along functional lines
20 as necessary for effective administration and for the
21 discharge of the commission's functions.

22 (b) The executive commissioner may allocate and
23 reallocate functions among the commission's divisions.

24 Revised Law

25 Sec. 523.0152. DIVISION DIRECTOR APPOINTMENT AND
26 QUALIFICATIONS. (a) The executive commissioner shall appoint a
27 director for each division established within the commission under
28 Section 523.0151, except that the director of the office of
29 inspector general is appointed in accordance with Section ____
30 [[[Section 531.102(a-1)]]].

31 (b) The executive commissioner shall:

32 (1) develop clear qualifications for each director
33 appointed under this section to ensure the director has:

34 (A) demonstrated experience in fields relevant
35 to the director position; and

36 (B) executive-level administrative and
37 leadership experience; and

1 (2) ensure the qualifications developed under
2 Subdivision (1) are publicly available. (Gov. Code, Sec.
3 531.00561.)

4 Source Law

5 Sec. 531.00561. APPOINTMENT AND QUALIFICATIONS
6 OF DIVISION DIRECTORS. (a) The executive
7 commissioner shall appoint a director for each
8 division established within the commission under
9 Section 531.008, except that the director of the
10 office of inspector general is appointed in accordance
11 with Section 531.102(a-1).

12 (b) The executive commissioner shall:

13 (1) develop clear qualifications for the
14 director of each division appointed under this section
15 that ensure that an individual appointed director has:

16 (A) demonstrated experience in
17 fields relevant to the director position; and

18 (B) executive-level administrative
19 and leadership experience; and

20 (2) ensure the qualifications developed
21 under Subdivision (1) are publicly available.

22 Revised Law

23 Sec. 523.0153. DIVISION DIRECTOR DUTIES. (a) The
24 executive commissioner shall clearly define the duties and
25 responsibilities of a division director.

26 (b) The executive commissioner shall develop clear policies
27 for the delegation to division directors of specific
28 decision-making authority, including budget authority. The
29 delegation should be significant enough to ensure the efficient
30 administration of the commission's programs and services. (Gov.
31 Code, Sec. 531.00562.)

32 Source Law

33 Sec. 531.00562. DIVISION DIRECTOR DUTIES.
34 (a) The executive commissioner shall clearly define
35 the duties and responsibilities of a division director
36 and develop clear policies for the delegation of
37 specific decision-making authority, including budget
38 authority, to division directors.

39 (b) The delegation of decision-making authority
40 should be significant enough to ensure the efficient
41 administration of the commission's programs and
42 services.

43 Revised Law

44 Sec. 523.0154. DATA ANALYSIS UNIT; QUARTERLY UPDATE. (a)
45 The executive commissioner shall establish a data analysis unit
46 within the commission to establish, employ, and oversee data

1 analysis processes designed to:

2 (1) improve contract management;

3 (2) detect data trends; and

4 (3) identify anomalies relating to service
5 utilization, providers, payment methodologies, and compliance with
6 requirements in Medicaid and child health plan program managed care
7 and fee-for-service contracts.

8 (b) The commission shall assign to the data analysis unit
9 staff who perform duties only in relation to the unit.

10 (c) The data analysis unit shall use all available data and
11 tools for data analysis when establishing, employing, and
12 overseeing data analysis processes under this section.

13 (d) Not later than the 30th day following the end of each
14 calendar quarter, the data analysis unit shall provide an update on
15 the unit's activities and findings to the governor, the lieutenant
16 governor, the speaker of the house of representatives, the chair of
17 the Senate Finance Committee, the chair of the House Appropriations
18 Committee, and the chairs of the standing committees of the senate
19 and house of representatives having jurisdiction over Medicaid.
20 (Gov. Code, Sec. 531.0082.)

21 Source Law

22 Sec. 531.0082. DATA ANALYSIS UNIT. (a) The
23 executive commissioner shall establish a data analysis
24 unit within the commission to establish, employ, and
25 oversee data analysis processes designed to:

26 (1) improve contract management;

27 (2) detect data trends; and

28 (3) identify anomalies relating to service
29 utilization, providers, payment methodologies, and
30 compliance with requirements in Medicaid and child
31 health plan program managed care and fee-for-service
32 contracts.

33 (b) The commission shall assign staff to the
34 data analysis unit who perform duties only in relation
35 to the unit.

36 (c) The data analysis unit shall use all
37 available data and tools for data analysis when
38 establishing, employing, and overseeing data analysis
39 processes under this section.

