

**PART II: SUMMARY OF BILLS SENT TO GOVERNOR (JUNE 6, 2017)**

**JUNE 23, 2017 UPDATE: Governor Vetoed 4 of the Bills Listed; Signed All Others (see pages 4, 5 & 9)**

**I. Medicaid-Related (including Managed Care)**

**HB 1407**

**Sheffield:** Relating to the establishment of the emergency medical services assistance program.  
[Companion: SB 1471, Seliger]

**Background:** Interested parties have expressed a need to address the shortage of emergency medical services professionals, particularly in rural areas, and the lack of educational opportunities and training programs for such professionals.

**As passed, HB 1407** addresses these concerns by providing for the creation of the emergency medical services assistance program and the use of money from the permanent fund for emergency medical services and trauma care for grants under the program in addition to funding available from other sources. The bill also requires:

- HHSC to ensure that at least 60 percent of the grants provided under this section are provided to emergency medical services providers that serve a rural area.
- DSHS to implement this Act only if the legislature appropriates money specifically for such purpose, and that if the legislature does not appropriate money specifically for this purpose, DSHS may, but is not required to, implement this Act using other appropriations available for that purpose.

**Note:** According to the LBB, the identified funding source for the emergency medical services assistance program, General Revenue-Dedicated Account No. 5046, is anticipated to be depleted during the 2018-19 biennium.

**HB 1486**

**Price, Four:** Relating to peer specialists, peer services, and the provision of those services under the medical assistance program.

- Requires HHSC to establish a stakeholder workgroup to develop and adopt rules (related to training, certification requirements, scope of services, etc.) pertaining to peer specialists and peer services.  
Specifies the composition of the workgroup.
- Requires HHSC to submit a report to certain legislative offices/entities if rules are not adopted by September 1, 2018.
- Specifies the Act takes effect only if the 85th Legislature appropriates money specifically for the purpose of implementing it.

[As indicated in the list of HHSC Article II Riders sent to members on June 5, 2017, Rider 211 funds this bill if passed and signed by the Governor. The bill passed and is waiting for signature by the Governor.]

**HB 1629**

**Coleman:** Relating to the development of a quality-based outcome measure for the child health plan program and Medicaid regarding certain persons with HIV. [Companion: SB 2126 (Zaffirini)]

- Requires HHSC, in coordination with DSHS, to develop and implement a quality-based outcome measure for CHIP and Medicaid to annually measure the percentage of child health plan program enrollees or Medicaid recipients with HIV infection, regardless of age, whose most recent viral load test indicates a viral load of less than 200 copies per milliliter of blood.
- The bill also requires HHSC to include aggregate, non-identifying data collected using the quality-based outcome measure in the annual report that is required by Section 536.008 and states that HHSC may include the data in any other report required by this chapter, and to determine the appropriateness of including the quality-based outcome measure described above in the quality-based payments and payment systems developed under current law in Sections 536.004 and 536.051 of the Government Code.

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### SB 74

**Nelson:** Relating to the provision of certain behavioral health services to children, adolescents, and their families under a contract with a managed care organization [*Companion: HB 1758 (Price, Four)*]

In brief, SB 74:

- Allows a provider in the provider network of a MCO that contracts with HHSC to provide behavioral health services under current law in Section 533.00255, Government Code, may contract with a MCO to provide targeted case management (TCM) and psychiatric rehabilitative services to children, adolescents, and their families.
- Requires HHSC to do the following with regard to MCOs that provide behavioral health services through a third party or a subsidiary: (1) require sharing and integration of certain data between the MCO and the third party or subsidiary; (2) encourage the colocation of physical health and behavioral health care coordination staff; (3) require warm call transfers between physical health and behavioral health care coordination staff; (4) require the implementation of joint rounds for physical health and behavioral health services providers or some other means for sharing clinical information; and (5) ensure the availability of a seamless provider portal for both physical health and behavioral health services providers, to the extent allowed by federal law.
- Requires HHSC to adopt or amend any rules or guidelines by Jan 1, 2018.

