Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter D, Chapter 107, Family Code, is amended by adding Section 107.05145 to read as follows:

Sec. 107.05145. SOCIAL STUDY EVALUATOR ACCESS TO INVESTIGATIVE RECORDS OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES; OFFENSE.

(a) A social study evaluator is entitled to obtain from the Department of Family and Protective Services a complete, unredacted copy of any investigative record regarding abuse or neglect that relates to any person residing in the residence subject to the social study.

(b) Except as provided by this section, records obtained by a social study evaluator from the Department of Family and Protective Services under this section are confidential and not subject to disclosure under Chapter 552, Government Code, or to disclosure in response to a subpoena or a discovery request.

(c) A social study evaluator may disclose information obtained under Subsection (a) in the social study report only to the extent the evaluator determines that the information is relevant to the social study or a recommendation made under this subchapter.

(d) A person commits an offense if the person discloses confidential information obtained from the Department of Family and Protective Services in violation of this section. An offense under this subsection is a Class A misdemeanor.

SECTION 2. This Act takes effect September 1, 2013.

Passed the Senate on March 19, 2013: Yeas 31, Nays 0; passed the House on May 2, 2013: Yeas 147, Nays 0, two present not voting.

Approved May 18, 2013.

Effective September 1, 2013.

CHAPTER 75

S.B. No. 334

AN ACT
relating to preliminary review of complaints filed with a county ethics commission.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsections (b) and (e), Section 161.1551, Local Government Code, are amended to read as follows:

(b) The standing preliminary review committee consists of three persons, as follows:

(1) two members of the commission, determined as provided by Subsection (c); and
(2) a review officer selected and retained by the commission.

(e) The review officer must be a practicing attorney or former judge. A commission member may serve as the review officer.

SECTION 2. Subsections (a) and (b), Section 161.159, Local Government Code, are amended to read as follows:

(a) If the alleged violation is a Category One violation:

(1) the respondent must respond to the notice required by Section 161.156(b) not later than the 14th day after the date the respondent receives the notice; and
(2) if the matter is not resolved by agreement between the standing preliminary review committee and the respondent before the 30th day after the date the committee receives the respondent’s response to the notice given under Section 161.156(b), the committee shall set the matter for a preliminary review hearing to be held at the next committee meeting.

(b) If the alleged violation is a Category Two violation:
(1) the respondent must respond to the notice required by Section 161.156(b) not later than the 14th day after the date the respondent receives the notice under Section 161.156(b); and

(2) if the matter is not resolved by agreement between the standing preliminary review committee and the respondent before the 30th day after the date the committee receives the respondent's response to the notice given under Section 161.156(b), the committee shall set the matter for a preliminary review hearing to be held at the next committee meeting.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the Senate on April 11, 2013: Yeas 31, Nays 0; passed the House on May 2, 2013: Yeas 147, Nays 0, two present not voting.

Approved May 18, 2013.

Effective May 18, 2013.

CHAPTER 76

S.B. No. 348

AN ACT
relating to a utilization review process for managed care organizations participating in the STAR + PLUS Medicaid managed care program.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.00281 to read as follows:

Sec. 533.00281. UTILIZATION REVIEW FOR STAR + PLUS MEDICAID MANAGED CARE ORGANIZATIONS. (a) The commission's office of contract management shall establish an annual utilization review process for managed care organizations participating in the STAR + PLUS Medicaid managed care program. The commission shall determine the topics to be examined in the review process, except that the review process must include a thorough investigation of each managed care organization's procedures for determining whether a recipient should be enrolled in the STAR + PLUS home and community-based services and supports (HCBS) program, including the conduct of functional assessments for that purpose and records relating to those assessments.

(b) The office of contract management shall use the utilization review process to review each fiscal year:

(1) every managed care organization participating in the STAR + PLUS Medicaid managed care program; or

(2) only the managed care organizations that, using a risk-based assessment process, the office determines have a higher likelihood of inappropriate client placement in the STAR + PLUS home and community-based services and supports (HCBS) program.

(c) Notwithstanding Subsection (b), during the state fiscal biennium ending August 31, 2015, the office of contract management shall use the utilization review process to review every managed care organization participating in the STAR + PLUS Medicaid managed care program. This subsection expires September 1, 2016.

(d) In conjunction with the commission's office of contract management, the commission shall provide a report to the standing committees of the senate and house of representatives with jurisdiction over the Medicaid program not later than December 1 of each year. The report must:

(1) summarize the results of the utilization reviews conducted under this section during the preceding fiscal year;