40 (d) Not later than the 30th day following the
41 end of each calendar quarter, the data analysis unit
42 shall provide an update on the unit's activities and
43 findings to the governor, the lieutenant governor, the
44 speaker of the house of representatives, the chair of
45 the Senate Finance Committee, the chair of the House
46 Appropriations Committee, and the chairs of the

1 standing committees of the senate and house of
2 representatives having jurisdiction over Medicaid.

3 Revised Law

4 Sec. 523.0155. OFFICE OF POLICY AND PERFORMANCE. (a) In
5 this section, "office" means the office of policy and performance
6 established under this section.

7 (b) The executive commissioner shall establish the office
8 of policy and performance as an executive-level office designed to
9 coordinate policy and performance efforts across the health and
10 human services system. To coordinate those efforts, the office
11 shall:

12 (1) develop a performance management system;

13 (2) take the lead in providing support and oversight
14 for the implementation of major policy changes and in managing
15 organizational changes; and

16 (3) act as a centralized body of experts within the
17 commission that offers program evaluation and process improvement
18 expertise.

19 (c) In developing a performance management system under
20 Subsection (b)(1), the office shall:

21 (1) gather, measure, and evaluate performance
22 measures and accountability systems the health and human services
23 system uses;

24 (2) develop new and refined performance measures as
25 appropriate; and

26 (3) establish targeted, high-level system metrics
27 capable of measuring overall performance and achievement of goals
28 by the health and human services system and of communicating that
29 performance and achievement to both internal and public audiences
30 through various mechanisms, including the Internet.

31 (d) In providing support and oversight for the
32 implementation of policy or organizational changes within the
33 health and human services system under Subsection (b)(2), the
34 office shall:

35 (1) ensure individuals receiving services from or

1 participating in programs administered through the health and human
2 services system do not lose visibility or attention during the
3 implementation of any new policy or organizational change by:

4 (A) establishing timelines and milestones for
5 any transition;

6 (B) supporting health and human services system
7 staff in any change between service delivery methods; and

8 (C) providing feedback to executive management
9 on technical assistance and other support needed to achieve a
10 successful transition;

11 (2) address cultural differences among health and
12 human services system staff; and

13 (3) track and oversee changes in policy or
14 organization mandated by legislation or administrative rule.

15 (e) In acting as a centralized body of experts under
16 Subsection (b)(3), the office shall:

17 (1) for the health and human services system, provide
18 program evaluation and process improvement guidance both generally
19 and for specific projects identified with executive or stakeholder
20 input or through risk analysis; and

21 (2) identify and monitor cross-functional efforts
22 involving different administrative components within the health
23 and human services system and the establishment of cross-functional
24 teams when necessary to improve the coordination of services
25 provided through the system.

26 (f) Except as otherwise provided by this section, the
27 executive commissioner may develop the office's structure and
28 duties as the executive commissioner determines appropriate. (Gov.
29 Code, Sec. 531.0083.)

30 Source Law

31 Sec. 531.0083. OFFICE OF POLICY AND
32 PERFORMANCE. (a) In this section, "office" means the
33 office of policy and performance established by this
34 section.

35 (b) The executive commissioner shall establish
36 the office of policy and performance as an
37 executive-level office designed to coordinate policy

1 and performance efforts across the health and human
2 services system. To coordinate those efforts, the
3 office shall:

4 (1) develop a performance management
5 system;

6 (2) take the lead in supporting and
7 providing oversight for the implementation of major
8 policy changes and in managing organizational changes;
9 and

10 (3) act as a centralized body of experts
11 within the commission that offers program evaluation
12 and process improvement expertise.

13 (c) In developing a performance management
14 system under Subsection (b)(1), the office shall:

15 (1) gather, measure, and evaluate
16 performance measures and accountability systems used
17 by the health and human services system;

18 (2) develop new and refined performance
19 measures as appropriate; and

20 (3) establish targeted, high-level system
21 metrics that are capable of measuring and
22 communicating overall performance and achievement of
23 goals by the health and human services system to both
24 internal and public audiences through various
25 mechanisms, including the Internet.

26 (d) In providing support and oversight for the
27 implementation of policy or organizational changes
28 within the health and human services system under
29 Subsection (b)(2), the office shall:

30 (1) ensure individuals receiving services
31 from or participating in programs administered through
32 the health and human services system do not lose
33 visibility or attention during the implementation of
34 any new policy or organizational change by:

35 (A) establishing timelines and
36 milestones for any transition;

37 (B) supporting staff of the health
38 and human services system in any change between
39 service delivery methods; and

40 (C) providing feedback to executive
41 management on technical assistance and other support
42 needed to achieve a successful transition;

43 (2) address cultural differences among
44 staff of the health and human services system; and

45 (3) track and oversee changes in policy or
46 organization mandated by legislation or
47 administrative rule.