### HB 2062

**Phillips:** Relating to creation & operations of health care provider participation programs in certain counties.

**Background:** The bill was filed in response to concerns that certain counties without a county hospital are unable to take advantage of mechanisms available to other counties for drawing down federal funding to finance critical health care needs. The 'concerned' contended that additional tools to help finance this care would ease the burden on those counties and better serve county residents.

**As passed (and though not inclusive),** the bill:

- Amends the Health and Safety Code to provide for a county health care provider participation program in a county that is not served by a hospital district or a public hospital, has a population of more than 100,000, contains at least two municipalities each of which has a population of more than 15,000, and borders the Red River.
- Establishes that such a program authorizes a county to collect a mandatory payment from each institutional health care provider located in the county to be deposited in a local provider participation fund (LPPF) established by the county.
- Authorizes money in the fund to be used by the county to fund certain intergovernmental transfers and indigent care programs and authorizes the commissioner's court to adopt an order authorizing a county to participate in the program, subject to certain limitations.

## II. Medical (Nurses, Occupational Licenses, Psychiatrists, Radiologists/Dental Procedures, Etc.)

### HB 91

**White, James:** Relating to a review of occupational licensing requirements related to an applicant's criminal history.

In brief, the bill requires all state entities issuing occupational licenses to review requirements relating to applicant criminal history and make recommendations to retain, modify, or repeal the requirements. Requires each licensing authority, for each license issued by the authority that has an eligibility requirement related to an applicant's criminal history, review the requirement and make a recommendation regarding whether the requirement should be retained, modified, or repealed. Requires that not later than December 1, 2018, each licensing authority is to submit a report on the results of the authority's review to the lieutenant governor, the speaker of the house, and each member of the legislature and include the authority's recommendations.

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**HB 280**

**Howard:** Relating to a grant program for reducing workplace violence against nurses.

Amends Chapter 105 of the Health and Safety Code, and, in brief, requires that to the extent funding is available, the nursing resource section established by the Statewide Health Coordinating Council shall administer a grant program to fund innovative approaches for reducing verbal and physical violence against nurses in hospitals, freestanding emergency medical care facilities, **nursing facilities, and home health agencies**. The Nursing Advisory Committee established by the Statewide Health Coordinating Council is to serve in an advisory capacity for the grant program.

[As indicated in the list of HHSC Article II Special Provisions Riders & Article IX Riders sent to members on June 5, 2017, Sec. 18.08 funds this bill if passed and signed by the Governor. The bill did pass and is waiting for signature by the Governor.]

**SB 654**

**Seliger:** Relating to the participation of an advanced practice registered nurse as a primary care or network provider for certain governmental and other health benefit plans [*Companion HB 1225 (Smithee)*]

**Background:** The bill was filed to address concerns about the current shortage of primary care providers across the state, specifically for Medicaid populations and confusion regarding whether managed care plans may credential advanced practice registered nurses when the nurse's delegating physician is not an in-network provider.

**As passed and already signed by the Governor,** SB 654 addresses these issues by authorizing certain health plans to include these nurses as primary care providers in an applicable entity's provider network, regardless of whether the physician supervising the nurse is in the entity's provider network.

**HB 1227**

**Smithee:** Relating to the transparency of certain information related to prescription drug coverage provided by certain health benefit plans. [*Companion: SB 895 (Seliger)*]

**Background:** The purpose of the bill is to address concerns about the applicability of certain drug formulary disclosure requirements.

**As passed and already signed by the Governor,** HB 1227 addresses the above issue by specifying that these disclosure requirements apply to the individual health insurance market.

**SB 674**

**Schwertner:** Relating to licensing for certain health professions, including an expedited process for certain physicians specializing in psychiatry, authorizing a fee

In addition to the expedited licensing process for certain physicians, the bills amends the Occupation Code making changes to licensing requirements for radiology students (related to dental procedures); licenses of a person who performs acupuncture and perfusionists.

**SB 589**

**Lucio:** Relating to the licensing and regulation of behavior analysts and assistant behavior analysts; requiring an occupational license; imposing fees. [*Companion: HB 26 (Simmons)*]

Though not inclusive, SB 589 amends the Occupations Code to enact the Behavior Analyst Licensing Act and to create the Behavior Analyst Advisory Board. It establishes the activity that constitutes the practice of applied behavior analysis and provides for the inapplicability of its provisions, under specified circumstances, to certain individuals. The bill also requires the advisory board to provide advice and recommendations to the Texas Department of Licensing and Regulation (TDLR) on technical matters relevant to the administration of the provisions governing behavior analysts and specifies provisions relating to the composition and operation of the advisory board.

