HOUSE
RESEARCH
ORGANIZATION bill analysis   5/1/2017

HB 2848
Burkett, G. Bonnen
(CSHB 2848 by Cain)

SUBJECT: Allowing specialty consults for certain conditions in abuse investigations

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 5 ayes — Dutton, Dale, Moody, Schofield, Thierry

                        2 nays — Biedermann, Cain

WITNESSES: For — Chad Tyson and Rana Tyson, Fractured Families, LLC; Vicky
                        Brower; Bria Huber; Rachael Robertson; (*Registered, but did not testify*:
                        Judy Powell, Parent Guidance Center; Andrew Huber)

                        Against — None

                        On — (*Registered, but did not testify*: Liz Kromrei, Department of Family
                        and Protective Services; Evelyn Delgado, Texas Department of State
                        Health Services)

BACKGROUND: Family Code, ch. 261, subch. D governs investigations of child abuse and
                        neglect by the Department of Family and Protective Services (DFPS).

                        The Forensic Assessment Center Network (FACN) is a group of
                        physicians from several medical schools in Texas who have expertise in
                        child abuse and neglect. Through a joint project with DFPS, FACN
                        provides support for Child Protective Services (CPS) investigative staff
                        through a toll-free number and website. It also provides ongoing
                        education to CPS workers about medical aspects of child maltreatment.

                        Health and Safety Code, ch. 1001, subch. F governs the Texas Medical
                        Child Abuse Resources and Education System (MEDCARES), which is a
                        grant program established by the Department of State Health Services to
                        develop and support regional programs to improve the assessment,
                        diagnosis, and treatment of child abuse and neglect.

DIGEST: CSHB 2848 would require that future agreements to assist in abuse and
                        neglect investigations between the Department of Family Protective

Services (DFPS) and the Forensic Assessment Center Network (FACN) or Texas Medical Child Abuse Resources and Education System (MEDCARES) include certain requirements. Under such an agreement, the network or system would have to be able to obtain consultations with physicians specializing in identifying unique health conditions, including:

- rickets;
- Ehlers-Danlos Syndrome;
- osteogenesis imperfecta;
- vitamin D deficiency; and
- other similar metabolic bone diseases or connective tissue disorders.

A peer-review process would be required to resolve disputes about the cause of a child's injury or the presence of one of the unique health conditions.

The bill's requirements would apply only if DFPS received an appropriation to enter into an agreement with FACN or MEDCARES for assistance in its abuse and neglect investigations.

The bill would take effect September 1, 2017, and would apply only to a contract entered into or renewed on or after that date.

SUPPORTERS SAY:

CSHB 2848 would ensure that abuse and neglect investigators had the best information available and were more informed about potential alternative causes for bone fractures and other symptoms. The Forensic Assessment Center Network and the Texas Medical Child Abuse Resources and Education System help with investigations, but there is currently no emphasis on unique diseases that present in a manner similar to signs of abuse or neglect. Requiring access to physicians who specialize in unique health conditions in future agreements between the DFPS and these entities would help keep uncommon diseases from subjecting families to unwarranted state intervention, which can result in severe emotional distress and financial hardship.

OPPONENTS
SAY:

CSHB 2848 would create an unnecessary cost to the state for an issue that already is addressed by existing resources. While unfortunate misunderstandings may occur, this bill would create an administrative redundancy without offering meaningful benefits to justify the expense.

NOTES:

According to the Legislative Budget Board's fiscal note, CSHB 2848 would have a negative impact to general revenue related funds of $448,292, contributing to an all-funds cost of about $500,000, during fiscal 2018-19 to provide specialty consultations and support the peer review process.