48 (e) In acting as a centralized body of experts
49 under Subsection (b)(3), the office shall:

50 (1) for the health and human services
51 system, provide program evaluation and process
52 improvement guidance both generally and for specific
53 projects identified with executive or stakeholder
54 input or through risk analysis; and

55 (2) identify and monitor cross-functional
56 efforts involving different administrative components
57 within the health and human services system and the
58 establishment of cross-functional teams when
59 necessary to improve the coordination of services
60 provided through the system.

61 (f) The executive commissioner may otherwise
62 develop the office's structure and duties as the
63 executive commissioner determines appropriate.

64 Revised Law

65 Sec. 523.0156. PURCHASING UNIT. (a) The commission shall

1 establish a purchasing unit to manage administrative activities
2 related to the purchasing functions within the health and human
3 services system.

4 (b) The purchasing unit shall:

5 (1) seek to achieve targeted cost reductions, increase
6 process efficiencies, improve technological support and customer
7 services, and enhance purchasing support within the health and
8 human services system; and

9 (2) if cost-effective, contract with private entities
10 to perform purchasing functions for the health and human services
11 system. (Gov. Code, Sec. 531.017.)

12 Source Law

13 Sec. 531.017. PURCHASING UNIT. (a) The
14 commission shall establish a purchasing unit for the
15 management of administrative activities related to the
16 purchasing functions within the health and human
17 services system.

18 (b) The purchasing unit shall:

19 (1) seek to achieve targeted cost
20 reductions, increase process efficiencies, improve
21 technological support and customer services, and
22 enhance purchasing support within the health and human
23 services system; and

24 (2) if cost-effective, contract with
25 private entities to perform purchasing functions for
26 the health and human services system.

27 SUBCHAPTER E. ADVISORY COMMITTEES

28 Revised Law

29 Sec. 523.0201. ESTABLISHMENT OF ADVISORY COMMITTEES. The
30 executive commissioner shall establish and maintain advisory
31 committees to consider issues and solicit public input across all
32 major areas of the health and human services system which may be
33 from various geographic areas across this state, which may be done
34 either in person or through teleconferencing centers, including
35 relating to the following issues:

36 (1) Medicaid and other social services programs;

37 (2) managed care under Medicaid and the child health
38 plan program;

39 (3) health care quality initiatives;

40 (4) aging;

- 1 (5) individuals with disabilities, including
2 individuals with autism;
3 (6) rehabilitation, including for individuals with
4 brain injuries;
5 (7) children;
6 (8) public health;
7 (9) behavioral health;
8 (10) regulatory matters;
9 (11) protective services; and
10 (12) prevention efforts. (Gov. Code, Sec.
11 531.012(a).)

12 Source Law

13 Sec. 531.012. ADVISORY COMMITTEES. (a) The
14 executive commissioner shall establish and maintain
15 advisory committees to consider issues and solicit
16 public input across all major areas of the health and
17 human services system which may be from various
18 geographic areas across the state, which may be done
19 either in person or through teleconferencing centers,
20 including relating to the following issues:

- 21 (1) Medicaid and other social services
22 programs;
23 (2) managed care under Medicaid and the
24 child health plan program;
25 (3) health care quality initiatives;
26 (4) aging;
27 (5) persons with disabilities, including
28 persons with autism;
29 (6) rehabilitation, including for persons
30 with brain injuries;
31 (7) children;
32 (8) public health;
33 (9) behavioral health;
34 (10) regulatory matters;
35 (11) protective services; and
36 (12) prevention efforts.

37 Revised Law

38 Sec. 523.0202. APPLICABILITY OF OTHER LAW. Chapter 2110
39 applies to an advisory committee established under this subchapter.
40 (Gov. Code, Sec. 531.012(b).)

41 Source Law

42 (b) Chapter 2110 applies to an advisory
43 committee established under this section.

44 Revised Law

45 Sec. 523.0203. RULES FOR ADVISORY COMMITTEES. The
46 executive commissioner shall adopt rules:

1 (1) in compliance with Chapter 2110 to govern the
2 purpose, tasks, reporting requirements, and date of abolition of an
3 advisory committee established under this subchapter; and

4 (2) related to an advisory committee's:

5 (A) size and quorum requirements;

6 (B) membership, including:

7 (i) member qualifications and any
8 experience requirements;

9 (ii) required geographic representation;

10 (iii) appointment procedures; and

11 (iv) members' terms; and

12 (C) duty to comply with the requirements for open
13 meetings under Chapter 551. (Gov. Code, Sec. 531.012(c).)