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**III. Agency-Related**

**HB 462 [Governor Vetoed]**

**Dale, Tony:** Relating to a report on legislation that includes a grant of rulemaking authority and rules adopted under that authority.

- Amends current law, requiring that a notice of a proposed rule must include the bill number for the legislation that enacted the statutory or other authority under which the rule is proposed to be adopted;
- Adds new statutes requiring a state agency to provide: 1) provide, on the same day the agency files notice of a proposed rule to each primary author, any joint author, each sponsor, and any joint sponsor of the legislation that enacted the statutory or other authority under which the proposed rule is to be adopted, and 2) the notice electronically if the recipient of the notice has provided an electronic mail address to the agency for the purpose of receiving the notice.
- Specifies that failure to provide the required notice does not invalidate a rule adopted by a state agency or an action taken by the agency under that rule, and that the change in law applies only to a proposed state agency rule for which notice is filed with the secretary of the state.

**HB 630**

**Howard:** Relating to the Internet broadcast and archiving of open meetings of the Health and Human Services Commission, health and human services agencies, and related advisory entities.

**Already signed by the Governor, HB 630:**

- Amends the Government Code to require HHSC, DFPS, DSHS and advisory committees related to these agencies to broadcast open meetings live over the Internet and archive broadcasts online for not less than two years.
- Provides that each agency is exempt from the requirements to the extent a catastrophe, as defined by Section 551.0411 (Meeting Notice Requirements In Certain Circumstances), or a technical breakdown prevents the agency from complying with this section, but also requires the agency, following the catastrophe or technical breakdown, to make all reasonable efforts to make the required video & audio of the meeting available in a timely manner.
- Requires HHSC to consider contracting through competitive bidding with a private individual or entity to broadcast and archive an open meeting subject to this section to minimize the cost of complying with this section.
- Requires the HHSC Executive Council (council) to comply with the requirements of Section 531.0165. Requires that the archived video and audio of a council meeting be made available through HHSC's Internet website.
- **Deletes existing statute** under Chapter 531, Government Code related to HHSC and its organization requiring the HHSC Executive Council to give public notice of the date, time, and place of each meeting held by the council and requiring that a live video transmission of each meeting be publicly available through the Internet. [See next bullet where the requirement is re-instated under new Section 531.0165 (d).]
- Specifies that Chapters 551 (Open Government) and 2110 (State Agency Advisory Committees), except as provided by 'new' Section 531.0165(d), do not apply to the HHSC Executive Council. [Section 531.0165(d) states: "Each agency shall provide on the agency's Internet website the same notice of the open meeting that the agency is required to post under Subchapter C, Chapter 551. The notice must be posted on the agency's Internet website within the time required for posting notice under Subchapter C, Chapter 551."]
- **Specifies that the changes in law made by this Act apply only to an open meeting held on or after September 1, 2023.**

**SB 813 [Governor Vetoed]**

**Hughes:** Relating to recovery of damages, attorney's fees, and costs related to frivolous regulatory actions by state agencies. [Companion: HB 2516 (Meyer, Morgan)]

Amends the Civil Practice and Remedies Code by adding the following:

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- A claimant may bring an action against a state agency if the state agency takes a regulatory action against the claimant that is frivolous, unreasonable, or without foundation.
- A claimant may bring an action under this section only after the claimant has exhausted the claimant's administrative remedies with respect to the regulatory action against the claimant.
- Allows in an action brought under this section, a claimant to recover, in addition to all other costs allowed by law or rule, damages caused by the state agency's frivolous regulatory action, reasonable attorney's fees, and court costs.
- States a person may recover, in addition to all other costs allowed by law or rule, reasonable attorney's fees and costs incurred in defending against a frivolous regulatory action during an administrative proceeding and judicial review of that proceeding if: (1) the person prevails in the judicial review of an administrative proceeding; and (2) the state agency is unable to demonstrate that the agency has good cause for the regulatory action.

