



Presentation to the Special Senate Committee on Child Protective Services – Status of Legislative Initiatives

Cecile Young

Executive Commissioner, Health and Human Services Commission

Jordan Dixon

Chief Policy and Regulatory Officer, Health and Human Services Commission

May 3, 2022



TEXAS
Health and Human
Services

Key Legislation

Senate Bill 11, 85th Legislature, 2015

Senate Bill 11 retained the investigation of abuse, neglect, and exploitation at childcare operations at Department of Family and Protective Services (DFPS), while investigations of potential violations of minimum health and safety standards of those operations would be conducted by Health and Human Services Commission (HHSC) Child Care Regulation (CCR). The bill also made several changes regarding STAR Health.

Senate Bill 1896, 87th Legislature, 2021

Senate Bill 1896 directs HHSC and DFPS to implement several provisions intended to increase capacity in residential childcare operations for children in foster care.



Senate Bill 11, 85th Legislature

Bill requirement	Actions taken
Allow minimum standards investigations to transfer to HHSC	Fully implemented
Initial medical exam within three business days of entering conservatorship	Amended STAR Health contract in March 2018: Managed Care Organization (MCO) required to ensure access to medical exam within three business days.
Notify a child's primary care provider (PCP) of a placement change within two business days, to ensure continuity of care	Amended STAR Health contract in March 2018: MCO must notify PCP and any specialists within two business days; MCO must coordinate transfer of care to new providers. Updated files and made system changes to notify the MCO of placement changes.
Ensure access to Texas Health Steps check-ups	Amended STAR Health contract in September 2018: Strengthened requirements related to accessing Texas Health Steps providers and services.
Progressive monetary penalties if the MCO fails to ensure access to Texas Health Steps check-ups	Amended STAR Health contract in September 2019: Strengthened requirements for MCO to educate members and medical consenters about accessing Texas Health Steps providers and services. Policies and processes related to liquidated damages and other contractual remedies already allow for progressive assessments for systemic or repeated deficiencies.



Senate Bill 1896, 87th Legislature

Bill requirement	Actions taken
SECTION 2 allows Single Source Continuum Contractors (SSCCs) to provide temporary emergency care to foster children.	Rules regarding temporary emergency care have been drafted and are under review.
SECTION 5 directed HHSC, in consultation with DFPS and the SSCCs, to develop a plan to increase capacity in the foster care system.	HHSC-led workgroup with DFPS and SSCC began meeting fall 2021. SSCC leadership has developed a capacity plan. HHSC has begun drafting the collaborative capacity plan report and is on target to submit the plan to the Legislature prior to the 88th Legislative Session.
SECTION 19 requires that HHSC and DFPS staff have access to both the Child-care Licensing Automation Support System (CLASS) and the Information Management Protecting Adults and Children in Texas (IMPACT) system.	HHSC CCR and DFPS both have access to CLASS and IMPACT.



Senate Bill 1896, 87th Legislature

Bill requirement

SECTIONS 20, 23, and 28 require residential childcare operations to adopt a suicide prevention, intervention, and postvention policy, and require HHSC to develop a model policy.

SECTION 21 requires HHSC by rule to allow a child placing agency to issue a provisional license for a kinship provider who meets the basic safety requirements provided by CCR.

Actions taken

A workgroup comprised of staff from CCR, the HHSC Office of Mental Health Coordination, three residential childcare providers, and an expert on suicide prevention from the Texas Alliance of Child and Family Services, developed a model suicide prevention, intervention, and postvention policy for residential childcare operations.

Rules have been drafted and are being reviewed.

Staff training updates will be taking place after the rules go into effect.

Research on draft rules is underway.

CCR leadership is participating on DFPS kinship workgroups and steering committee.



Senate Bill 1896, 87th Legislature

Bill requirement

SECTION 22 prohibits HHSC from taking disciplinary action against a general residential operation (GRO) or a child-placing agency for failing to employ a licensed child-care administrator or licensed child-placing administrator, as appropriate, if the operation or agency has been without an administrator for less than 60 days and has made substantial efforts to hire a qualified administrator.

Actions taken

CCR has implemented this by updating policies to reflect this provision and provided direction to field staff.

Rules are being drafted.

SECTION 24 requires GROs providing treatment services to submit to HHSC information on the operation's treatment model that must address all aspects related to children's care, including children's therapeutic needs.

Research on draft rules is underway.

Staff and provider training to take place after rules are in place.

SECTION 25 authorizes HHSC to issue a provisional child-care administrator's license under certain circumstances.

Rules are being drafted.



Senate Bill 1896, 87th Legislature

Bill requirement

SECTION 32 directs HHSC to create three new residential operation license types — continuum-of-care operations, cottage home operations, and specialized child-care homes.

Actions taken

These license types were established in statute by House Bill 7, 85th Legislature, 2017, but sufficient funding was not appropriated to implement.

This section requires extensive changes to CLASS, as well significant program and rules development activities.

HHSC did not receive appropriations to implement these provisions; and therefore, will not be able to implement the new license types.