14 Source Law

15 (c) The executive commissioner shall adopt
16 rules:

17 (1) in compliance with Chapter 2110 to
18 govern an advisory committee's purpose, tasks,
19 reporting requirements, and date of abolition; and

20 (2) related to an advisory committee's:

21 (A) size and quorum requirements;

22 (B) membership, including:

23 (i) qualifications to be a
24 member, including any experience requirements;

25 (ii) required geographic
26 representation;

27 (iii) appointment procedures;
28 and

29 (iv) terms of members; and

30 (C) duty to comply with the
31 requirements for open meetings under Chapter 551.

32 Revised Law

33 Sec. 523.0204. PUBLIC ACCESS TO ADVISORY COMMITTEE
34 MEETINGS. (a) This section applies to an advisory committee
35 established under this subchapter.

36 (b) The commission shall create a master calendar that
37 includes all advisory committee meetings across the health and
38 human services system.

39 (c) The commission shall make available on the commission's
40 Internet website:

41 (1) the master calendar;

42 (2) all meeting materials for an advisory committee

1 meeting; and

2 (3) streaming live video and audio of each advisory
3 committee meeting.

4 (d) The commission shall provide Internet access in each
5 room used for a meeting that appears on the master calendar.

6 (e) The commission shall ensure that, to the same extent and
7 in the same manner as the broadcast, archiving, and notice of agency
8 meetings are required under ____ [[[Section 531.0165]]], advisory
9 committee meetings are:

10 (1) broadcast;

11 (2) archived on the Internet website of the agency to
12 which the advisory committee provides advice; and

13 (3) subject to public notice requirements. (Gov.
14 Code, Sec. 531.0121.)

15 Source Law

16 Sec. 531.0121. PUBLIC ACCESS TO ADVISORY
17 COMMITTEE MEETINGS. (a) This section applies to an
18 advisory committee established under Section 531.012.

19 (b) The commission shall create a master
20 calendar that includes all advisory committee meetings
21 across the health and human services system.

22 (c) The commission shall make available on the
23 commission's Internet website:

24 (1) the master calendar;

25 (2) all meeting materials for an advisory
26 committee meeting; and

27 (3) streaming live video and audio of each
28 advisory committee meeting.

29 (d) The commission shall provide Internet
30 access in each room used for a meeting that appears on
31 the master calendar.

32 (e) The commission shall ensure that advisory
33 committee meetings are broadcast, are archived on the
34 Internet website of the agency to which the advisory
35 committee provides advice, and are subject to public
36 notice requirements to the same extent and in the same
37 manner that the broadcast, archiving, and notice of
38 agency meetings are required under Section 531.0165.

39 Revised Law

40 Sec. 523.0205. ADVISORY COMMITTEE REPORTING. An advisory
41 committee established under this subchapter shall:

42 (1) report any recommendations to the executive
43 commissioner; and

44 (2) submit a written report to the legislature of any
45 policy recommendations the advisory committee made to the executive

1 commissioner under Subdivision (1). (Gov. Code, Sec. 531.012(d),
2 as added Acts 84th Leg., R.S., Ch. 946.)

3 Source Law

4 (d) An advisory committee established under
5 this section shall:

6 (1) report any recommendations to the
7 executive commissioner; and

8 (2) submit a written report to the
9 legislature of any policy recommendations made to the
10 executive commissioner under Subdivision (1).

11 Revisor's Note

12 Section 531.012(d), Government Code, as added by
13 Section 2.02, Chapter 946 (S.B. 277), Acts of the 84th
14 Legislature, Regular Session, 2015, requires an
15 advisory committee established under Section 531.012,
16 Government Code, to report the committee's
17 recommendations to the executive commissioner of the
18 Health and Human Services Commission and submit to the
19 legislature any policy recommendations made to the
20 executive commissioner. Section 531.012(d),
21 Government Code, as added by Section 3.02, Chapter 837
22 (S.B. 200), Acts of the 84th Legislature, Regular
23 Session, 2015, imposes the same duties on an advisory
24 committee established under Section 531.012, except
25 that the section specifically requires that the
26 advisory committee report the committee's
27 recommendations to the executive commissioner at a
28 meeting of the Health and Human Services Commission
29 Executive Council. Because Section 531.012(d) as added
30 by Chapter 837 is more specific in its requirements
31 than Section 531.012(d) as added by Chapter 946, the
32 statutes are irreconcilable. Under Section
33 311.025(a), Government Code (Code Construction Act),
34 if statutes enacted at the same or different sessions
35 of the legislature are irreconcilable, the statute
36 latest in date of enactment prevails. Under Section
37 311.025(d), Government Code (Code Construction Act),

1 the date of enactment is the date on which the last
2 legislative vote is taken on the bill enacting the
3 statute. The last legislative vote on Chapter 837 was
4 taken on May 28, 2015. The last legislative vote on
5 Chapter 946 was taken on May 29, 2015. Accordingly,
6 the revised law omits Section 531.012(d) as added by
7 Chapter 837 as superseded by Section 531.012(d) as
8 added by Chapter 946. The omitted law reads:

9 (d) An advisory committee
10 established under this section shall:

11 (1) report any recommendations
12 to the executive commissioner at a meeting
13 of the Health and Human Services Commission
14 Executive Council established under Section
15 531.0051; and

16 (2) submit a written report to
17 the legislature of any policy
18 recommendations made to the executive
19 commissioner under Subdivision (1).