### **SB 670** [Governor Vetoed]

**Birdwell:** Relating to governor appointment of commissioners of health and human services agencies

**Background:** The bill was filed in response to concerns that the heads of subsidiary agencies of HHSC should be appointed by the governor with the advice and consent of the Senate in the same manner as is the HHSC Executive Commissioner of HHSC.

**As passed, SB 670** amends current law to require that the commissioners of both DSHS and DFPS to be appointed by the Governor, repealing current law that allows the HHSC Executive Commissioner to hire persons for these positions. The bill further specifies that the appointments must receive the consent of the Senate and without regard to race, color, disability, sex, religion, age, or national origin.

Lastly, the bill requires the Governor to make these appointments as soon as possible after the effective date of SB 670 and establishes that a person serving as commissioner of DSHS or DFPS on the bill's effective date continues to serve in that capacity until the Governor makes the appointments.

### **SB 79**

**Nelson:** Relating to the production of public information available on a publicly accessible website. [Makes conforming changes only to current law.]

### **HB 2379**

**Price:** Relating to the functions and administration of HHSC and the commission's office of inspector general (OIG) in relation to fraud, waste, and abuse in health and human services.

Though not inclusive, HB 2379 (**which has already been signed by the Governor**):

- Defines administrative support functions regarding legal services HHSC is to provide to OIG.
- Expands the definition of the technology utilized by the IG to identify and deter fraud in Medicaid,
- Clarifies the process for MCOs and the OIG in relation to payment recovery efforts from fraud and abuse investigations.
- Allows MCOs to retain one-half of payment recovery efforts collected from providers that the MCO identified were paid as a result of fraud or abuse, yet also requires that the MCO is required to remit the other half of the recovery to the OIG. In accordance with Article IX, Section 8.02, Reimbursements and Payments, 2016-17 General Appropriations Act, the funds are to be deposited to GR in the treasury.

## IV. DFPS and CPS-Related

### **HB 4**

**Burkett:** Relating to the relative or other designated caregiver placement program and to monetary assistance provided by DFPS to certain relative or designated caregivers; creating a criminal offense; creating a civil penalty.

**Background:** Impetus for the bill was based on interested parties contending that children placed with certain relative or other designated caregivers have more stability and permanency in their lives and have better outcomes than children placed in non-relative caregiver or non-designated caregiver foster care.

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**Already signed by the Governor**, the bill (in brief) amends the payment structure for caregiver assistance payments entered into by DFPS with relative and other designated caregivers. Instead of providing a uniform annual payment, the bill requires a payment of up to 50 percent of the daily basic foster care rate for caregivers with income at or below 300 percent of the federal poverty limit (FPL).

### HB 7

**Wu:** Relating to child protective services suits, motions, and services by DFPS and to the licensing of certain facilities, homes, and agencies that provide child-care services.

**Already signed by the Governor**, this omnibus bill, impacts nearly every aspect of a suit involving a parent-child relationship. Broadly, the bill requires DFPS and the courts to spend more time evaluating risk and weighing the best interest of the child. To accomplish these goals, HB 7 provides additional opportunities for families and caregivers to give testimony regarding placements. It requires DFPS and the court to routinely look for kinship placements throughout the child's time in the custody of the state. It encourages courts to continue the appointment of guardian ad litem and attorney ad litem for children, and requires that those representatives periodically check in on the children they represent.

### HB 871

**Roberts, Kevin:** Relating to the provision of child and family services by DFPS.

**[Already signed by the Governor.]**

### HB 1608

**Minjarez, Ina:** Relating to **creating a pilot program to provide summer internships for foster children** for purposes of establishing a summer internship pilot program that provides foster youth with the opportunity to develop marketable job skills and obtain professional work experience through a summer internship with a participating business, nonprofit organization, or governmental entity.

