

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 664
By: Madla
Health & Human Services
3/2/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

The 76th Legislature passed H.B. 2641 directing the Health and Human Services Commission to create a workgroup to address certain issues. C.S.S.B. 664 codifies the recommendations of the task force to standardize the definition of abuse, neglect, and exploitation and clarify that agencies must develop procedures consistent with each other for the investigation of incidents of abuse or neglect.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Health and Human Services Commission in SECTION 5 (Sections 261.407 and 261.408) and SECTION 6 (Section 48.301) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 261E, Family Code, to read as follows:

SUBCHAPTER E. INVESTIGATIONS OF ABUSE, NEGLECT, OR EXPLOITATION IN CERTAIN FACILITIES

SECTION 2. Amends Section 261.401, Family Code, to define “abuse,” “exploitation,” and “neglect.” Adds the exploitation of a child located in a facility operated, licensed, certified, or registered by a state agency to the list of circumstances which must be promptly and thoroughly investigated by the agency. Requires the Texas School for the Blind and Visually Impaired (TSBVI) and the Texas School for the Deaf (TSD) to adopt policies relating to the investigation and resolution of reports received as provided by this subchapter. Requires the Health and Human Services Commission to review and approve policies to ensure that TSBVI and TSD adopt those policies in a manner consistent with rules adopted by the Health and Human Services Commissioner under Section 261.407.

SECTION 3. Amends Section 261.402(b), (d), and (e), Family Code, to make conforming changes.

SECTION 4. Amends Section 261.403(b), Family Code, to make conforming changes.

SECTION 5. Amends Chapter 261E, Family Code, by adding Sections 261.407 and 261.408, as follows:

Sec. 261.407. **MINIMUM STANDARDS.** Requires the Health and Human Services Commission (commission), by rule, to adopt minimum standards for the investigation under Section 261.401 of suspected child abuse, neglect, or exploitation in a facility. Provides that a rule or policy adopted by a state agency or institution under Section 261.401 must be consistent with the minimum standards adopted by the commission.

Sec. 261.408. **INFORMATION COLLECTION.** Requires the commission, by rule, to adopt uniform procedures for collecting information under Section 261.401, including procedures for collecting information on deaths that occur in facilities. Requires the Department

of Protective and Regulatory Services (department) to receive and compile information on investigations in facilities. Provides that an agency submitting information to the department is responsible for ensuring the timeliness, accuracy, completeness, and retention of the agency's reports.

SECTION 6. Amends Section 48.301, Human Resources Code, to require, by rule, the commission to adopt minimum standards for the investigation of suspected abuse, neglect, or exploitation of an elderly or disabled person under this section. Provides that a rule or policy adopted by a state agency or institution under Subsection (c) must be consistent with the minimum standards adopted by the commission.

SECTION 7. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 2. Amends As Filed S.B. 664 by transferring the definitions in proposed Section 261.4005 to Section 261.401. Amends the requirement of the Health and Human Services Commission (commission) relating to the adoption of certain policies.

SECTION 3. Amends As Filed S.B. 664 by redesignating SECTION 4 as SECTION 3. Removes wording relating to the death of a child.

SECTION 4. Amends As Filed S.B. 664 by redesignating SECTION 5 as SECTION 4.

SECTION 5. Amends As Filed S.B. 664 by redesignating SECTION 6 as SECTION 5. Narrows the scope of rulemaking authority granted to the commission relating to investigations of suspected child abuse, neglect, or exploitation in a facility.

SECTION 6. Amends As Filed S.B. 664 by redesignating SECTION 7 as SECTION 6.

SECTION 7. Amends As Filed S.B. 664 by redesignating SECTION 9 as SECTION 7.

Deletes As Filed S.B. 664 SECTION 8 relating to the repeal of Section 261.404(c), Family Code (Investigations in Facilities Under Department of Mental Health and Mental Retardation).