20 SUBCHAPTER F. PUBLIC INTEREST INFORMATION, INPUT, AND COMPLAINTS

21 Revised Law

22 Sec. 523.0251. PUBLIC INTEREST INFORMATION AND INPUT
23 GENERALLY. (a) The commission shall develop and implement
24 policies that provide the public a reasonable opportunity to appear
25 before the commission and speak on any issue under the commission's
26 jurisdiction.

27 (b) The commission shall develop and implement routine and
28 ongoing mechanisms, in accessible formats, to:

29 (1) receive consumer input;

30 (2) involve consumers in the planning, delivery, and
31 evaluation of programs and services under the commission's
32 jurisdiction; and

33 (3) communicate to the public regarding the input the
34 commission receives under this section and actions taken in
35 response to that input.

36 (c) The commission shall prepare information of public
37 interest describing the commission's functions. The commission
38 shall make the information available to the public and appropriate
39 state agencies. (Gov. Code, Secs. 531.011(a), (b), (c) (part).)

1 areas, with an emphasis on geographic diversity.

2 Revised Law

3 Sec. 523.0253. NOTICE OF PUBLIC HEARING. (a) In addition
4 to the notice required by Chapter 551, the commission shall:

5 (1) publish notice of a public hearing under Section
6 523.0252 in a newspaper of general circulation in the county in
7 which the hearing is to be held; and

8 (2) provide written notice of the hearing to public
9 officials in the affected area.

10 (b) If the county in which the public hearing is to be held
11 does not have a newspaper of general circulation, the commission
12 shall publish notice in a newspaper of general circulation in an
13 adjacent county or in the nearest county in which a newspaper of
14 general circulation is published.

15 (c) Notice must be published once a week for two consecutive
16 weeks before the public hearing, with the first publication
17 appearing not later than the 15th day before the date set for the
18 hearing. (Gov. Code, Sec. 531.037.)

19 Source Law

20 Sec. 531.037. NOTICE OF PUBLIC HEARINGS. (a)
21 In addition to the notice required by Chapter 551, the
22 commission shall:

23 (1) provide written notification to public
24 officials in the affected area; and

25 (2) publish notice of a public hearing
26 under Section 531.036 in a newspaper of general
27 circulation in the county in which the hearing is to be
28 held.

29 (b) If the county in which the hearing is to be
30 held does not have a newspaper of general circulation,
31 the commission shall publish notice in a newspaper of
32 general circulation in an adjacent county or in the
33 nearest county in which a newspaper of general
34 circulation is published.

35 (c) Notice shall be published once a week for
36 two consecutive weeks before the hearing, with the
37 first publication appearing not later than the 15th
38 day before the date set for the hearing.

39 Revisor's Note

40 Section 531.037(a)(1), Government Code, requires
41 the Health and Human Services Commission to provide
42 written "notification" to certain public officials,
43 and Section 531.037(a)(2), Government Code, requires

1 the commission to publish notice of a public hearing.
2 For clarity and the convenience of the reader, the
3 revised law substitutes "notice of the hearing" for
4 "notification" because it is clear from the context
5 that the notification to which Section 531.037(a)(1)
6 refers means notice of the hearing.

7 Revised Law

8 Sec. 523.0254. COMPLAINTS. (a) The commission shall
9 prepare information of public interest describing the commission's
10 procedures by which complaints are filed with and resolved by the
11 commission. The commission shall make the information available to
12 the public and appropriate state agencies.

13 (b) The executive commissioner by rule shall establish
14 methods by which the public, consumers, and service recipients can
15 be notified of the mailing addresses and telephone numbers of
16 appropriate agency personnel for the purpose of directing
17 complaints to the commission. The commission may provide for that
18 notice:

19 (1) on each registration form, application, or written
20 contract for services of a person the commission regulates;

21 (2) on a sign prominently displayed in the place of
22 business of each person the commission regulates; or

23 (3) in a bill for service provided by a person the
24 commission regulates.