### SB 11

**Schwertner:** Relating to the administration of services provided by DFPS, including foster care, child protective, relative and kinship caregiver support and prevention and early intervention services [Companion: HB 914 (Thompson, Senfronia)]

**Already signed by the Governor**, the bill, although not inclusive, requires DFPS to:

- Ensure any child entering conservatorship of the state receives a medical examination within three business days if they have been removed as a result of sexual or physical abuse, or if they have a chronic medical condition.
- Identify not more than eight catchment areas in the state best suited to implement community-based foster care, and then upon development and completion of a readiness review process, begin expanding community-based foster care into those areas.
- Transfer case management services in catchment areas executed before September 1, 2017.
- Establish a pilot program to contract Family Based Safety Services (FBSS) case management services in two regions in the state.
- Establish a contract provision process for single source continuum contractors (SSCCs) to report the results of the SSCC's best interest determination for a child when the contractor concludes that the determination conflicts with a contract performance measure.

The bill also requires all Child Care Licensing abuse and neglect investigations to remain at DFPS instead of transferring to HHSC and allows the two agencies to coordinate certain investigative services

### SB 213

**Menendez:** Relating to the office of independent ombudsman for DFPS. [Companion: HB 951 (Rodriguez, Justin)]

Though not inclusive, SB 213:

- Amends the Government Code to rename the ombudsman for children and youth in foster care as the ombudsman for DFPS and **to transfer the responsibility for appointing the ombudsman from the HHSC executive commissioner to the governor.**

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- Prohibits a person from serving as ombudsman if the person or the person's spouse is employed by or participates in the management of a business entity or other organization receiving funds from DFPS; owns or controls, directly or indirectly, any interest in a business entity or other organization receiving funds from DFPS; or is required to register as a lobbyist because of the person's activities for compensation on behalf of a profession related to the operation of DFPS.
- Establishes that the ombudsman serves as a neutral party in assisting persons with a complaint against DFPS regarding case-specific activities of the programs of DFPS, including adult protective services, child protective services, child-care licensing, and statewide intake, and includes any person who files a complaint with DFPS with regard to the requirement that the ombudsman develop and implement statewide procedures to receive, review, and take certain action on complaints from certain parties.

### HB 1542

**Price, Four:** Relating to the definition of the least restrictive environment for the placement of children in foster care. [*Companion: SB 907 (Birdwell)*]

Amends the Family Code to add the following:

- Definition of LRE: "Least restrictive setting" means a placement for a child that, in comparison to all other available placements, is the most family-like setting."
- Specifies that with respect to a child who is older than 6 years of age and is removed from the child's home, if a suitable relative or other designated caregiver is not available as a placement for the child, placing the child in a foster home or a general residential operation (GRO) operating as a cottage home is considered the least restrictive setting.
- Specifies that for a child 6 years of age or younger who is removed from the child's home, if a suitable relative or other designated caregiver is not available as a placement for the child, the least restrictive setting for the child is placement in: (1) a foster home; or (2) a GRO) operating as a cottage home, only if the department determines it is in the best interest of the child.
- States that in selecting a placement for a child, DFPS is to consider whether the placement is in the child's best interest. In determining whether a placement is in a child's best interest, DFPS is to consider whether the placement is the: (1) least restrictive setting for the child; (2) closest in geographic proximity to the child's home; (3) most able to meet the identified needs of the child; and (4) satisfies any expressed interests of the child relating to placement, when developmentally appropriate.

### SB 203

**West:** Relating to removing the deadline for DFPS to enter into permanency care assistance agreements [*Companion: HB 511 Davis, Sarah*]

**Already signed by Governor,** the bill does exactly what the above caption states.

### HB 1549

**Burkett:** Relating to the provision of services by DFPS, including child protective services and prevention and early intervention services.

Though not inclusive, HB 1549 addresses the numerous challenges in achieving DFPS's mission to protect children (such as problems with high turnover rates among caseworkers within CPS and lack of sufficient data to effectively address barriers that hinder DFPS's mission to protect children by amending current law to improve CPS workforce development through retention and staffing strategies, increase foster care recruitment and placements and better evaluate Prevention and Early Intervention (PEI) services and outcomes.

### HB 1556

**Gonzalez, M:** Relating to the appointment of foster parents and other qualified persons to serve as educational decision-makers for certain children in the conservatorship of DFPS. [*Companion: SB 1881 (Menendez, Jose)*]

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### SB 190

**Uresti, Carlos:** Relating to the effective management of caseloads in the investigation of child abuse or neglect reports by DFPS.