25 (c) The commission shall:

26 (1) keep an information file about each complaint
27 filed with the commission relating to:

28 (A) a license holder or entity the commission
29 regulates; or

30 (B) a service the commission delivers; and

31 (2) maintain an information file about each complaint
32 the commission receives relating to any other matter or agency
33 under the commission's jurisdiction.

34 (d) If a written complaint is filed with the commission

1 relating to a license holder or entity the commission regulates or
2 a service the commission delivers, the commission, at least
3 quarterly and until final disposition of the complaint, shall
4 notify the parties to the complaint of the status of the complaint
5 unless notice would jeopardize an undercover investigation. (Gov.
6 Code, Secs. 531.011(c) (part), (d), (e), (f), (g).)

7 Source Law

8 (c) The commission shall prepare information of
9 public interest describing . . . the commission's
10 procedures by which complaints are filed with and
11 resolved by the commission. The commission shall make
12 the information available to the public and
13 appropriate state agencies.

14 (d) The executive commissioner by rule shall
15 establish methods by which the public, consumers, and
16 service recipients can be notified of the mailing
17 addresses and telephone numbers of appropriate agency
18 personnel for the purpose of directing complaints to
19 the commission. The commission may provide for that
20 notification:

21 (1) on each registration form,
22 application, or written contract for services of a
23 person regulated by the commission;

24 (2) on a sign prominently displayed in the
25 place of business of each person regulated by the
26 commission; or

27 (3) in a bill for service provided by a
28 person regulated by the commission.

29 (e) The commission shall keep an information
30 file about each complaint filed with the commission
31 relating to:

32 (1) a license holder or entity regulated
33 by the commission; or

34 (2) a service delivered by the commission.

35 (f) If a written complaint is filed with the
36 commission relating to a license holder or entity
37 regulated by the commission or a service delivered by
38 the commission, the commission, at least quarterly and
39 until final disposition of the complaint, shall notify
40 the parties to the complaint of the status of the
41 complaint unless notice would jeopardize an undercover
42 investigation.

43 (g) In addition to the information file
44 maintained under Subsection (e), the commission shall
45 maintain an information file on a complaint received
46 by the commission relating to any matter or agency
47 under the jurisdiction of the commission.

48 Revised Law

49 Sec. 523.0255. OFFICE OF OMBUDSMAN. (a) The executive
50 commissioner shall establish the commission's office of the
51 ombudsman with authority and responsibility over the health and
52 human services system in performing the following functions:

53 (1) providing dispute resolution services for the

1 health and human services system;

2 (2) performing consumer protection and advocacy
3 functions related to health and human services, including assisting
4 a consumer or other interested person with:

5 (A) raising a matter within the health and human
6 services system that the person feels is being ignored; and

7 (B) obtaining information regarding a filed
8 complaint; and

9 (3) collecting inquiry and complaint data related to
10 the health and human services system.

11 (b) The office of the ombudsman does not have the authority
12 to provide a separate process for resolving complaints or appeals.

13 (c) The executive commissioner shall develop a standard
14 process for tracking and reporting received inquiries and
15 complaints within the health and human services system. The
16 process must provide for the centralized tracking of inquiries and
17 complaints submitted to field, regional, or other local health and
18 human services system offices.

19 (d) Using the process developed under Subsection (c), the
20 office of the ombudsman shall collect inquiry and complaint data
21 from all agencies, divisions, offices, and other entities within
22 the health and human services system. To assist with the collection
23 of data under this subsection, the office may access any system or
24 process for recording inquiries and complaints the health and human
25 services system uses or maintains. (Gov. Code, Sec. 531.0171.)

26 Source Law

27 Sec. 531.0171. OFFICE OF OMBUDSMAN. (a) The
28 executive commissioner shall establish the
29 commission's office of the ombudsman with authority
30 and responsibility over the health and human services
31 system in performing the following functions:

32 (1) providing dispute resolution services
33 for the health and human services system;

34 (2) performing consumer protection and
35 advocacy functions related to health and human
36 services, including assisting a consumer or other
37 interested person with:

38 (A) raising a matter within the
39 health and human services system that the person feels
40 is being ignored; and

41 (B) obtaining information regarding

1 a filed complaint; and

2 (3) collecting inquiry and complaint data
3 related to the health and human services system.

4 (b) The office of the ombudsman does not have
5 the authority to provide a separate process for
6 resolving complaints or appeals.

7 (c) The executive commissioner shall develop a
8 standard process for tracking and reporting received
9 inquiries and complaints within the health and human
10 services system. The process must provide for the
11 centralized tracking of inquiries and complaints
12 submitted to field, regional, or other local health
13 and human services system offices.