## V. Guardianship

### SB 36

**Zaffirini:** Relating to the regulation of certain guardianship programs.

The bill amends the Estates Code and Government Code to require guardianship programs be registered with the Judicial Branch Certification Commission (JBCC) and requires a person who directly supervises an individual that will provide guardianship services of a guardianship program to be certified. The JBCC would be required to consult HHSC to adopt minimum standards for the operation of guardianship programs; however, the provisions of the bill do not apply to guardianship and related services provided by a guardianship program under a contract with HHSC. The Supreme Court of Texas would be required to adopt rules to ensure compliance and qualifications for registration of a guardianship program and adopt procedures to continue a guardianship after the program which carried out guardianship services is no longer certified by the JBCC.

Neither a guardianship program nor a private professional guardian is required to hold a registration certificate as required by the bill until September 1, 2018.

### SB 39

**Zaffirini:** Relating to guardianships for persons who have physical disabilities or who are incapacitated.

Amends the Estates Code pertaining to guardianships for persons who have physical disabilities or who are incapacitated, and, in brief:

- Allows a court to:
  - ~ Remove an independent executor if the executor fails to timely file the required affidavit or certificates.
  - ~ Transfer (with advance notice) guardianship to another county if the ward is residing in the county to which the transfer is made.
- Requires a court to provide notice to the:
  - ~ Sureties on the guardian's bond and requires personal service of the notice to the guardian, so that the surety or the guardian may appear and show cause why the guardianship should not be transferred.
  - ~ Guardian by certified mail if the transfer is on the court's motion and notice to the guardian by certified mail, if the transfer is proposed by the complaint of an interested person.

Amends Chapter 1357 of the Estates Code related to the Supported Decision-Making Agreement Act created via SB 1881 (Zaffirini) – 84<sup>th</sup> Legislature. Though not inclusive the bill establishes that:

- An adult who has entered into a supported decision-making agreement with an adult with a disability owes to the supported adult fiduciary duties as listed in a statutorily valid supported decision-making agreement, regardless of whether the statutory form is used for the agreement.
- The relationship between an adult with a disability and the supporter with whom the adult enters into a supported decision-making agreement is one of trust and confidence and does not undermine the decision-making authority of the adult.

The bill authorizes an adult with a disability who makes a determination that the supporter with whom the adult entered into a supported decision-making agreement is the most appropriate person to provide to the adult supports and services for which the supporter will be compensated to amend the supported decision-making agreement to designate an alternate person to act as the adult's supporter for the limited purpose of participating in person-centered planning as it relates to the provision of those supports and services. **See pages 21-23 of the bill for details.**

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### SB 667 [Governor Vetoed]

**Zaffirini:** Relating to establishing a guardianship compliance program

As stated in the caption above, the bill establishes a guardianship compliance program to provide additional resources in monitoring guardianships.

### SB 1096

**Zaffirini:** Relating to guardianships; authorizing a fee. [*Companion: HB 2892 (Smithee)*]

**As already signed by the Governor**, the bill amends the Code of Criminal Procedure to address concerns that persons interested in serving as guardians should comply with certain background check requirements and training requirements and that there should be a way to quickly identify a ward's guardian. The bill thus provides for background checks of guardians, guardian training requirements before court appointment, mandatory guardianship registration, and a guardianship database.

## VI. Other

### HB 88

**Martinez, Armando:** Relating to an unlawful employment practice by an employer whose leave policy does not permit an employee to use leave to care for the employee's foster child.

**Already signed by the Governor**, the bill specifies that an employer commits an unlawful employment practice if: the employer administers a leave policy under which an employee is entitled to personal leave to care for or otherwise assist the employee's sick child; and the leave policy does not treat in the same manner as an employee's biological or adopted minor child any foster child of the employee who resides in the same household as the employee; and is under the conservatorship of DFPS.

### HB 1886

**Miller:** Relating to dyslexia screening and testing in public schools, the employment of dyslexia specialists by regional education service centers, the development of a list of training opportunities for educators regarding dyslexia, and transition planning for students in a special education program.