14 (d) Using the process developed under
15 Subsection (c), the office of the ombudsman shall
16 collect inquiry and complaint data from all offices,
17 agencies, divisions, and other entities within the
18 health and human services system. To assist with the
19 collection of data under this subsection, the office
20 may access any system or process for recording
21 inquiries and complaints used or maintained within the
22 health and human services system.

23 SUBCHAPTER G. OFFICE OF HEALTH COORDINATION AND CONSUMER SERVICES

24 Revised Law

25 Sec. 523.0301. DEFINITION. In this subchapter, "office"
26 means the Office of Health Coordination and Consumer Services.
27 (Gov. Code, Sec. 531.281.)

28 Source Law

29 Sec. 531.281. DEFINITION. In this chapter,
30 "office" means the Office of Health Coordination and
31 Consumer Services.

32 Revisor's Note

33 Section 531.281, Government Code, defines the
34 term "office" for "this chapter," meaning Chapter 531,
35 Government Code. The office to which the term refers
36 is the Office of Health Coordination and Consumer
37 Services. The provisions concerning that office are
38 contained in Subchapter H, Chapter 531, which is
39 revised in this chapter as Subchapter G. The revised
40 law substitutes "subchapter" for "chapter" because it
41 is clear from the context that the defined term is
42 intended to apply only to Subchapter G of this chapter.

43 Revised Law

44 Sec. 523.0302. OFFICE; STAFF. (a) The Office of Health
45 Coordination and Consumer Services is an office within the
46 commission.

1 (b) The executive commissioner shall employ staff as needed
2 to carry out the duties of the office. (Gov. Code, Sec. 531.282.)

3 Source Law

4 Sec. 531.282. OFFICE; STAFF. (a) The Office
5 of Health Coordination and Consumer Services is an
6 office within the commission.

7 (b) The executive commissioner shall employ
8 staff as needed to carry out the duties of the office.

9 Revised Law

10 Sec. 523.0303. GOALS. The goals of the office are to:

11 (1) promote community support for parents of children
12 younger than six years of age through an integrated state and
13 local-level decision-making process; and

14 (2) provide for the seamless delivery of health and
15 human services to children younger than six years of age to ensure
16 that children are prepared to succeed in school. (Gov. Code, Sec.
17 531.283.)

18 Source Law

19 Sec. 531.283. GOALS. The goals of the office
20 are to:

21 (1) promote community support for parents
22 of all children younger than six years of age through
23 an integrated state and local-level decision-making
24 process; and

25 (2) provide for the seamless delivery of
26 health and human services to all children younger than
27 six years of age to ensure that all children are
28 prepared to succeed in school.

29 Revised Law

30 Sec. 523.0304. STRATEGIC PLAN. (a) The office shall create
31 and implement a statewide strategic plan for the delivery of health
32 and human services to children younger than six years of age.

33 (b) In developing the statewide strategic plan, the office
34 shall:

35 (1) consider existing programs and models to serve
36 children younger than six years of age, including:

37 (A) community resource coordination groups;

38 (B) the Texas System of Care; and

39 (C) the Texas Information and Referral Network
40 and the 2-1-1 telephone number for access to human services;

1 (2) attempt to maximize federal money and local
2 existing infrastructure and money; and

3 (3) provide for local participation to the greatest
4 extent possible.

5 (c) The statewide strategic plan must address the needs of
6 children with disabilities who are younger than six years of age.
7 (Gov. Code, Sec. 531.284.)

8 Source Law

9 Sec. 531.284. STRATEGIC PLAN. (a) The office
10 shall create and implement a statewide strategic plan
11 for the delivery of health and human services to
12 children younger than six years of age.

13 (b) In developing the statewide strategic plan,
14 the office shall:

15 (1) consider existing programs and models
16 to serve children younger than six years of age,
17 including:

18 (A) community resource coordination
19 groups;

20 (B) the Texas System of Care;

21 (C) the Texas Information and
22 Referral Network; and

23 (D) efforts to create a 2-1-1
24 telephone number for access to human services;

25 (2) attempt to maximize federal funds and
26 local existing infrastructure and funds; and

27 (3) provide for local participation to the
28 greatest extent possible.

29 (c) The statewide strategic plan must address
30 the needs of children younger than six years of age
31 with disabilities.

32 Revisor's Note

33 Section 531.284(b)(1)(D), Government Code,
34 refers to "efforts to create" a 2-1-1 telephone number
35 for access to human services. The revised law omits
36 the quoted phrase as executed because the telephone
37 number has been created.