### HB 1645

**Lozano, Jose:** Relating to requiring certain school districts to adopt a policy allowing students who participate in Special Olympics to earn a letter on that basis.

As the bill caption states, the bill, **which became effective immediately upon passage and signature of the Governor (occurred May 29, 2017)** requires that if a school district allows high school students to earn a letter for academic, athletic, or extracurricular achievements, the district must allow those students in the district to earn a letter on the basis of a student's participation in a Special Olympics event.

### HB 249

**Hernandez, Ana:** Relating to the definitions of abuse and neglect of a child applicable to investigations of abuse and neglect in certain facilities. [*Companion: HB 287, Johnson, J.*]

- Prohibits the responsibility for conducting investigations of reports of abuse, neglect, or exploitation occurring at a **child-care facility** (as defined in Section 40.042, Human Resources Code) from being transferred to HHSC and provides that responsibility for conducting certain
- Investigations remain the responsibility of DFPS.
- Requires the commissioner, as soon as possible after the effective date of this Act, to transfer the responsibility for conducting investigations of reports of abuse, neglect, or exploitation occurring at a **child-care facility** (as defined in Section 40.042, Human Resources Code) to CPS.
- Requires the commissioner to transfer appropriate investigators and staff as necessary to implement this subsection.
- Requires DFPS to implement the standardized definitions and policies required under Sections 40.042(b) and (c), Human Resources Code not later than Dec. 1, 2017.

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### SB 924

**Perry:** Relating to informal dispute resolutions for violations of health and safety standards at certain long-term care facilities; authorizing the imposition of costs. [*Companion: HB 2116 (Klick)*]

- Amends current statute under the Texas Health and Safety Code, Chapter 247 related to **Assisted Living Facilities (ALFs)**, and the Government Code.
- Changes the deadline by which HHSC must forward to an ALF subject to such a dispute a copy of all information referenced in the disputed statement of violations or on which a citation is based in connection with the survey, inspection, investigation, or other visit from the 10th business day after the date the ALF requests an IDR to the 20th business day after that date.
- Requires the name of or any information that would reasonably lead to the identification of any complainant, witness, or informant to be redacted from information provided to an ALF during the IDR process.
- Authorizes HHSC to charge and requires the ALF to pay the reasonable costs associated with making such required redactions.
- Removes provisions conditioning the factual arguments raised in the IDR process as the basis on which HHSC must give consideration.
- Conditions the requirement that the IDR process require that the ALF and HHSC be given a reasonable opportunity to submit arguments and information supporting the position of the ALF or HHSC and to respond to arguments and information presented against the entities on the ALF submitting its arguments and supporting information not later than the 10th business day after the date of receipt of certain materials provided by HHSC during the IDR process.
- Requires the IDR process to require that HHSC bear the burden of proving the violation of a standard or standards.
- Removes the condition that an appropriate disinterested person with whom HHSC is required to contract as part of an IDR process for certain long-term care facilities **[NHs and ICFs/IID]** be a nonprofit organization and to specify that the requirement for HHSC to contract with an appropriate disinterested person as part of such a process to adjudicate disputes between a facility and HHSC concerning a statement of violations includes a facility licensed under the Assisted Living Facility Licensing Act.
- Requires the rules adopted by the executive commissioner of HHSC that relate to such a dispute to incorporate the requirements prescribed under the Health and Safety Code applicable to those disputes.

### HB 1569

**Ashby:** Relating to the disclosure to public schools of certain records of students placed in residential facilities. [*Companion: SB 1007 (Nichols)*]

In brief, HB 1569 amends the Education Code to require a residential facility that provides 24-hour custody or care of a person 22 years of age or younger to provide to a public school district or open-enrollment charter school that provides educational services to a student placed in the facility any information retained by the facility relating to the student's school records, behavioral history, and record of arrests or indictments or other formal charges and the disposition of those arrests, indictments, or charges.

### SJR 6

**Zaffirini:** Proposing a constitutional amendment authorizing the legislature to require a court to provide notice to the attorney general of a challenge to the constitutionality of a state statute and authorizing the legislature [*Companion: HJR 45, Schofield, Mike*]