38 Revised Law

39 Sec. 523.0305. POWERS AND DUTIES. (a) The office shall
40 identify:

41 (1) gaps in early childhood services by functional
42 area and geographical area;

43 (2) state policies, rules, and service procedures that
44 prevent or inhibit children younger than six years of age from
45 accessing available services;

1 (3) sources of money for early childhood services,
2 including federal, state, and private-public venture sources;

3 (4) opportunities for collaboration between the Texas
4 Education Agency and health and human services agencies to better
5 serve the needs of children younger than six years of age;

6 (5) methods for coordinating early childhood services
7 provided by the Texas Head Start State Collaboration Office, the
8 Texas Education Agency, and the Texas Workforce Commission;

9 (6) quantifiable benchmarks for success within early
10 childhood service delivery; and

11 (7) national best practices in early care and
12 educational delivery models.

13 (b) The office shall establish community outreach efforts
14 and ensure adequate communication lines that provide:

15 (1) the office with information about community-level
16 efforts; and

17 (2) communities with information about money and
18 programs available to communities.

19 (c) The office shall make recommendations to the commission
20 on strategies to:

21 (1) ensure optimum collaboration and coordination
22 between state agencies serving the needs of children younger than
23 six years of age and other community stakeholders;

24 (2) fill functional and geographical gaps in early
25 childhood services; and

26 (3) amend state policies, rules, and service
27 procedures that prevent or inhibit children younger than six years
28 of age from accessing services. (Gov. Code, Sec. 531.285.)

29 Source Law

30 Sec. 531.285. POWERS AND DUTIES. (a) The
31 office shall identify:

32 (1) gaps in early childhood services by
33 functional area and geographical area;

34 (2) state policies, rules, and service
35 procedures that prevent or inhibit children younger
36 than six years of age from accessing available
37 services;

38 (3) sources of funds for early childhood

1 services, including federal, state, and
2 private-public ventures;

3 (4) opportunities for collaboration
4 between the Texas Education Agency and health and
5 human services agencies to better serve the needs of
6 children younger than six years of age;

7 (5) methods for coordinating the provision
8 of early childhood services provided by the Texas Head
9 Start State Collaboration Office, the Texas Education
10 Agency, and the Texas Workforce Commission;

11 (6) quantifiable benchmarks for success
12 within early childhood service delivery; and

13 (7) national best practices in early care
14 and educational delivery models.

15 (b) The office shall establish outreach efforts
16 to communities and ensure adequate communication lines
17 that provide the office with information about
18 community-level efforts and communities with
19 information about funds and programs available to
20 communities.

21 (c) The office shall make recommendations to the
22 commission on strategies to:

23 (1) ensure optimum collaboration and
24 coordination between state agencies serving the needs
25 of children younger than six years of age and other
26 community stakeholders;

27 (2) fill geographical and functional gaps
28 in early childhood services; and

29 (3) amend state policies, rules, and
30 service procedures that prevent or inhibit children
31 younger than six years of age from accessing services.

32 Revised Law

33 Sec. 523.0306. TEXAS HOME VISITING PROGRAM TRUST FUND. (a)
34 The Texas Home Visiting Program trust fund is a trust fund outside
35 the treasury with the comptroller. The fund is administered by the
36 office under this section and rules the executive commissioner
37 adopts. Money in the fund is not state money and is not subject to
38 legislative appropriation.

39 (b) The fund consists of money from voluntary contributions
40 under Section 191.0048, Health and Safety Code, and Section
41 118.018, Local Government Code.

42 (c) The office may spend money in the fund without
43 appropriation and only for the purpose of the Texas Home Visiting
44 Program the commission administers.

45 (d) Interest and income from fund assets shall be credited
46 to and deposited in the fund. (Gov. Code, Sec. 531.287.)

47 Source Law

48 Sec. 531.287. TEXAS HOME VISITING PROGRAM TRUST
49 FUND. (a) The Texas Home Visiting Program trust fund
50 is created as a trust fund outside the treasury with
51 the comptroller and shall be administered by the

1 office under this section and rules adopted by the
2 executive commissioner. Credits of money in the fund
3 are not state funds or subject to legislative
4 appropriation.

5 (b) The trust fund consists of money from
6 voluntary contributions under Section 191.0048,
7 Health and Safety Code, and Section 118.018, Local
8 Government Code.

9 (c) Money in the fund may be spent without
10 appropriation by the office only for the purpose of the
11 Texas Home Visiting Program administered by the
12 commission.

13 (d) Interest and income from the assets of the
14 trust fund shall be credited to and deposited in the
15 trust fund.

16 Revisor's Note

17 Section 531.287(a), Government Code, states that
18 the Texas Home Visiting Program trust fund "is created
19 as" a trust fund. The revised law omits the quoted
20 phrase as executed because the trust fund has already
21 been created.